

MINUTES  
COUNTY COMMISSIONERS MEETING  
DECEMBER 14, 1987

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The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, December 14, 1987, in the Commissioners Hearing Room, with President Borries presiding.

President Borries announced that Item 4 on the Agenda, Poor Relief appeal - Pigeon Township, has been cancelled.

RE: APPROVAL OF MINUTES:

Ms. Cox moved that the minutes of November 23, 1987 be corrected on Page 5, Paragraph 8, "Upon motion duly made by Commissioner Cox and seconded by Commissioner Borries". With that correction Commissioner Cox made a motion that the minutes of November 23, 1987 be accepted as engrossed by the County Auditor and the reading of same waived. Seconded by President Borries. So ordered.

RE: AUTHORIZATION TO OPEN BIDS FOR GUARD RAILS, POSTS, END SECTIONS ALUMINUM PIPE & LIQUID ASPHALT FOR COUNTY HIGHWAY

A motion was entertained to authorize the County Attorney, Curt John, to open the bids and for City County Purchasing Director, Tom Dorsey, to review same.

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

RE: REQUEST TO ADVERTISE FOR BIDS ON AIR CONDITIONING AT HILLCREST HOME

President Borries stated that Tony Wilson, the Engineer who drafted these specs was here to answer questions.

Commissioner Willner said, "I am not real happy with this. I met with Andy and Mr. Wilson before the meeting and the scope is a lot greater than I thought that we were talking about. Such as, for instance, we are now talking about eleven (11) furnaces instead of two (2) and, so I have a lot of questions."

Mr. Willner continued, "I am going to request that we advertise bids and see what the bids come in at. I want you all to understand that we are going from a hot water system to a forced air system. We are going to six (6) electric air pumps, which I have had very bad experiences with. I have some problems as to whether the bids will even come in under the Engineer's estimate."

Commissioner Cox said, "I will second this request and ask for a clarification on the question he has concerning the reason for the replacement of the boiler, which you said was in good shape, and in the bids, do you want the County to maintain or keep that surplus equipment?"

Mr. Willner said, "This is one of the things that we should talk about. Are they going to take those boilers out in a careful fashion, or are they just going to tear them up?"

Mr. Wilson said, "That depends on whether you want to keep them or not. If you want them, we can have them taken out to where they can be reused and transported to wherever you would like to keep them. I think they would have to be stored someplace or sold as surplus."

President Borries said, "I don't know whether they are worth anything or not. I think that we should answer that question first."

Commissioner Willner said he thought they had already answered this question.

Mr. Wilson said, "The value is questionable because of the age. I can't answer the question as to how much they are worth. Unless you have someplace specifically that you would like to use them. Personally, I think it is better to either sell them as scrap or let the contractor take them away. I know there is concern about switching from the hot water system. As I mentioned before, in talking with Mr. Browning, at Southwestern Mental Health, they have spent \$6,000 since August getting those boilers ready to operate. They are a continual maintenance problem."

In answering a question from President Borries, Mr. Wilson said that the boiler system was probably 30 to 35 years old.

Commissioner Cox said, "Since there is concern here, in order to clarify and find out if there is any value to them or not, if we could put it in the specs and let them bid this as part of the specs."

Mr. Willner said, "If they take them out without damaging them, then the price would go up."

Ms. Cox responded, "Your concern that I have made note of is that the person who is going in there to install this new equipment is going to go in there and take out the old and is going to get to keep a better piece of equipment than he is putting in."

Mr. Willner agreed that he believes this is true.

Mr. Willner continued, "If the contractor goes in there and takes them out without tearing them up, then he is probably going to say that it takes him longer and he wants more money and since it is not spelled out in here, so normally under a contract, the contractor gets to keep the old equipment. Right now, it says that they are his. He can take them out which ever way that he wants to."

Ms. Cox said, "But we don't know who the contractor is yet."

Motion moved and seconded that bids go out for the air conditioning at Hillcrest Home. So ordered.

RE: PUBLIC HEARING - VACATION OF PORTION OF EAST TENNESSEE ST.

The Chair recognized Attorney Staser.

Mr. Staser stated that they had requested a continuance at the meeting of November 23, 1987, because there was a question regarding the cut on Green River Road. The reason that I wanted a continuance was because I had not had an opportunity to discuss this with the client what effect, if any, the closing of that median would have if Tennessee Street is vacated all of the way up to Green River Road. I did speak with my client and he tells me that at the time they purchased the property, about 1972 or so, that one of the requirements that they had was that they did get a "cut" when that median was put in there, when they built their building on that property, because of the traffic that they have coming in and out of the bakery that is there."

Mr. Staser introduced Mr. Jim Oakley. He explained that Mr. Oakley used to own the property. He used to own the bakery and he is now retired and he sold the property to Corporate Offices which are now located in Owensboro. He further explained that Mr. Oakley came with him because Mr. Dick Wedding, who is the manager, cannot be here. Mr. Oakley has been on consulting contract with the company up until last year, so he is very knowledgeable as to what went on and what has been going on out there. The majority of the tractor trailers that come into this property are coming from Owensboro. After they leave the property, they go out, exit south so that they can go back to the Corporate Offices. By majority, he is speaking of 90 to 95% of the trailers. Fifty percent (50%) of the retail trade that comes in to the property comes in from the South and leaves and exits to the South. Therefore, this cut is very important to this business. Without it, it is going to suffer (economically) greatly. What I have

done is, I have amended the description so as to provide that if Tennessee Street is vacated, it will be vacated beginning at a point fifty (50) feet east of the east right-of-way line of Green River Road so that we can keep the cut in the median that is presently there. If the Commissioners do not wish to keep the cut, then I am going to have to get a petition, because this cut is too critical."

Mr. Staser stated that if there were any questions, he would be happy to try to answer them.

President Borries said that he had a statement from the Area Plan Commission that some parties there might be aware of, but he did not want to read it until other persons there had an opportunity to speak regarding this matter.

President Borries then entertained comments from other people who wished to speak either for or against the vacation of East Tennessee Street.

The Chair recognized Mr. Harp.

Mr. Harp came forward and said, "I am Bill Harp from 1309 North Green River Road."

Mr. Harp continued, "Mr. Staser and I have gotten together and I have seen the plans and just want to voice my approval of the way that he has this plotted out."

Ms. Zigenfuss said she had no further questions other than what they had already submitted.

Commissioner Borries read Mrs. Cunningham's, Director of Area Planning Commission, statement into the record,

Dated: December 14, 1987

"As I stated at the public meeting of the County Commissioners on November 9th, I am opposed to the vacation of East Tennessee Street. In this rapidly growing commercial area, I feel that it would be shortsighted to vacate this property at this time. There is still a large amount of vacant or under-utilized land in this area which can be expected to experience extensive development in the future. Without any indication as to how this land may be used in the future, I believe it is necessary to keep the right-of-way. This area needs to be looked at in its' entirety, rather than just as an individual piece of property. Some of the available land is not immediately bordering Green River Road, but is to the east of it and could benefit from Tennessee Street. With so many curb cuts already along Green River Road, it would be preferable to use the future Tennessee Street to gain access to the various parcels of property instead of adding additional curb cuts. Median cuts and left turn lanes have been provided on Green River Road for future Tennessee Street."

Commissioner Borries commented, "What I cannot determine at this time, is Ms. Cunningham aware of this arrangement where the vacation will allow the current curb cut to remain on Green River Road, where the County will still have 50 feet of right-of-way."

The Chair entertained questions.

Ms. Cox asked if Ms. Cunningham was aware of this before she wrote the letter or after she wrote the letter.

Attorney Staser asked permission to comment. "I would like to point out which way we have now written the Ordinance. We do have the access to Green River Road and with the way that the street has already been vacated, you have no access to any other streets even if you put Tennessee Street in as it is now dedicated."

There was discussion between the Commissioners.

President Borries asked if there was a pressing need as to why this was needed today.



Mr. Staser answered negatively.

President Borries said, "I think for the record, for the Secretary who is going to have a great deal of difficulty picking all of this up, there has been some discussion and on the aerial map of the Green River Road area, with some possible transportation arteries included, such as extension of Vogel Avenue and Vogel Road and a portion of Tennessee Street that has not been vacated. I asked Mr. Staser if there is a pressing need for the Commissioners to act on this today, because we are getting conflicting reports and I think the concern evidenced in these conflicting reports is that because this area is such a rapidly developing area and because the transportation planning system, is not yet in place. Do I take it that this Board would need more information from a number of other individuals involved in that transportation system so that we can make a good decision on the future of this whole area?"

Ms. Cox said, "I think what we need is an answer from our Transportation and Planning people, the merit of continuing to have Tennessee Street in that area, with a void in the middle and another leg of it open on the other end. I personally don't see any need to have this street here myself. With a portion of it vacated and if they were going all of the way through, then we should go back in there and give the right-of-way back, I would think."

Commissioner Borries said, "For the record, when would we want to continue this?"

Ms. Cox asked if this would necessitate a meeting with Mr. Ryan too?

Mr. Willner moved to continue this in one month, with a second from Ms. Cox.

President Borries said, "It is moved and seconded to do as Mr. Staser asked, we have a meeting that would occur on Monday, January 11, 1988, today is the 14th of December, would that be enough time for everyone? Monday, January 11th, we will continue the East Tennessee Street matter."

RE: COUNTY ATTORNEY - CURT JOHN

The Chair asked if Attorney John has anything to report?

Re: Bids for Guard Rails, Posts, End Sections, Aluminum Pipe & Liquid Asphalt.

Attorney John said that he had two bids, one from M. & W. Concrete Company for the guard rails, concrete pipe and supply and one from J. H. Rudolph Co., Inc., for liquid asphalt. Both bids seem to be in order.

Re: Promissory Note from Evansville Dance Theater

Attorney John said there was a Promissory Note from the Evansville Dance Theatre, Inc. for past use of the Vanderburgh County Auditorium, in the amount of \$3,450.00. They have agreed, in the form of a Promissory Note to pay a minimum of \$100.00 per month, with the entire balance to be paid off within 24 months. Mr. John presented this Promissory Note to the Board and if they approved it, he would present them the first check for \$100.00.

The Chair entertained questions.

Commissioner Willner moved to accept the Promissory note, with a second from Ms. Cox. So ordered.

Re: Leasing of property on Nurrenbern Road - Burdette Park

Attorney John said, "If you recall, sometime ago, Mark Tuley, Manager of Burdette Park was in and we discussed the possibility of leasing a certain portion of property on Nurrenbern Road, which is directly

adjacent to their existing softball complex. The property is owned by David Austill. To my understanding, the agreement is to be made between the Manager of the Parks Board and it calls for, \$300.00 per year to be made to Mr. Austill, who would be considered a Lessor by the Board of Commissioners for their use of this property. The rental would be for a fiscal year running from June 15 and for four (4) successive years after that, all at the price of \$300.00 per year. The lease would be so that Mr. Austill could inspect the property at any reasonable time and that the Lessee, Vanderburgh County, would be responsible for any damages or injuries occurring during their use of the property unless it involves negligence on behalf of the Lessor."

Motion by Mr. Willner to approve this lease, with a second from Ms. Cox, with a question to the Auditor. "This lease runs from June until June and the total amount paid is \$300.00 for that annual period. Can we (they want it paid by December 31, 1987), right now pay the \$300.00 and then that carries over until June."

Auditor Humphrey answered affirmatively. This is the term of the contract.

Motion then seconded by Ms. Cox. So ordered.

Re: Burning Ordinance

Attorney John said, "The last matter, which is basically discussion. At the last few meetings, there has been discussion regarding the Burning Ordinance. I had submitted a copy of the City Ordinance regarding this matter, County Miller said they are also submitting a Closed Ordinance. There were a number of questions I had as to how you want that pursued. What terms and conditions you would like contained in the bill. I have not seen Mr. Miller's draft. It has just been brought to my attention."

Commissioner Borries said, "I think what we would have to do is hold a hearing on this matter. We are not getting many calls now that the rainy season has hit, but we are still very concerned and I am sure there are many Volunteer Fire Department people who are concerned because, again of the likelihood that the low water table, maybe 10 or more inches still below the level for the year, that the minute we have a few pretty days, we could find ourselves with the same situation. There are persons who certainly have a need to do this, so I think that we want to hear what they have to say and take those matters into consideration before we act on it. So, we need to schedule a public hearing, but I think before we do that, we would want to share other information and have you proceed on both. Maybe the Commissioners could look at both as possibilities. If you will look those over and the Commissioners would have any comments directed to Curt, regarding these ordinances, and next week we will set a hearing date."

Mr. Willner said that there are several people in the County that have requested copies of both of the ordinances.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Work Report/County Garage: Mr. Bethel submitted copies of the Weekly Work Report for Employees at the County Garage for period December 7 thru December 11, 1987.....report received and filed.

Gradall Baseline Rd., Motz, and Outer Broadway. Intersection of Marx and Koressel.

Patch Crew: Ashwood, Bergdolt, Mill Rd., Wittman Dr., #6 School Rd. Baumgart, St. Joe Rd., Lost Bend Lane, 3328 Kuebler Rd., Kasson.

Tree Crew: Eichoff, Baumgart Rd., Outer Darmstadt, Volkman, Outer Broadway.

Graded &  
Rocked:

Motz Rd., Motz Lane, Buente Rd., Folz Rd., Kneer, Kissel,  
Wright, County Line East, Emge, Trapp, County Line West,  
Schmuck Rd., Schissler Rd. West

Front  
Loader:

Cleaned St. Joe Ave. from Mill Rd. To City Limits.

Trash  
Crew:

St. Joe Ave., Lynch Rd., Red Bank Rd., Pollack Ave.

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

- Cut brush and cleaned bridge on Old Henderson Rd.
- Repaired washout on Baseline Road
- Cleaned bridges on Broadway
- Worked in yard.
- Worked on Rollet Lane Bridge, installing new guard rail  
Removed run-a-round culvert and guard rail.
- Extended culvert and built headwall at intersection of Marx  
and Koressel, and cleaned mud from Happe Road culvert.
- Trimmed brush and painted bridges on Mesker Park Road.

RE: COUNTY ENGINEER - ANDY EASLEY

The Chair called upon County Engineer Andy Easley for his report.  
President Borries stated that Andy would have a number of items to  
consider, reports from the Surveyor, and etc.

Re: Contract Award on Replacement of Bridge #1, Woods Road

Mr. Easley said, "I have given you a summary on the bids received on  
December 7th for the Woods Road Bridge Replacement structure. As you  
can see, Dave Guillaum Construction was low on the Single Span Bridge,  
which is 81 feet long....\$183,578.00 and he was also low on Alternate  
B, the Three Span Bridge which is 94 feet long....\$169,004.00. They  
are concrete structures, using precast concrete bridge beams. The  
three span actually gives a little more waterway opening. More than  
enough to compensate the two tiers at less cost. I have attached the  
Engineer's Estimate to that sheet. So, what is your pleasure?"

There was some discussion on right-of-way and Mr. Easley questioned  
how much right-of-way was needed.

Ms. Cox asked, "What is the waterway width of the single span bridge  
and what are the length that is down in the Channel of the three span  
bridge, the opening in between piers?"

Mr. Easley explained that he would have to get his set of plans to  
answer this question. The three span is basically, approximately 31  
or 30 feet spans. The length is the overall length of the super  
structure.

Ms. Cox said, "What is the difference...\$14,000 between getting a  
single span bridge as compared with a three span. That isn't very  
much difference. You probably would save that much in maintainance  
cost."

Mr. Borries said, "It is my understanding that two of the waterway  
spans are out of the water. Is that correct?"

Mr. Easley answered affirmatively. He said, "One is in the creek itself. Both of these designs, as I recall, have the same surface elevation on top of the bridge. The single span has deeper girders. They are shallower than the three span. The three span does provide a larger waterway."

Mr. Willner said, "You have to remember that downstream 100 yards, there are two three span bridges. You can do everything you want to, but 100 yards downstream there are two three span bridges."

Ms. Cox asked what is upstream.

Mr. Willner answered, "One steel bridge."

Ms. Cox said, "There was concern expressed to me from the Big Creek Association and the people that lived out there and they did prefer a single span bridge. That was talked in our meeting here and the information that I got from them was that they prefer the single span bridge."

Bill Jeffers said, "I think that the triple span that they were given to look at allowed some compensation for being a triple span, in that it is 94 feet long which gives them the opportunity to widen the channel twenty years down the road."

Ms. Cox said, "They are concerned for the 31 feet space in between the pilings."

Mr. Jeffers said he thought they would be satisfied with both designs. They are well-balanced designs. You would need a 40 foot log to come down that creek to do any damage. That's not meant as a recommendation, just a comment from the audience. I think they were given two really good designs to look at. Both of them have their pluses and their minuses. The three span is 2 feet higher out of the channel than the single span.

Ms. Cox asked, "Andy, in your review of these three different bids, where was there a differentiation between the amounts? There's \$40,000 difference on one bid, the high and the low. Where does this differentiation occur?"

Mr. Easley said he could not remember exactly. Generally, as far as the Guillaum and the Deig bid, on the three span, they were rather close.

Mr. Easley continued, "The Guillaum's price on the boxing, reinforcing steel is just a little higher than Deig. I see the pile driving is the same, Guillaum's excavation price is a little higher; on removal of present structure, Deig is \$18,000 and Guillaum is \$23,000."

Ms. Cox said she thought they owed a thank you to Councilman Robert Lutz, who has granted them right-of-way across his property for this project to occur, at no charge to the County.

Re: Subdivision Street Acceptances  
Old Petersburg Place, Phase II

Ms. Cox said, "Mr. Borries, on the Surveyor's report on Old Petersburg Place, in the last paragraph, it says 'a substitute concrete weir structure was installed to control outgoing water from the lake, and they had asked that the substitute structure will be considered acceptable by our office if the Design Engineer provides us with a statement that the weir was designed and installed proficiently to control the lake storage. So, I guess the question would be, did the Surveyor's Office receive a statement?'"

Mr. Morley responded affirmatively. He then read a letter dated December 11, 1987, addressed to Mr. Jeffers: "On behalf of our client, we are requesting acceptance to revise fillway construction on

the dam of the retention basin in the above referenced subdivision. The 72 inch diameter drop-pipe shown on the original drawings was substituted in field with a concrete spillway. The allowable outflow of 190 cubic feet per second holds true for both designs. Additional copies of hydraulic calculations may be obtained upon request. We have made the inspection of the as-built cross sectional area of the spillway and have found it to be constructed in accordance with the design. So, therefore, the hydraulic capacity is the same."

Mr. Easley asked Mr. Morley, "On the spillway, what provision is it for continuing maintainance?"

Mr. Morley responded, "Mr. Garrison indicated to me that he would request that he make a payment to the County for the off right-of-way storm sewers. The provisions as it is written, detention lakes are based on linear foot around the perimeter of the lake and he would request that he could be allowed to make payment and that would involve the County assuming the responsibility of the structure. I know your Ordinance does not transfer any of that maintainance to the County, only the jurisdiction over them. Your Ordinance still requires that all of the homeowners still maintain the lake and structures."

Mr. Morley continued, "The intention would be to make payment to the County into the fund for maintainance."

The Chair entertained a motion to approve the streets that are listed (portions) St. Clair Dr., Southport Drive, Bob Court Drive, Lancaster Court, St. Thomas Court, Christopher Drive, in the amount of 1246 linear feet or .236 miles.

Motion by Commissioner Willner to accept these streets in Old Petersburg Place II, with second by Commissioner Cox. So ordered.

Re: Green River Estates, Section C-2 Craven Terr.

Mr. Easley said they have been working on this and are just about ready to send it in.

Mr. Jeffers said, "There is a casting that was pointed out to me that needs to be, it has shifted on the barrel, I have a call in for Bill Bethel to check this. The casting is over the inland. There is a curb opening and somehow they have shifted it a couple of inches and the curb inlet does not drain properly. Knowing Mr. Heston I think that I can rely on him to correct that, if you want to accept these, subject to correcting this."

Ms. Cox said, "There are four other streets in that. Does he have all of these other drainage improvements in? He is only asking for Craven Terrace, but does he have all of the other storm drainage in?"

Mr. Easley responded that he believed that he does.

Ms. Cox asked if a drainage plan can work if only one portion is finished.

Mr. Easley said, "If the underlying drainage system is designed to drain those three or four cul-de-sacs that they are going to drain in to. Yes, the drainage system, if it is a system of series of pipes and ditches, if it is completed and underground it will function if he doesn't pave the streets."

Ms. Cox said, "I understand, but that was my question, are the drainage improvements in?"

Mr. Easley again answered that he believed they are.

Ms. Cox said, "My question was, he is only wanting this one street accepted here and does he have the total drainage plan instituted for this entire area, because if he doesn't, I don't see where they are going to run to if the whole thing isn't in place."

Mr. Easley explained that it drains to the west to the retention basin.

Ms. Cox said, "We have Mr. Jeffers report that says, 'the other street and drainage improvements of Section C2 are not complete at this time.' So, if they are not...."

Mr. Easley stated, "The other street improvements are not complete and there are no inlets on the incomplete street improvements. Are you saying that Craven Terrace doesn't drain?"

Mr. Jeffers responded, "No, it says that the other street and drainage improvements in C2 are not complete."

Mr. Easley stated that this is correct.

Mr. Jeffers said, "It appears that the pipes are in place. It appears that it goes all the way down the drainage basin, although I did not walk all the way down there. The inlets aren't capped with grates, they are just waiting there for the streets to be poured before they cap them. They have bales of straw on top of the inlets to keep the mud out. I was assuming that only Craven Terrace was being asked for acceptance."

Commissioner Willner moved that Green River Estates, Section C-2, Craven Terrace, be approved, subject to the inlet being completed, with a second by Commissioner Cox. So ordered.

Re: Acceptance of Street Improvements in Greenbriar Hills  
Section III

Mr. Easley explained that this is just west of Old Petersburg Estates Section I. Off of Old Petersburg Road by the Hamilton Golf Course.

Mr. Easley continued, "They have one incomplete street, Merrill Court is not completed and Bob Court has not been put in, but they have installed the concrete on the two cul-de-sacs."

Mr. Easley further stated that they are forty feet right-of-ways with rolled curbs, and twenty-nine foot streets.

Mr. Borries said, "This seems like a positive report except for one item at the bottom where Bill Jeffers has noted that the Developer should not be required to correct the trench fill as a condition of acceptance, so there will be some settling. I guess my question is, 'Who is to do this?'"

Mr. Jeffers said, "The reason I put that comment in there, on the few subs that I put it in, is they have really done some damage to where the Developers have done a nice job and that was true on Craven Terrace as well, but in every subdivision that I inspected this time, one of the utility companies have severely damaged installations that the Contractor had made according to the plan and then they come in later and stuck a fire hydrant in the middle of the retention basin or trenched right down the middle of it. Even when they were given their own easements to do it in, they trenched right down the middle of the swale. Maybe we can stir up enough interest to get them to do something differently."

Mr. Easley said, "I think sometime it would be good to have a meeting between the Homebuilders Association, a Representative of the Utility Company and this Officer here and have discussion on what they are doing about backfill and is backfill of your trenches a reasonable request and could we do it since Bob pointed out that we know they can do it. It is just if would they do it for a Developer in a subdivision."

Commissioner Willner made a motion that the street improvements in Greenbriar Hills, Section III be approved, with a second by Commissioner Cox. So ordered.



Re: Acceptance of Street Improvements in Greengate Court Sub

Mr. Easley said, "I understand that Mr. Jeffers would like to see an as-built plan, which I probably have to agree with him."

Mr. Jeffers said, "That was just annexed into the city and I think the city deserves to have a plan to show them what they are getting."

Mr. Jeffers continued, "No, I am not saying that we need to defer action. If it is being annexed, it is now officially annexed?" The City has a different method of maintaining drainage facilities and they deserve to have a plan that shows what they are getting."

Mr. Easley said, "This is one that is a long cul-de-sac and I think this matter was settled in court."

Ms. Cox asked, "What you are saying is that we do not have, nor have we approved, except in concept, the drainage plans out there now. I remember that you said he was making some changes."

Mr. Jeffers said, "The reports in our office looks pretty much like the two plans have some minor differences and I will point out in that report what the differences are."

Ms. Cox asked if he had some PBC sewer tower in his area.

Mr. Easley said, "Dick Eiffler took over the construction of that and apparently it wasn't on the drainage plan, but he ran into a cover problem and put in a piece of PBC pipe that goes out into the retention basin. I see nothing wrong with that."

Ms. Cox asked if we are taking this over to maintain.

Mr. Easley said, "If it is annexed we no longer have to worry about it."

Ms. Cox replied, "What will we do, we are taxpayers, the County doesn't, but the City does."

Mr. Willner said, "You can't even have a Homeowners out there."

Ms. Cox said she thinks they should get an up-to-date plan in to the Commissioners to have on file in the office.

Mr. Easley said, "We can pursue that"

Mr. Borries asked, "Is there any reason that you can see to hold up acceptance?"

Mr. Jeffers said, "It is my understanding that Mr. Eiffler has a set in his office and just hasn't brought them down to our office. That is all that it amounts to. Other than that the City may have a comment on it, is all I can see."

Mr. Easley said, "He would like to have had these accepted a week ago, but he said it cost him \$400.00 for continuing."

Mr. Jeffers said, "The Sewer Department is waiting for the same thing that we are."

Mr. Willner moved that the improvements on Greengate Court Subdivision be approved, with a second by Ms. Cox. So ordered.

Re: Acceptance of Street Improvements in Bentwood Estates Sub

Mr. Easley explained that this is Bentwood Drive, Wilmington Drive, down the court, .72 miles 3807 lineal feet;

Mr. Easley continued, "As you recall, these streets do not have any typical curb and gutter; they are 44 feet wide asphalt, with shoulders and ditches. They have been through a couple of winters."

Ms. Cox said, "I think that they have had a few problems out there that they have tried to correct."

Mr. Borries said, "There is one thing that says notable exception about the Utilities might not allow six (6) foot shoulders. I guess that would only be in reference to some settling or whatever."

Mr. Jeffers said, "No, the utility companies put in the water and the electric and various things in such a way when they came to put the culvert in, they had to put it on one side of the utility and the shoulder isn't exactly six feet wide for about twenty (20) feet."

Mr. Willner moved that the Bentwood Estates Subdivision street improvements be approved in the amount of .72 miles, with a second by Ms. Cox. So ordered.

Re: Acceptance of Street Improvements in Plantation Estates

Mr. Easley said, "I told you last week that I wanted to submit this, and I believe that this one does have a critical time element. There is a supplemental letter and I will have to get you a copy of it."

Mr. Willner asked if this was about the leaves or debris on the inlets?

Mr. Easley said they did not get to the casting number that he hoped to have on here. They said that they would keep the leaves out of there.

Mr. Borries asked, "This is Plantation Drive, Swanee Drive, Oak Trace and Coach Lane Drive and the amount is 1.02 miles."

Mr. Willner moved that Plantation Estates in the amount of 1.02 miles be approved, with a second by Ms. Cox. So ordered.

Re: Acceptance for Maintenance of Platted Roadways in Audubon Estates, Section I

Re: Acceptance for Maintenance of Platted Roadways in Brookview Heights, Section I

Mr. Easley explained, "On the above streets, Mr. Bethel and I have not looked at these yet, so they will have to be deferred to next week."

RE: TRAVEL REQUESTS

Requests to travel to the Annual Assessors' Conference to be held in Indianapolis on January 27-29, 1988 from the Union Township Assessor and the Pigeon Township Assessor were presented and motion entertained.

Motion that requests for travel be approved was made by Commissioner Willner with a second by Commissioner Cox. So ordered.

RE: ALEXANDER AMBULANCE SERVICE - MONTHLY REPORT

Commissioner Borries also presented the Monthly Report from Alexander Ambulance Service, Inc., which had been submitted for the month of November 1987....report received and filed.

RE: CLERK OF CIRCUIT COURT - MONTHLY REPORT

Commissioner Borries presented the Monthly Report from the Clerk of the Circuit Court, submitted for the month of November 1987....report received and filed.

RE: ACCEPTANCE OF CHECK - WELFARE DEPARTMENT

Commissioner Borries submitted a check in the amount of \$11,503.92 for rent for the Welfare Department for the month of December.



Upon motion duly made by Commissioner Cox and seconded by Commissioner Borries, the check was accepted for endorsement and deposit into the County General Fund. So ordered.

RE: SCHEDULED MEETINGS

Land Commission at 1:30 p.m., Tuesday, December 15  
Land Commission at 7:00 p.m., Wednesday, December 16  
District Pathologists at 10:30 a.m., Saturday, December 19

RE: CLAIMS

Judge Robert S. Matthews, Sr.: A Claim in the amount of \$142.20 for expenses at an approved meeting in Indianapolis.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the claim was approved for payment. So ordered.

Rollett Lane Bridge Progress Payment #1 (Dave Guillaum Construction

Progress Payment #1 on Rollett Lane Bridge was presented in the amount of \$22,437.00.

Motion by Commissioner Cox that claim be allowed with a second by Commissioner Willner. So ordered.

Bowers, Harrison, Kent & Miller: A Claim in the amount of \$3,464.12 for services rendered in a number of cases in terms of condemnations, foreclosures, various claim entered in behalf of the County.

Motion by Commissioner Willner that subject to available money, claim be allowed, with a second by Commissioner Cox. So ordered.

Veach, Nicholson, Griggs Assoc: A claim on the Cumulative Bridge on the Orchard Road Bridge over Indiana High Rail Railroad in the amount of \$1,903.50.

Motion by Commissioner Willner that claim be approved, with a second by Commissioner Cox. So ordered.

RE: EMPLOYMENT CHANGES

German Township Assessor (Appointments)

Robert Dezember	Fieldman	\$35.00/Day	Eff: 12/14/87
Marshall Neel	Fieldman	\$35.00/Day	Eff: 12/14/87

Pigeon Township Reassessment (Appointments)

Ronald R. Johnson	Part-time	\$35.00/Day	Eff: 11/27/87
Paul E. Hatfield	Co-Ord.	\$35.00/Day	Eff: 11/27/87

Pigeon Township Reassessment (Releases)

John B. Runyon	Part-time	\$35.00/Day	Eff: 10/29/87
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Sheriff (Commissioners 100.0-130.1) (Releases)

Wilma G. Kerner	Jail Nurse	\$19,547.00/Yr.	
Eff: 12/4/87			

Circuit Court (Appointments)

Robert Howerton	PT.Work Rel.	\$5.00/Hr	Eff: 11/20/87
Janet Hamer	PT Intern		\$3.35/Hr
Eff: 12/7/87			

Circuit Court (Releases)

John Bushrod	PT Work Rel	\$5.00/Hr.	Eff: 11/13/87
Janet Hamer	PT Intern	\$3.35/Hr.	Eff: 12/4/87

Treasurer (Releases)

Melody Todd	Part-Time	\$35.00/Day	Eff: 12/1/87
Jeanett Rueger	Part-Time	\$35.00/Day	Eff: 12/1/87

Clerk of Circuit & Superior Courts (Appointments)

Linda Webster	Sup. Ct. Clk.	\$536.59	Eff: 12/7/87
Susan Heberer	Deputy Clerk	\$514.94	Eff: 12/7/87
Raenna K. Hendricks	Deputy Clerk	\$514.94	Eff: 12/14/87

Clerk of Circuit & Superior Courts (Releases)

Susan Heberer	Sup. Ct. Clk.	\$536.59	Eff: 12/7/87
Raenna Hendricks	Deputy Clerk	\$514.94	Eff: 12/7/87
Sandra J. Rust	Deputy Clerk	\$514.94	Eff: 12/14/87

Circuit Court (Appointments)

Paul Aarstad	PT Intern	\$5.00/Hr.	Eff: 12/7/87
Mary Lloyd	PT Intern	\$5.00/Hr.	Eff: 12/7/87
Laura Pate	PT Intern	\$3.35/Hr.	Eff: 12/7/87
Rachel Maasberg	PT Intern	\$5.00/Hr.	Eff: 12/7/87
Daniel Huck	PT Intern	\$3.35/Hr.	Eff: 12/7/87
Anthony Sullivan	PT Intern	\$3.35/Hr.	Eff: 12/7/87
John H. Wiseman	PT Intern	\$3.35/Hr.	Eff: 12/7/87
Michael R. Kumer	PT Intern	\$3.35/Hr.	Eff: 12/7/87

Circuit Court (Releases)

Paul Aarstad	PT Intern	\$5.00/Hr.	Eff: 12/4/87
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Laura Pate	PT Intern	\$3.35/Hr.	Eff: 12/4/87
Rachel Maasberg	PT Intern	\$5.00/Hr.	Eff: 12/4/87
Daniel Huck	PT Intern	\$3.35/Hr.	Eff: 12/4/87
Anthony Sullivan	PT Intern	\$3.35/Hr.	Eff: 12/4/87
John H. Wiseman	PT Intern	\$3.35/Hr.	Eff: 12/4/87
Michael R. Kumer	PT Intern	\$3.35/Hr.	Eff: 12/4/87

The Chair entertained other matters of business to be brought before the Board at this time.

Re: Dave Guillaum Construction Claim

Ms. Cox mentioned that on the Dave Guillaum Construction Bill there is additional page, for placement of pipe and furnishings.

Ms. Cox asked if he expected to get paid for that. " If he does, it is not in the \$22,437.00. When I asked about the detour Mr. Easley said the contractor had agreed to do that at no charge to us."

Mr. Borries said , "If it is not on the bill, we are not going to pay it. It will be for information."

Re: Peach Blossom Lane

Ms. Cox said the other thing she wanted to comment on was on Peach Blossom Lane. The Engineer was to have an up-date or report on this."

Mr. Borries said, "The Engineer is not here right now. I have walked through that area. (It is not too far from where I live.) There is going to have to be a lot of discussion on Peach Blossom Lane and we need to get the Engineer and the Highway Person out there to make those comments."

President Borries asked Mr. Bethel for an update on Peach Blossom, which is not an accepted street at this time by the County.

Mr. Borries commented, "Some residents have called Commissioner Cox and myself about what it is going to take to get this area up to County specs and there are some areas where there is a lot of cracks and subsidence out in that area. It does have rolled curbs and gutters, but there are a lot of things that are going to have to be addressed in that area. I don't know if you have had the opportunity to go out there with Andy or not, but we need to do so. As I understand, one of the Financial Institutions may have taken over that subdivision, as indicated to some potential buyers of lots in that area that they would be willing or would pay for the fixing of the streets, but we have to get documentation as to what needs to be done there."

Mr. Bethel said, "I can get them for you. I have not checked myself."

Mr. Borries said, "Andy, we want to see if you and Bill can go out and mark up the street, so we can get some communication going on this Peach Blossom Lane?"

Mr. Easley said that if the weather lets up they will try to do that possibly Wednesday.

Mr. Borries said, "I hope we have not created problems out there on Ridgeway. There was one person who had called and had some problems and Bill's crew went out there and some of the other residents said they are also having some problems."

Re: Ridgeway Road

Ms. Cox said, "Last week I asked the Commissioners about the problem out on Ridgeway Drive off of Fuquay Road, nice concrete street with rolled curbs and gutters that has water which has been standing. We went out and asked for an overlay and stopped it and now, the gentleman where it stopped at his driveway, says he is getting all the water and debris. Did you have a chance to look at that?"

Commissioner Borries said, "No, not in wet weather."

Re: Letter of Commendation

Ms. Cox presented a copy of a letter as follows:

Mrs. Rose Zigenfus  
Evansville Urban Transportation Study  
Room 312 City-County Building  
Evansville, Indiana 47708

Dear Mrs. Zigenfus:

It was good to hear that your office is going to make a study of new truck routes for the City of Evansville. This is long overdue.

The area that concerns me most is Green River Road between Morgan Avenue and Heckel Road. This is a very dangerous stretch of highway, but could be improved greatly with very little outlay of money.

First - Recently the shoulder on the east side of the road from the City limits to the Sugar Mill Creek Apartments was greatly improved. The shoulders of this road between Morgan Avenue and Heckel Road are in a deplorable condition and there are drop-offs of at least a foot in some places. Why wasn't the same black-top mixture used and the shoulders repaired between Morgan Avenue and Heckel Road? Yes, this road will be widened eventually, but this is such a big improvement that could be made for the safety of the public using this highway. Again, this would not be a great outlay of money. In the past a rocklike material has been used on the shoulders, but this only came out in a very short time and is not a suitable material.

Second - This narrow stretch of road (Green River Road between Morgan Avenue and Heckel Road) should be striped on both sides with a white line. This too is not a great outlay of money. When we talk outlay of money against the safety of many, many people, the money is almost nihil.

Three - Enclosed you will find a copy (very poor copy) of an article from the Evansville Press, October 4, 1984. This article is very self explanatory. This plainly states that if a road is unsafe for the large trucks, they can be kept off it. This section of highway is much too narrow and in such poor condition two cars are not safe passing each other let alone the large trucks. There seems to be some question as to the right of the grain trucks (Commercial) to haul on Green River Road. We all are aware that a private farmer can pull out of his field and on to any highway to transport his harvest to its destination, but for the large COMMERCIAL grain trucks to travel such a narrow unsafe road is not realistic.

Mrs. Zigenfus, I'm sure you are aware of all the above, however, in your study of the truck routes, would you consider the things set forth in this letter.

Yours truly,  
/s/ Mrs. John F. W. Koch

Mr. Bethel said, "We have put blacktop on the East side of that road, but not on the west side. I could put blacktop on that side like we did the other side. This is a rough time of the year to go out there."

Re: Rollett Lane

Mr. Easley said, "On Mr. Toy's property, if you recall where his looped driveway is, he's on the eastside. He had asked me, when we got it all done, depending on how that ditch looked, if we would consider piping the ditch for about eighty (80) feet. Extend his culvert about 80 feet. There is no shoulder on Rollett Lane at that point and it drops off into a deep ditch. Take a 12 inch pipe. I told him that I would discuss it with the Commissioners. It was not included in the original scope of the project. The Contractor said that he would charge us \$390 to install, if we purchased the pipe and we could use plastic pipe or concrete pipe. Probably the only load we will ever have is somebody's Snapper Comet. I would suggest that we consider using plastic pipe that is about \$5.00 a foot and he will provide the backfill to backfill it and grade it and he will also do the swale on the top of it. I think it would enhance the appearance of the project."

Ms. Cox asked if that was in county right-of-way.

Mr. Easley answered affirmatively.

Ms. Cox said, "Until we get our specs to show about plastic pipe, I would prefer concrete pipe be used."

Being no further business to come before the Commissioners, the meeting was adjourned at 5:10 p.m.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	Richard J. Borries Shirley Jean Cox Robert L. Willner	Sam Humphrey	Curt John

COUNTY HIGHWAY

Bill Bethel

COUNTY ENGINEER

Andy Easley

COUNTY SURVEYOR

Bill Jeffers

EUTS

Rose Zigenfus

OTHER

Tony Wilson

John Staser, Atty.

Mr. Oakley

Bill Harp

Mr. Morley

SECRETARY: Bettye Miles  
(For JoAnne Matthews)

*Robert D. Williams*  
*Merley Jean Cox*  
*corrected 3/28/88*

MINUTES  
COUNTY COMMISSIONERS MEETING  
DECEMBER 21, 1987

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MINUTES  
COUNTY COMMISSIONERS MEETING  
DECEMBER 21, 1987

The Vanderburgh County Board of Commissioners met in session at 7:40 p.m. on Monday, December 21, 1987, in the Commissioners Hearing Room, with President Rick Borries presiding.

RE:        APPROVAL OF MINUTES

President Borries said, "There are no minutes to consider this evening, but our Secretary says we will probably have some for Dec. 14th next week. They get very lengthy sometimes, so we have no minutes to approve this evening."

RE:        WELCOME TO BOY SCOUTS

President Borries stated that he would like to recognize four (4) persons who are involved with the Old North Methodist Boy Scout Troop, Troop #336. In the audience this evening are Messrs. B.J. Shaw, Ryan Scheidler, Michael Eggleston and their sponsor Mr. Joe Kirwer.

President Borries said, "We certainly appreciate their being here this evening and they are here to fill part of their Scout requirement on Community and Citizenship. We certainly commend you for being here this evening. Your names will be recognized and put in our record."

RE:        REZONING PETITIONS

President Borries stated, "We have some re-zonings here to consider and as a rule, the first rezonings, if they are brought here on first reading and if there are any comments, we will make them at this time; otherwise, they are forwarded to the Area Planning Commission. They will be heard in the January Meeting of the Area Planning Commission and then forwarded back to this Body with recommendations. In our third meeting in January, we will hear them for the third reading."

Re:        First Reading: VC-1-88 - Petitioner Larry & Carol Watson  
The Rezoning Request is A to C-1

The address of this petition is: 724 North Burkhardt Road.  
The Land use is Agricultural. The proposed land use is for Ceramic and Gift Shop.

Mr. Willner moved that VC-1-88, Larry & Carol Watson, be approved for the first reading and forwarded to Area Planning, with a second by Mr. Borries. So ordered.

Re:        First Reading: VC-2-88 - Petitioner, Port City Material,  
Div. of J.H. Rudolph & Co.  
The Rezoning Request is A to C-2 & R-0

The address of this petition is 4118 N. St. Joseph Avenue.  
The Land use is Residential Undeveloped. The proposed land use is for Commercial and Residential Office.

Mr. Willner moved that VC-2-88, Port City Material, Div. of J.H. Rudolph & Co. be approved for the first reading and forwarded to Area Planning, with a second by President Borries. So ordered.

Re:        Third Reading: VC-17-87 - Petitioner, James E. Loehr,  
A to M-1

The location for this request is 2910 Eastview Drive.

The present use of the property is Single Family Residence and All-Repair Garage and that is the same for the proposed use.

President Borries asked if there was anyone here to speak in behalf of this petition.

Mr. James E. Loehr, 2910 Eastview Drive came forward on this petition. Mr. Loehr stated, "I have been in business for about 28 years at this address, (auto repair), and I had a complaint this last year, so what I am trying to do is bring it up to the proper zoning."

The Chair entertained questions.

Mr. Willner asked, "What was the nature of this complaint?"

Mr. Loehr said, "The boy really got excited. There were a lot of vehicles in the driveway one particular evening and he thought I was expanding to a big operation of some sort and he kind of took it on his own, rather to check with me, so in the meantime, after that I talked to him and he is happy now. He is one of the signers on this petition."

Mr. Willner asked, "Are you planning to expand?"

Mr. Loehr answered negatively.

President Borries said, "I notice here that you are requesting to rezone only the part that you are currently working in. Is that correct?"

Mr. Loehr answered, "Just my garage."

President Borries asked, "Do you intend to stay there in the residence?"

Mr. Loehr answered affirmatively.

President Borries stated, "Area Plan Staff Field Report says that there should be a minimum of four (4) parking places required for the business, two (2) additional spaces must be provided for residential parking, which is being misplaced. Can you comply with that request?"

Mr. Loehr answered affirmatively.

The Chair entertained questions, and asked if there was anyone in the audience who wished to speak on this matter.

Being no further questions or comments from the audience, the Chair entertained a motion.

Mr. Willner moved that VC-17-87 be approved on the third reading, with a second by Mr. Borries. It is the custom on rezonings to have a roll call vote. Commissioner Willner, yes and President Borries, yes. Motion is approved.

Re: Third Reading: VC-23-87 - Petitioner, Garrison Development Corporation - A to PUD

The Chair asked if there was someone here to speak on VC-23-87.

Mr. Morley came forward, "My name is Jim Morley and I am the Engineer for Garrison Development on this project. Mr. Garrison is also here to answer questions. This planning and development is totally residential. It consists of sixty-one (61) lots on fourteen (14) acres of ground and the reason for the request for PUD zoning is to allow relaxation of the side yard requirements, which normally specify centering the house on the lot to allow Garrison to construct zero (0) lot line housing in this area, no windows on one side and that borders one of the property lines and there is an easement on the other side. The lots themselves are all approximately 110 feet depth, 50 feet in width, with approximately 6,000 square feet of area, some slightly smaller than that. Sixty-one (61) lots on the fourteen (14) acres would enter into one (1) drive on Eissler Road at a location approximately seven hundred (700) feet east of Old State Road.



Eissler Road is approximately eighteen (18) feet in width in that area and the entrance drive would be widened for a boulevard type entrance. A complete circle would be formed. They would move in and then back out on to the road. At this time we do not have a conceptual plan completed for the rest of the project. You may be aware that Mr. Garrison purchased in access of one hundred (100) acres at that sight and there would be, if you so desire, a connection road near the east end of Eissler to connect up with Mt. Pleasant Road at the other end. We have on the lots that are at the south end of the project, set aside a large easement for a storm water detention lake and of the thirty (30) acres that are in that water shed, we have a run off at today's twenty five year storm of about twenty-one (21) cubic feet per second, so if we limit the flow to that, we would need 19,000 cubic feet of storage to hold the twenty five year storm after development. The lake that we have set aside has approximately 44,000 cubic feet of storage or 2 1/4 times the required dimensions. The entrance drive has been positioned to take advantage of sight distance. There are a couple of hills on Eissler Road and it has been established in a location that gives us the greatest amount of sight distance from both directions." Mr. Morley stated that he would be happy to answer questions.

The Chair entertained comments from the audience.

Mr. Sam Sussman came forward and stated his name and he resides at 421 Eissler Road.

Mr. Sussman said, "My house is right where they will make a road in. Part of it. I understood the entrance here is about 50 feet wide. Anyway, this land is on a hill. When they come down that hill, we get the headlights right into our houses and everything and it is going to revalue our property. All of our houses run anywhere from \$65,000 up to \$80,000. He's putting this lake in over there, which there is a ditch over there for runaway water. I don't know what they intend to do with that ditch. The other night when we had that heavy rain I went out there and that ditch carries a lot of water. It needs cleaning out. It has never been cleaned out. I have lived there for two years. It is full of weeds and trees and etc. If he puts these houses, he says 61 homes up there, you can figure on 100 automobiles more being added to Eissler Road. Eissler Road was built for horse and buggy and Model Ts. It is 15 feet wide for the first three blocks. Where the curb and guttering is, you have 15 1/2 feet, because I measured it, and it will not handle that amount of traffic. Where you hit Eissler up there, it is a bad place to get on Old State. He is going to put all of those houses up there and the water drainage down into that ditch, I don't know what he intends to do with that ditch, but it is a deep ditch and he told us before, that he was going to use those trees to water ridge, to hide those houses. We are going to get the backside of these houses. We will see the backend, with all of their trash or anything they want to put out there. As you go up and go down St. Petersburg, you can look at those houses now and see the wood and stuff piled in the back and go up and look at the lake at St. Petersburg. It is not cleaned out. Eissler Road is narrow. It was built years ago by Mr. Eissler. They are going to put all of these houses up here. Also, he would not commit himself at that time as to what he is going to do with the 109 acres that is left. They said they were going to tie in to the existing sewer which is 10". That is a lot of houses to put on that thin sewer. When I bought that place two years ago, they told us that was farmland that was never be rezoned and would not change hands. The man died that owned the land and it changed hands. That is about what I have to say."

Mr. Odie Carrier came forward and identified himself and stated that he lives at 425 Eissler Road.

Mr. Carrier passed pictures around and stated, "As you notice on some of the pictures where he said there is a road running up on the left side of the property, or to the westside of the property, coming onto Eissler Road, he was saying the treeline was on the right hand side, which would be in the way of them developing a roadway through there. As the pictures show, the treeline is actually on his property on the

eastside, but it is on the westside. If you come down that roadway and look either way, on Eissler Road, you can still see clearly either way. There is not that much of a hill, as they were speaking of earlier, to block your view either way. On one of the other pictures, it shows Huntsmen Trail, which is another perfectly good outlet where they could cut down the road and make an outlet on it. Back in June 30, 1987, I got some cutouts or photos from the newspaper where he stated that he wanted to enhance that subdivision. He wanted to upscale it. He was going to build \$200,000 plus homes, due to Bristol Myers and other executives moving into this area. The way he stated here, he is planning on taking the whole 123 acres and leaving a tennis court and putting green and all of that on there and put these homes on there with nice big trees and everything and really enhance the area. Now, what he is talking about doing is putting homes that are basically all alike. I am concerned about what he is going to do with the rest of the acreage, he has already changed 14 acres of it."

Mr. Carrier also stated, "I have a petition signed with everyone on Eissler Road and the connecting roads that do use Eissler out of the subdivision. There are more people using Eissler out of the subdivision, than are on that list, but these are the biggest concerns. In that subdivision of Guthrie May's, there are only two exits out of it and that is Strawberry Hill (which is strictly uphill) and when you get up there you have very poor vision either way of oncoming cars up either side of the hill. Even at night it is very hard to see. There have been many close accidents. The other way out of the subdivision is Eissler Road. These pictures clearly show how deteriorated that road is and in the widest point which we have measured, 16 1/2 feet seems to be the average. Also, in looking up in the County Records, the weight on the bridge on there is only six (6) tons. Now, if they propose a school bus to come down that road to carry kids, I am not for sure what the total weight on the school bus will be. That would be a concern. The biggest concern too, is, as they develop that area, the kids are going to grow up in that area and they have to go down to Old State and Eissler Road right now and catch the bus. You don't have a very good area to stand off the road. It is a very dangerous spot in the first place and so our biggest concern is, how wide are they going to have that road and the roads coming into the Estate and everything. Another thing that they are not showing clearly is that they are talking about a retention lake and everything, but they have had a severe drainage and after drainage coming down and cutting across through on the lots, cutting that cat a corner, cutting through toward Eissler Road. How they are going to cure that with that retention lake, I would like to know. I also have the floor plans of the houses that are on Eissler Road which their selling value, right now, base value. In retrospect, when they put these homes on there, they are actually downgrading the area instead of upgrading it. You are going from an average \$70,000 home down to \$55,000 and then we are all going to be unilateral, or all same type of design which you are getting into like a Project Housing and I don't see how they are going to enhance the area and bring Executives in when they are changing plans like that. We are concerned about the 109 acres and what they are going to do with that. If they don't do it now, they are going to do it later."

Mr. Leroy Walther of 8417 Old State Road came forward to comment. He said, "My concern is the of the PUD development is....At the other meeting I understood that there was supposed to be a plan at this meeting as to what he was going to do with the other 100 acres in this plot. Also, one of the Commissioners requested that a Safety Study be made on Old State and Eissler Road."

Mr. Scott Bates of 204 Eissler Road commented, "I have lived here since 1971. The ditch that he is talking about out front...I have seen rains so heavy that ditch was not capable of carrying off the water and it was backed up almost to our porch, which is back off the road a pretty good distance. When there is a rain, the drainage coming off of just the small hill that we have in the back is bad enough now and also I believe if the County will check the records, the bridge on the entrance to Eissler Road was built in the wrong place. It is too far south. The fellow that used to own the ground

across the road, called me some years ago and said the County was interested in buying so many feet of that property so they could widen the road. Then they found out he wanted too much money, so it was dropped. He is talking about one outlet and that road would be torn to high heaven. There are children playing in that road and it is not wide enough for concrete trucks or any big trucks whatsoever. If he is talking about building that many homes up there, there is no way that road can handle it."

President Borries asked if Mr. Morley or Mr. Garrison would like to respond to any of the comments that have been made.

Mr. Willner asked if there was going to be a Home Owners Association. Who will be responsible for the upkeep of the lake and etc?

Mr. Morley answered affirmatively. He said, "There is a Home Owners Association in the PUD, and as other sections, the entire development concept out there is as Mr. Garrison stated earlier, very large homes in the area up around the Carson House up on top of the hill. Another area of prestige homes in which the price range in the \$150,000 and up category and another area in the price range of around \$100,000, similar to the Old Petersburg Place Subdivision. This 14 acres that you are looking at here is the only planned part of the entire 123 acres of this concept. This is not phase I of another one just like it. The concept for the large development, which is long term, it is not something that is going to happen in two or three years, but is the houses here with around 900 to 1,000 square feet, the larger houses are 1300 square feet and then larger. That is the concept, with each of them set aside for the land that is there to take advantage and minimize the number of trees and etc. There will be also Home Owners Association, but that Association will relate strictly to that section. The requirements or notification of that Home Owners Association will be on the subdivision plan."

Mr. Willner asked, "With the problems with heavy rains....This 61 lots will not have any greater run off than it is now?"

Mr. Morley answered, "It will be much less. To hold what we have right now, we need 19,000 cubic feet of storage and we have, in fact, designed 44,000 cubic feet of storage. Two and 1/4 times as much storage as required, but that is what we did to get the size lake we wanted to maintain the land. That will be built immediately, with Phase I and the ditch does flow diagonally and part of where the ditch is right now will be intercepted with the storm sewers that go between the lots to get it into the lake. The lake will be excavated. It is not a dam across the existing swale. The lake will be excavated."

In response to Mr. Willner's question about the bridge, Mr. Morley responded, "The existing pavement of Eissler Road as we have surveyed the quarter section line, shows that most of the asphalt that is out there is, as he said, south of the legal center line of the road. I don't know the explanation for that, but the quarter section line falls closer to the North edge of the pavement than it does to the south edge. I was able to check only part of the legal description to the property along there. Some have 25 from the center line, others have 30 from center line and others say an ambiguous statement subject to legal rights-of-way, and I have not been able to confirm that in the County records, in road opening records."

Mr. Willner questioned, "To the best of your knowledge, there is 50 or 60 feet? So, that road could be expanded?"

Mr. Morley answered affirmatively.

President Borries said, "Jim, Mr. Carrier mentioned a 'retention' lake and I think you pointed out that this is a 'detention' lake. Would you explain the difference please."

Mr. Morley responded, "This is, in fact, a legitimate lake, not a dry basin. From a botanical standpoint, the minimum depth, to be able to reasonably control the weed growth and etc., is five (5) feet, so there would be at least five (5) feet in depth below low pool and at

that point there is a relatively small overflow opening in a pipe and above that is storage. You have a storage depth above permanent pool which will capture and slow down all of the rest of the runoff coming from the side. As I said it is sized about 2 1/4 times what the requirement would be to hold it to no more than existing drainage. So, it will significantly decrease runoff that is coming down there now, in addition, there will be a great decrease in the amount of silt which comes off of that field. Currently, in certain times of the year, after plowing and the rain, there can be a lot of mud come down there."

Mr. Willner asked, "The other acreage you have, you have agreed that at some time in the future there will be a link with Eissler Road?"

Mr. Morley stated that he would like Mr. Garrison to speak on that.

Mr. Garrison said, "In our plans, which you can imagine trying to lay out 123 acres all at one time, is quite a feat, but you have preliminary plans that connects a road from Eissler and takes it on to the east end of this ground and takes it all the way through with an outlet on Mt. Pleasant Road."

Mr. Garrison said, "The road has been oriented coming down so that there is a curve in the roadway. The last 165 feet is straight at Eissler Road, but that is relatively short and even this run here (pointed on plan), is not a very long run. I guess all together something like 400 feet from Eissler Road. It is a very reasonably short amount of time that the lights would be directed in that direction."

Mr. Willner asked if he would be willing to participate in something screening here in front of their house if they approve?"

Mr. Garrison answered, "If that can legally be done. Screen fencing in the front yard on the other side of the right of way if they approve. We do have set aside for a landscape area in the center which, if you, aligned the car headlights coming down. We have that aligned and landscaping there will pretty well take care of lights on the Sussman property and then the last 165 feet, if they turn and would stop there, now, what we could do here is to pull that out in more of a triangle shape which would then angle the lights. I don't know if we can.....I am not sure that they would want that to happen. Let's say that we have enough right of way to turn the triangle and we will turn it so that these cars can come out and we will do a planting there that will block the headlights and still not create too much obstruction."

Mr. Jeff Hostetler of 417 Eissler commented, "I am right where the drive way is coming out. The street is already there that leads into Eissler. They did it over there at Petersburg Place when they did Shady Hills."

Mr. Morley gave an explanation, "The explanation for that is at that point farther up, you get toward the top of the little crest and the hill of Eissler Road. There is better sight distance the further away from that hill that you get, and so we chose this location as being a location that would be farther away from the top of the hill on Eissler and the second provision was that there is a steep bank and vegetation up in that area and we felt that the location right down here gave us, as far as we were concerned, better sight distance coming in and out of there."

Mr. Hostetler said, "That is not true. You all are welcome to come out and look at it. The back of the houses are still going to be right out your front door. I have never seen that myself. I am not only so upset about a \$1,000 house looking out the front door, opposed to a \$1,000 back yard."

Mr. Garrison said, "I would like to address this. In the subdivision review and planning commission, they have asked us to design subdivisions that do not have curb cuts on main thoroughfares, so they have asked us to orientate everything to the inside. That's what we

have done with this layout, as with all of them that we have. We design according to the rules and the way that they want them in order to eliminate the curb cuts on these streets. I think there are presently 13 curb cuts on Eissler Road right now, they have so many subdivisions. So, we did not want any more curb cuts. We orientated it inside the subdivision and left the plantings along the south line. We intend to keep those there, also these houses will be fenced down the side. We don't have that kind of problem as far as them looking into the backend of these houses. There again, we try to keep them along with the recommendations of the Commissioners."

President Borries said, "Let the record show that these are people who are against the petition. There are 20 of them."

Mr. Willner said, "The question was raised whether the sewer, water facilities, in this area are sufficient to support this."

Mr. Morley said, "The existing sewer in the area is a 12 inch sewer. Very large, in fact, an 8 inch sewer can accommodate in excess of 400 homes and this is a 12 inch sewer. There are no problems that I know of. It is a new sewer. It was run in to cap and replace sewage treatment plants in the Evergreen Acres Subdivision approximately 12 years ago. It is relatively new and should not be overloaded at all."

Mr. Willner said, "The only other thing that I have here is that we do not clean the ditches. Somebody wanted to know why the County didn't clean the ditches. I do not know which ditch you are talking about."

Someone responded that it was the main ditch on the north side of Eissler. It is about three or four feet deep. It is the roadside ditch...According to where his marks are at, if they widen that road that would be the ditch too.

President Borries stated, "On the Evansville Urban Transportation Study Report, they mentioned that EUTS had evaluated the proposed subdivision, Phase I for transportation impacts, the proposed development along a long and narrow road which measures the pavement width at 17 feet. The sight plans provided for the extension of Forrest Trail and Fox Run Drive to the north for streets that tie into future development. EUTS recommends, 'that the developer participate in the widening of Eissler Road to provide a minimum 20 feet wide pavement to accommodate increased traffic resulting from the proposed development. This improvement is for between Old State Road and the proposed development of approximately 800 feet in length.'

President Borries then asked Mr. Garrison, "Should this rezoning be approved, or this PUD, would you be able to agree to these requirements that the EUTS Committee has established?"

Mr. Garrison responded, "We will be more than happy to participate in this."

President Borries said, "I think this question was asked at the Area Plan Commission, but I guess for our record I will need to further that, you do not in any part of this PUD that you described, this again goes, as I understand, for 14 acres, but in any future requests that comes back to the Area Plan Commission is that correct, you do not plan to use any portion of this for any type of commercial purposes. Is that correct?"

Mr. Garrison replied, "No commercial on any of the entire 123 acres. This is a residential PUD only."

Mr. Willner said, "I have tried to take notes and all of the complaints by the remonstrators. Is there anyone that hasn't been mentioned that we could help the neighborhood with? I am going to work hard toward widening the road and I am sure that Mr. Borries intends to do the same thing. The fact is, I would like to see the County Highway at least do the work and maybe the developer can participate in the material needs. I have been assured that the sewer



line and the water, electricity and everything is sufficient for this development and I have been assured that the other acreage is not going to be commercial and we are going to upgrade the intersections for the school bus to come all of the way up and drive through the subdivision. There will be less water in the ditch than there was before in a given time. I am sure we can answer the bridge being too far south, even if we have to buy 10 feet of property along that line and if there is anything else that I need that the remonstrators have here tonight, I want to help."

One of the remonstrators said they had a question (this person did not identify himself). He asked, "He's trying to get these 14 acres rezoned now....He's going to build \$250,000 homes in front of these cheap homes and then what is to keep him from coming back and asking for another x number of acres for this type of home?"

Mr. Garrison said, "About the only way I can answer this is that in our Preliminary Layout, we have Fox Run Subdivision and there is a buffer to the north of Fox Run for an Old Petersburg type leg, which is a buffer between there and The Estate Section which is farther to the north. The Estate Section is completely treed off and there is no access from the Estate Section to the Old Petersburg Type Section, nor to the Fox Run development."

President Borries said, "For purposes of information, I am asking Beverly Behme of the Area Plan, even if this is A. I am assuming that the minimum requirements were met and if I understand the only reason he is doing the PUD is for the lot lines, single dwelling residence R-1 could already be built on there without rezoning."

Ms. Behme said, "This is correct. You can build residential single family houses in there."

President Borries asked, "Would you say, in effect then, that this rezoning as a PUD is more restrictive than what he could do otherwise?"

Ms. Behme responded affirmatively.

Mr. Willner said, "It also gives you people a chance for more input, and I think that is what you are here for tonight."

Mr. Garrison said, "When you get into this developing end of it, you end up by yourself with all of the remonstrators and there are a lot of questions that they have, but I have yet to have a call from any of them and we have made our number available that if they have any questions, we will be more than glad to try and help them; to work things out. We would like to see Eissler Road widened. We realize that is an enhancement to us and would be an enhancement to the neighborhood. We feel like this retention lake, going to a detention lake is going to improve the area and if the road widens, then we will be going ahead and anticipating that, I think we will enhance the entire area. This is just one phase of an overall development that we think will top development around this area."

Mr. Willner announced, "Just for your information, if this passes tonight they will be in front of the Drainage Board at our next meeting, 12/28/87 for approval for the drainage plans, which I have not seen in its entirety, but will be here at that time if anyone is interested."

President Borries asked, "Jim, when you are talking, as an Engineer, in terms of designing these, the 19000 square feet versus, what kind of an event then, in terms of County standards would be, by then, I mean a big rain storm and your designing then is to be able with 44,000 to do....."

Mr. Morley interjected, "Okay, the 25 year storm is what we design for in the County as we look at it which would require 19,000 cubic feet of storage. Now, although the county does not require design for holding the 100 year storm, the area necessary to hold a 100 year storm is the same as the run off today is 29,000 cubic feet. So, it

runs from 19,000 up to 29,000 cubic feet to carry a 100 year storm and we have available 44,000. So, we are again, well in excess of the holding so there will be a very significant drop in the runoff grade."

One of the remonstrators (unidentified) said, "The developer said we had the number to call, well I got news for him, we didn't know nothing. Just a few days ago we got this certified letter and other than that we were never contacted. They didn't call us in for a meeting or anything."

Lisa Hostetler said, "My biggest concern is , I can live with houses across the street. I don't like the easement being in front of my house. Eissler Road all the way out Mt. Pleasant if they would take that road and widen it, there would be no houses across the street. I wouldn't have to worry about my little girl going out in street and possibly getting hit. She is never going to be able to go to the mailbox again. When she gets ready to go to school, she is going to have to walk by a big huge lake."

Odie Carrier of 425 Eissler Road spoke, "I have a question on the sewers. He is using a 12 inch. Is that strictly gravity flow? Where does that go, down Old State and then which way does it take off from there?"

Mr. Garrison responded, "It goes down Highway 41 down by the golf course."

Mr. Carrier interrupted, "It goes back to the east then. It don't go to Old State, it hits 41? What station does it go to after that?"

Mr. Garrison responded that it doesn't go to any station.

Mr. Carrier asked, "Does it go all the way in to town, all the way to the eastside sewer plant or Pigeon Creek, Seventh Avenue or what?"

Mr. Garrison replied, "There is a lift station by Little Pigeon Creek and I don't remember the name of it." (Pfiffer Road Lift Station).

Mr. Carrier said, "I know that station has a lot of problems sometimes and if they keep adding on out in this area they may have to have a booster or Pfiffer Road Lift Station may have to be increased because, if my research is right, there are only three (3) pumps in there and their pumpage is pretty well maxed out during a hard rain, and that should be considered in this because if you are putting too much in there, then it is going to back up and everybody is going to be affected then, but I was concerned about mainly the sewage because I know that we do have a lot of sewage problems around town and a lot of subdivisions, the developers are required sometime in that particular area to upgrade the sewers, lift station and everything. If it deteriorates such that it needs it. That is one of my main concerns. Water you can live with, but sewers are rough."

The Chair entertained a motion.

Mr. Willner moved that Ordinance #VC-23-87 be approved with the following stipulations that have been set here tonight and have asked the developer to work with the County and any other area of problems that we know of to work through with us. Motion was seconded by President Borries. Roll call vote was taken at this time. Commissioner Willner, yes and President Borries voted yes. Motion is approved. The subdivision at this time will go back to Area Planning Commission and that meeting will be January 6th.

President Borries asked that the remonstrators present tonight work with the Commissioners and let them know if they have definite problems and they will try to be worked out.

RE: INTRODUCTION OF SCOUT TROOP #350

President Borries recognized and introduced Scouts from Scott School. Mr. Bob Harris, parent of one of the scouts was present. The Boy Scouts were here to fulfill part of their Citizenship and Community Badge.

President Borries commended the boys and asked for their names so that their names could be read into the record. Present were: Brian Harris, Eric Jones, Brent Harris, Shawn Jackson and Bob Harris, parent.

On a lighter side, Mr. Harris stated, "Mr. Willner was a member of our Troop as a Patrol Leader and this is probably where he got his Governmental start."

Mr. Willner responded, "Thank you boys, we had a good leader, as you do now and you are a nice looking group of young men and I would like to congratulate you for being Boy Scouts. Come back and see us anytime that you like."

President Borries welcomed the Scouts and said he had received a letter from State Representative Dennis Avery. Dennis has sent out a memo and newsletter regarding the Enhanced 911 Legislation which states that he is supporting this and has enclosed support letter and news release, which President Borries did not read, but gave to the Scouts at this time. Mr. Avery said he would work strenuously during the Legislative Session for passage to give Local Government the option (not a mandate), to fund this life saving emergency phone system by the most practical means available. He is asking for support, of which he mentioned, that he had in mind, that he will be a sponsorer on that bill which I think will be very important, as we are looking at that statewide solution. He has also included a voting record of those Legislators who voted on it at the last session. Mr. Borries said if one of the Scouts would come forward, he would give them this memo and newsletter and this is to be entered into the minutes of this evening.

RE: PRESENTATION OF COUNTY CORONER

President Borries stated, "Before we get on to our other agenda, I know that Mr. Charles Althaus, County Coroner is in attendance and I would like to recognize him at this time. I know that he has held a meeting this past weekend with Coroners from seven other counties and he is here this evening regarding the results of that meeting on Saturday."

Mr. Althaus spoke, "The results of that meeting, Mr. President and Mr. Willner, first of all, before I go into that, let me thank both of you gentlemen for attending that meeting and taking a couple of hours of your Saturday, I know it was a long meeting, but it was very fruitful as far as I am concerned, because the questions that were asked, the explanation not only from pathologists from Indianapolis, but law enforcement and etc." (Gave County Attorney a copy of what it will cost the county.)

Mr. Althaus continued, "Why I am here this evening, I am on the Second and Third Phase. We have to work fast. After the meeting, the seven districts that was present, we formed a committee of three (3) coroners, myself, Mr. Norvell from Posey County and Mr. Cooper from Pike County. The purpose of this committee is to go to each one of the County Commissioner Meetings and County Council Meetings from each county in the next couple of weeks to ask them personally for their support and also if they will appoint a Liaison person for each county to work together on the contract. I am here this evening because all three (3) of our Committee people were at this meeting and I didn't need the support of the other two, I didn't feel, so, why I am here is to ask for some kind of motion that when I go before the other Commissioners and other County Councils in the other six districts, that I may be able to state that our County Commissioners have agreed to go along with the district pathologist and district morgue in the near future, if each of the other six counties are willing to do so. This would be a terrific start for me. I am appearing before the County Council tomorrow to ask them the same thing."



Mr. Willner said they certainly have his blessing and he would like one piece of information...."What are the other counties saying on their present services? I am wondering in the back of my mind if ours going to double, or is their's doubling too, or is their's going down?"

Mr. Althaus responded, "Their's is going up too. Some of these counties have only got about \$1500 to \$3000 in their Budget for autopsies; however, each year if you do an autopsy, they have to pay for it anyway."

Mr. Willner questioned, "Second year budget....how much is it going down? What number of dollars is appropriated one time only?"

Mr. Althaus said, "The one time only is the total of \$184,000.00. This is for the first year or until we have a County Morgue of our own. Once we have the building and the County Morgue, then all we have is the \$55,000 cost for equipment. After we have our own district morgue, all we have is the upkeep of the morgue which you will have a contract with all of the other counties, if anything needs to be done, you split the repairs."

Mr. Willner questioned, "Is it feasible to say then, that after the first couple of years we might not be spending a lot more money than we are right now."

Mr. Althaus responded, "That is correct. Even with our \$96,000.00 now in my present budget this year.....This year we have budgeted \$30,000 for autopsies, \$5,000 for diagnostics. Now, the \$30,000 is not near enough for this year. Our total cost this year will be \$41,000 plus the \$5,000 diagnostics, so that is \$46,000. Even the supplies in my office, 90% of that will be cut off. I would say the counties office itself then, the budget would only be down. Salaries plus \$6,000-\$7,000 at the most."

Mr. Althaus continued, "We are going to go before Warrick County, because there is a statement in the paper yesterday that Warrick County only did three autopsies last year, but Vanderburgh County, because they are paying for ambulance service in Warrick County, we had six deaths from Warrick County in our County. Out of the six deaths, Vanderburgh County had to post these six deaths. That cost us \$2700.00, plus the lab fees; so, no wonder they can put a budget of \$1,500, we are carrying the load in Vanderburgh County."

Mr. Willner asked, "Who is doing the autopsies?"

Mr. Althaus responded that they have a lady pathologist and he doesn't know who it is.

Mr. Willner asked if she is a resident at the Boonville Hospital.

Mr. Althaus said he doesn't even know that.

Mr. Willner said, "When you are talking of this business in Warrick County, I need a further explanation in terms of this \$2,600 that you mentioned."

Mr. Althaus explained, "In addition, the ambulance brought them to the hospital here in Vanderburgh County. They died here. The autopsies were performed here and we paid for them."

Attorney Miller stated, "For your information, we have tried to collect that money from the various counties, shortly after Mr. Althaus came into office, and there is no provision in the State Law that requires these other counties to reimburse us and very few of the counties were willing to own up to their responsibility and so Vanderburgh County ended up eating upwards of about \$20,000 of expense for these other counties and that is how Warrick County is able to save this money."

Mr. Willner moved that the request to further study be approved. I don't want to say that I am giving a blank check, but I want to continue to work and tell some of the other counties that Vanderburgh County does enhance this program.

Mr. Althaus asked that the Commissioners appoint someone to the Liaison Committee.

President Borries stated, "You certainly have his support too and he thinks that it is a situation that demands a reasonable kind of solution. Many of these counties are going to be hard pressed to do any kind of services that were pointed out by Prosecutors and State Police, a change of evidence, a vital link of various things that are so critical in regards to trials and the problems that you pointed out in terms of compassion to family and dealing with families who are perhaps devastated by a death, so, we have to do it and we know that we do and as Bob points out, we will continue to support your efforts here and review what you are able to come up with in relation to the financial end."

Mr. Althaus said, "As you know, from hearing Dr. Pless Saturday, that his plan, and I talked to him today, and there is only one more individual that he needs to talk to, is to implement this program with the Medical Program at the University of Evansville. You notice that I had you put in there on any County benefits, because as he told at the meeting, if the State participates with us, with the University, then the State will pick up the PERF and the benefits and etc. and again, in 1989 their Commission is going to go before Legislature to have the State of Indiana to pay for all of the posts in Indiana. If we can put this together, we are going to put the whole state of Indiana into this Medical System. We are the beginners. We have a good start to go from here and that's the important thing. I will contend that in four years the counties will not have anything to do as far as financing, other than paying the salaries of the Coroners and etc. The last thing is, we are forming a Screening Committee to select the pathologist. It is not going to be done by I U, but I had three local pathologists that are going to be on that Screening Committee and as of maybe tomorrow, the President of the University of Evansville and some of us district coroners."

Mr. Althaus thanked the Commission for their support.

RE: COUNTY ATTORNEY - DAVID MILLER

Re: Request for Executive Session

Attorney Miller asked the Commissioners to schedule an Executive Session for the first or second week in 1988 for some updating and discussion of the Volpe matter. He said, "We have engaged in some substantial background work since we last talked to you. We have had meetings recently with the Counsel for various bonding companies and Counsel for Mr. Volpe himself and the outgrowth of all of that work is that we should have an Executive Session to discuss the status of the case. I would suggest that it be on a Monday afternoon following the regular meeting and it will take about 1/2 hour. I would ask you to make it on a date that is convenient for you and I will be there."

Mr. Miller stated that he had nothing else to report as everything is on 'hold' for the holidays.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Work Report/County Garage: Mr. Bethel submitted copies of the Weekly Work Report for Employees at the County Garage for period of December 14 thru 18, 1987.....report received and filed.

Gradall: St. Joe Ave., Mann Rd., St. Wendel Rd.

Front Loader St. Joe Ave., and received salt and stacked in yard

Patch  
Crew

Kasson Dr., St. Joe Rd., Red Bank, and widened  
shoulders on Green River Road

Put seed and straw on bank on curve that was cut down  
on Motz Rd.

Tree  
Crew:

Worked in all sections of the county due to damage and  
debris resulting from wind storm, namely Kasson, Duesner  
Old Henderson, Fisher, Bromm, Schlensker, Woodland, Orchard  
Old State Rd., Red Bank, Booker Rd., Peerless Rd, Darmstadt  
New Maple Rd., Slate Rd., Bayou Creek Rd., St. Joe Rd., #6  
School Road and Volkman Road

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

- Cleaned out log jam on Stringtown Rd. Bridge -#72, also  
Kansas Rd., Bridge #79 & #80, and Millersburg Rd., Bridge  
#77 & 78.
- Repair work for preparation on installation of culvert on  
St. Wendel Rd.
- Cleaned shed at garage and cleaned bridges.
- Installed culvert on St. Wendel Rd. Built drop box on Marx  
Rd. and Korressel Rd.
- Cleaned bridges on Petersburg Rd. - Bridge Nos. 44-75-90,  
and #6 School Rd., Nos. 49 and 40A. Also Slate Rd. #143.
- Cleaned boiler pipe on Hillview and on #3 School Rd.
- Repaired shovel so we could clean out culverts.
- Built wall on Red Bank Rd. by railroad track.
- Cleaned out culvert and drop box on Denzer Road.
- Cut guard rail post on Nisbet Station Rd.

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

Re: Request for Leave of Absence/Thomas Schmitz

Mr. Bethel requested that Commissioners grant Thomas Schmitz a six (6)  
months leave of absence. Letter of explanation attached.

President Borries stated that there is a Medical Statement from his  
doctor accompanying the request for leave of absence.

Commissioner Willner moved that this leave of absence be approved,  
with a second by President Borries. So ordered.

President Borries thanked Mr. Bethel for all of his efforts with all  
of the storms.

RE: COUNTY ENGINEER - ANDY EASLEY

CSX Transportation/"B" Street Underpass

Mr. Easley stated that on the agenda was a letter from CSX informing  
us, as the Commissioners requested, what their estimate is for the  
cost of reviewing the plans for the "B" Street underpass. Letter as  
follows:

December 15, 1987

County Commissioners  
Vanderburgh County Highway Department  
Engineering Division  
325 Administration Building  
Civic Center Complex  
Evansville, IN. 47708

Re: Design of "B" Street Underpass, A & E Commission No. 2854.

Dear Sirs:

Per conversation with Mr. J. Scott Hodge of Hayes, Seay, Mattern & Mattern concerning above proposal, enclosed is copy of a force account estimate in the amount of \$6,076 for preliminary engineering to be performed by CSX.

This information is furnished for your review and further consideration.

Very truly yours,  
/s/D. L Houchin  
Director Public Projects and Contracts

President Borries said, "We are not able to get Federal Funding at this point, we have had some serious problems communicating with the railroad even in trying to document some concerns we have had with Claremont Avenue. Why would we want to pay them now?"

Mr. Easley said he understands.

Mr. Willner made a motion that we inform CSX that they may review the plans at their own expense at anytime, but there will be no remuneration from this Body. Seconded by President Borries. So ordered.

RE: ACCEPTANCE OF MAINTENANCE OF PLATTED ROADWAYS IN AUDUBON ESTATES, SECTION I & BROOKVIEW HEIGHTS, SECTION I & ACCEPTANCE OF STREETS & STORM SEWER ON SHOSHONI LANE FROM POLLACK AVENUE TO SOUTH LINE OF INDIAN WOODS SUBDIVISION

President Borries said, "For the record Andy Easley has not had the opportunity to review the subdivisions and platted roadways on Audubon Estates, Section I, which you indicated you were going to do and also on the ones on Brookview Heights, Section I. I question the one on the acceptance of street and storm sewer on Shoshoni Lane from Pollack Avenue to the South line of Indian Woods Subdivision. I believe that is in the City of Evansville"

Mr. Easley said, "Jim Morley agrees that all but perhaps 100 feet of it is within the City and he said just take that under advisement and he will resolve that because if there is 100 feet that is in the County, we'll have to see if we have to accept that 100 feet."

RE: ACCEPTANCE OF STREET IMPROVEMENTS IN CHAR-MAR ESTATES  
ACCEPTANCE OF STREET IMPROVEMENTS IN WOODWARD PLACE  
GREEN RIVER ROAD CLOSURE AT HUNTINGTON PLACE

Mr. Easley said, "The last three items (listed above) on the agenda, I have given you letters. Woodward Place is a subdivision that was completed about two years ago. It is a very nice subdivision off of Peerless Road. Bob Roy is the developer and Jim Morley is the Engineer. They have took their time about completing a couple of the drainage items. The letter will probably go out about Wednesday on our mileage summary submission to the State. If it is your pleasure, we are recommending that you accept Woodward Place. They are asphalt streets with concrete rolled curbs and two years ago at the Char-Mar Estates Subdivision, those people collected about \$26,000 just by passing the hat in the neighborhood and I was able to talk Mr. Koring, the Developer, into making a \$25,000 contribution to those streets. They paved those streets themselves under the jurisdiction of Mr.

Bethel and I. They hired the asphalt paving contractor and they have been in two seasons and have held up very well. There are no curbs and gutters. It is an old subdivision that Mr. Koring put up many years ago and kept promising....The drainage is good. Good ditches. Bill and I have looked at them about three times in the last two years."

Mr. Easley said, "On Country Trace, Part II, that has already been accepted, but I need a letter today with the minutes. It is a good concrete pavement. That was accepted about a month ago."

President asked Commissioners opinion on Char-Mar Estates and Woodward Place Subdivision.

Mr. Willner moved that these street improvements be approved, with a second from President Borries. So ordered.

Mr. Easley explained, "Huntington Place is north of Millersburg Road. It comes out of Heston Subdivision and they want to take the sewer to the eastside of Green River Road. Nobody has to backtrack and he will put up big barricades. He called me this morning and said he wanted to put it off from the 22nd to the 28th if you would approve this."

Mr. Willner said, "Would you please tell him that we would ask him to take care of this cub for a period of two years, because what has happened to the Cub Station, they sink and nobody does anything about it and it comes back and the County has to take care of it."

Mr. Easley said he would put an inspector on it and he will take a two year responsibility.

Attorney Miller said he would strongly suggest that this closure on Green River Road not be done until after the first of the year.

RE: EXTRA PIPE ON ROLLETTS LANE

Mr. Easley said the last thing he had on the agenda was about the extra pipe on Rolletts Lane and asked the Commissioners if they had a chance to look at this. He further said, "Mr. Bob Lutz agreed that he thought we should do that. I asked him if he had time to make a comment or phone call to one of you Gentlemen. We are talking about 80 feet of pipe on the eastside."

Mr. Easley said we can either do it, not do it, get somebody else to do it or have him do it.

Mr. Willner said, What it amounts to doing is filling a ditch for the property owners. I move that it be approved. Seconded by Mr. Borries. So ordered.

Mr. Willner stated, "It is on the opposite side from Mr. Lutz so they can't say we were playing favorites."

Mr. Easley said, "They are coming down the hill and they will have a tendency to pull to the right because that is where we flare out to get across the new bridge and this will remove that ditch there that there may be a tendency for someone to skid off into."

Mr. Willner asked if Mr. Easley would please tell the property owners ~~them up~~ then.

Mr. Easley answered affirmatively.

RE: RESOLUTION OF COMMON COUNCIL APPROVING AGREEMENT FOR CITY-CO. BUILDING DEPARTMENT AND  
RESOLUTION OF COMMON COUNCIL APPROVING AGREEMENT FOR CITY-CO. HUMAN RELATIONS

President Borries said, "These are two resolutions updating our dates with Mayor McDonald's signature on them for the Agreement for City-County Building Department and the City County Human Relations Department, signed by me if Commissioner Willner agrees." Seconded by Commissioner Willner. So ordered.

RE: MONTHLY REPORT - COUNTY TREASURER

County Treasurer's Report for month of November, 1987 received and filed.

RE: REQUEST TO TRAVEL - CLERK OF CIRCUIT COURT

A letter from the Vanderburgh Clerk of Circuit Court, was received, request to travel as follows:

TO: County Commissioners  
FROM: Helen L. Kuebler, Clerk of Circuit Court  
December 17, 1987

RE: Called State Election Board Meeting

I, Helen L. Kuebler, Clerk of Circuit Court, do hereby respectively request your permission to attend the State Election Board Meeting to be held in Indianapolis, in January, January 27 and 28.

Attached, you will find a copy of the notice received by me from the State Election Board. As you can see it is a SHALL meeting.

Your consideration of my attendance will be appreciated.

Motion by Commissioner Willner to approve request for travel, with a second by President Borries. So ordered.

RE: APPOINTMENTS TO AREA PLAN COMMISSION

President Borries said he did not think they were ready to make these appointments tonight, but they did have one Citizens Membership appointment that could be made tonight, Elmer Tornatta. Seconded by Commissioner Willner. Appointment approved and Commissioners will hold for the second appointment.

RE: HOLIDAY CLOSING - ALL COUNTY OFFICES - DEC. 24 & 25

President Borries wished everyone a Happy Holiday Closing. All County Offices will be closed on December 24 and 25 for Christmas.

RE: OLD BUSINESS

No old business to come before the Commissioners at this time.

RE: SCHEDULED MEETINGS

County Council.....December 22nd..2:00 p.m.  
County Commission on Roads.....December 22...2:30 p.m. - Room 301

RE: CLAIMS

Veach, Nicholson, Griggs Assoc.

Claim for Green River Road South, Project MkE-340 (4) Road Design and Plans in the amount of.....\$2,093.62.

Motion by Mr. Willner to approve the claim, seconded by Mr. Borries. So ordered.

Bernardin, Lochmueller & Associates, Inc.

Claim for Boonville-New Harmony Road Extension in the amount of ..\$1,212.20. Motion by Commissioner Willner to approve the claim with a second by President Borries. So ordered.

Bernardin, Lochmueller & Associates, Inc.

Claim for Lynch Road Extension (field survey) from Oak Hill Road to Burkhardt Road in the amount of.....\$2,280.62. Motion by Commissioner Willner to approve the claim with a second by President Borries. So ordered.

RE: EMPLOYMENT CHANGES

Auditor's Office (Appointments)

Marie Dunn	Posting Clerk	\$13,440.00/Yr.	Eff:12/7/87
Bettye Miles...	Posting Clerk...	\$13,440.00/Yr.	Eff:12/7/87

Auditor's Office (Releases)

Marie Dunn	Posting Clerk	\$12,900.00/Yr.	Eff:12/7/87
Bettye Miles	Posting Clerk	\$12,900.00/Yr.	Eff:12/7/87

Center Assessor (Appointments)

Michael D. Moers	Reass. Coord	\$514.94	Eff:12/18/87
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German Township Assessor-Reassessment (Appointments)

John L. Trageser	Fieldman	\$35.00/Day	Eff:12/21/87
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Surveyor (Appointments)

E.K. Freeman	Rodman	\$17,044.00/Yr.	Eff:12/21/87
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German Township Assessor (appointments)

Adrian Wilson	Fieldman	\$35.00/Day	Eff:12/16/87
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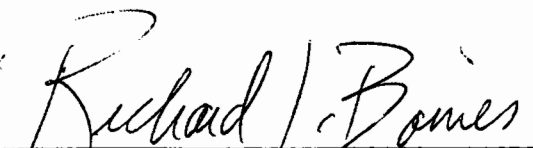
President Borries extended a Happy Holiday Season to everyone.

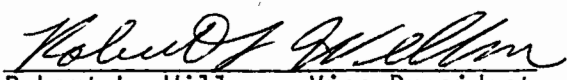
Being no further business to come before the Board at this time,  
President Borries declared the meeting adjourned at 9:45 p.m.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R. J. Borries	Sam Humphrey	David Miller
	R. L. Willner		
	Shirley J. Cox (absent)		
	<u>COUNTY ENGINEER</u>	<u>COUNTY HIGHWAY</u>	<u>AREA PLAN</u>
	Andy Easley	Bill Bethel	B. Behme
	<u>COUNTY CORONER</u>		
	Charles Althaus		

OTHER:

Jim Morley  
Mr. Garrison  
Scott Bates  
M. Ziliak  
Lisa Hostetler  
Connie Carrier  
Odie Carrier  
Jeff Hostetler  
Leroy Walther  
Jack Gates  
Sam Sussman  
Brian Harris  
Eric Jones  
Brent Harris  
Shawn Jackson  
Bob F. Harris  
B. J. Shaw  
Ryan Scheidler  
Michael Eggleston  
Joe Kirwer  
News Media

  
Richard J. Borries, President

  
Robert L. Willner, Vice President

Shirley Jean Cox, Member

SECRETARY: Joanne Matthews  
Transcribed by Bettye Miles  
Proofed by Margie Meeks



*to be approved*

MINUTES  
COUNTY COMMISSIONERS MEETING  
DECEMBER 28, 1987

The Vanderburgh County Board of Commissioners met in session at 2:40 p.m. on Monday, December 28, 1987, in the Commissioners Hearing Room, with President Rick Borries presiding.

The meeting was called to order by President Borries pursuant to adjournment for 1987.

It was noted by Commissioner Borries that because of the work backlog, the holidays, vacations, etc., there are no minutes ready for approval at this time.

There will be one addition to today's agenda; Rose Zigenfus of the Evansville Urban Transportation Service will be making a report today.

RE: AWARDING OF BIDS FOR GUARD RAILS, POST ENDS, ALUMINUM PIPE, LIQUID ASPHALT, ETC.

The Chair recognized Mr. Tom Dorsey, Director of City-County Purchasing.

Mr. Dorsey advised that only one bid was received on the guard rails, post ends, aluminum pipe, etc. that being from M&W Concrete. It is his recommendation that the County accept this bid.

Motion to accept the bid from M&W Concrete was made by Commissioner Willner, with a second from Commissioner Borries. So ordered.

Likewise, only one bid was received for Liquid Asphalt AE-150, that being from J. H. Rudolph Co. It is his recommendation that the County accept this bid.

Motion to accept the bid from J. H. Rudolph Co. was made by Commissioner Willner, with a second from Commissioner Borries. So ordered.

RE: COUNTY ATTORNEY - CURT JOHN

President Borries called upon County Attorney Curt John for his report. Attorney John said he has nothing to report at this time.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Work Report/County Garage: Mr. Bethel submitted copies of the Weekly Work Report for Employees at the County Garage for period of December 21 thru December 25, 1987.....report received and filed.

Gradall: St. Joe Avenue, Korressel and Marx Road

Grader & Roller Paved shoulders on Green River Rd.

Patch Crew: Oak Hill Rd., Baseline and Volkman

Graded & Rocked: Schissler, Cypress-Dale, and Roth

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



- Installed drop box culverts on Marx Rd. and Korressel intersection
- Rip-rapped culvert on Red Bank Rd. and cut back weeds from culvert, bridges, and guard rail on Petersburg Rd.
- Rip-rapped on Motz Rd., Baseline and Red Bank Rd.

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

Commissioner Borries expressed appreciation to Mr. Bethel for the fine work he has done during 1987.

RE: COUNTY ENGINEER - ANDY EASLEY

Acceptance of Heerdink Lane: Mr. Easley said he has one more road to be formally accepted -- and that is Heerdink Lane -- so he can turn this in to the State.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Borries, Heerdink Lane from Heckel Rd. to Millersburg Rd. (5,180 L.F. or one mile) was accepted for County maintenance. So ordered.

Commissioner Borries said he guesses the only controversy is now the name (Heerdink Lane) and the speed limit.

Commissioner Willner said you can always tell how good a job they have done by how fast people travel when the road is finished. This must be a good job, as he understands people are traveling 70 and 80 mph.

With regard to the acceptance of streets discussed last week, Mr. Borries asked if Mr. Easley is going to continue to work on these?

Mr. Easley said he and Mr. Bethel will try to get out to those this coming week.

Commissioner Borries said, "What about Shoshoni, the one where we questioned whether it was in the City or in the County?"

Mr. Easley said they have withdrawn this one.

Claim: A claim in the amount of \$6,145.00 to United Consulting Engineers for work on North Green River Rd. This is for the period of August 16th thru November 30th. He has checked it against their engineering agreement and it is his recommendation that the claim be paid.

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

Public Hearing re Road Paving Program: President Borries requested that Messrs. Easley and Bethel set up a time when we will want to hold a Public Hearing concerning the road paving program. Therefore, he would request that they begin to set up their road paving list for 1988. He said he believes Mr. Easley has done an effective job in costing out the various spots of road repaving. As we have done in the past, we want to hear from the public. If they will begin work on this list, a date for a Public Hearing will be selected at the next Commissioners' meeting.

Peach Blossom Lane: Commissioner Borries asked that Mr. Bethel give Peach Blossom Lane a look and provide the Commissioners with an overall assessment as to what needs to be done. He said that it may be considerable, but Mr. Bethel should call it like he sees it.

Open Burning Ordinance: President Borries said he believes Commissioner Willner has requested that County Attorney Curt John make some revisions to the proposed Open Burning Ordinance -- addressing some concerns he has had about this ordinance. If Attorney John can review the ordinance, perhaps the Commissioners can review the revised ordinance at their next meeting and set a Public Hearing date. This may sound funny after the rain we have had, but he would note that we still are several inches below normal for the calendar year. We've had an ample amount of rainfall in December but, again, there is a shortfall and conditions may turn very dry again in 1988. He believes Curt may be able to make some modifications and the Commissioners can then review the new version prior to setting a date for the Public Hearing -- perhaps about the same time as the hearing on the roads.

RE: EUTS - ROSE ZIGENFUS

Mrs. Zigenfus reported that EUTS is preparing a Letter of Encumbrance re projects underway, under design or under contract.

Secondly, Mrs. Zigenfus said we have a bid to acquire the right-of-way for the Lynch Rd. Extension. Ken Hanson of Citizen's Realty has bid \$500.00 per parcel and there are two parcels to be acquired. They are proposing to make an agent available to make written offers to the property owners and to assist in obtaining approvals from the property owners for the sale of the needed right-of-way. It would be EUTS' recommendation that the Commissioners proceed.

Commissioner Willner asked, "Do we have to have it appraised before we...?"

Mrs. Zigenfus said they have already had the appraisals and the review appraisals.

Mr. Willner queried Mrs. Zigenfus re the appraisal prices.

Mrs. Zigenfus said the appraisals were as follows:

\$4,350.00 for .13 acres  
\$60,850.00 for 7.6 acres (Guthrie May)

Commissioner Borries asked whether Commissioner Willner wants to give authorization to proceed?

Mr. Willner said this is more than he expected to pay for the parcels, but he doesn't know what to do about it. He asked if the Feds will be participating in the purchase of the land?

Mrs. Zigenfus said, "No, not on the Lynch Rd. Extension, but they will for Boonville-New Harmony."

Mr. Willner said this is what he was afraid of. He has a problem; it seems to him that this is too high. It was supposed to be appraised as farm land and it certainly isn't.

Commissioner Borries said the land has apparently been appraised per parcel.

Commissioner Willner queried Mrs. Zigenfus again re the number of acres we're talking about for \$4,350.00?

Mrs. Zigenfus said that we're talking about .126 acres or .13 acres.

Mr. Willner asked how much land we're buying for \$60,000?

Mrs. Zigenfus said we're buying 7.579 acres or 7.6 acres.

In response to query from Commissioner Willner, Mr. Easley said we're paying about \$8,006 per acre. On the parcel that is 7.6 acres, it comes out to \$34,524 per acre.

Mr. Willner asked if the .13 acres is improved property, and it was noted that there is a home on it -- but we're not taking the home. It was appraised as a small residential site.

Following further brief comments a motion was entertained.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Borries, approval was given to proceed with the right-of-way purchase. So ordered.

Mr. Easley noted that this is a little triangular shaped piece of property. Oak Hill Rd. is on a slight curve as it goes north of Lynch Road. If you project the centerline of Lynch Rd. to the east and the centerline of Oak Hill to the south, you get a triangle. This property is really not very buildable -- and he proceeded to show the Commissioners a sketch. He reiterated that we are not taking the house at this time -- just this triangular shaped piece of land.

Mr. Willner asked if the parcel from Guthrie May extends all the way from Oak Hill to Green River Rd.?

Mr. Easley said, "No -- only 1/2 mile.

RE: APPOINTMENTS

Commissioner Borries said he does not have any news at this time concerning the Commissioners' appointment to the Area Plan Commission.

RE: HOLIDAY OFFICE CLOSINGS

It was announced that all County Offices will be closed on Thursday and Friday, December 31 and January 1, respectively, in observance of the New Year.

RE 911 EMERGENCY SYSTEM

The meeting proceeded with Mr. Borries saying he has a lengthy letter from Mr. Jerry Larrison of Ameritech of Indiana Bell Telephone Co., which he will not read in its entirety. However, he would ask that it be incorporated into the minutes. The letter describes the differences between the Basic 911 and the Enhanced 911. He also indicates they can activate the 911 code in each of these exchanges on or around February 6, 1988. The monthly costs are also broken down for installing two (2) 911 lines from each exchange and terminating them in the Sheriff's Office. Cost is given for monthly charges, as well as one-time installation charges. The monthly charge will be \$864.78 per month and County Council has approved those. They have checked with the Sheriff's Department and informed us that they have the two multi-button telephone instruments and each has eight (8) vacant buttons; thus, based on this information, there should not be any premises telephone equipment problems. Mr. Larrison gets into the Enhanced 911 System and says that beyond this it provides the exact address, telephone number, subscriber, date, time of day, type of subscriber (resident, business, or pay phone) and a list of emergency agencies who cover this particular address. The letter is self-explanatory and reads as follows:

December 10, 1987

Richard J. Borries, President  
Vanderburgh County Board of Commissioners  
Room 305 - Civic Center Complex  
Evansville, IN 47708

Dear Mr. Borries:

Pursuant to our meeting of November 18 this letter outlines the estimated costs and options associated with emergency 9-1-1 service. Since there are two versions of 9-1-1, I will again briefly describe them so that you may remain familiar.

A. Basic 9-1-1 (B9-1-1)

This is the original service offering which most cities (including Evansville) have in place today. It allows anyone from any telephone within the serving exchange to dial 9-1-1. The calls are answered at a Public Safety Answering Point (PSAP) and are then dispatched to the various emergency agencies; i.e., Police, Fire, EMS. The value of 9-1-1- service whether Basic or Enhanced, is the calling party does not have to look up or remember the particular seven digit phone number of whatever emergency service he may need. Because Basic 9-1-1 covers the entire exchange area, city and county jurisdictional problem may occur; however, the fact remains that 9-1-1- saves at least two minutes per emergency versus the old method of dialing different seven digit phone numbers. Some other benefits are you do not need a coin when dialing from a pay phone; children are being taught in school to dial 9-1-1- for emergency; and, above all, it is nationally known and easy to remember. The only drawbacks have been the aforementioned boundary disputes and there is no identification as to where the call is coming from; i.e., false alarms can and do happen.

In the case of Vanderburgh County, the three outlying Indiana Bell exchanges in McCutchanville, St. Joseph and St. Phillip are not wired for 9-1-1. We can activate the 9-1-1- code in each of these exchanges on or around February 6, 1988. The monthly costs associated with installing two (2) 9-1-1- lines from each exchange and terminating them in the Vanderburgh County Sheriff's office are as follows:

	<u>Mo.</u>	<u>Installation</u>
A. McCutchanville	\$283.46	\$ 765.50
B. St. Joseph	288.26	765.50
C. St. Phillip	293.06	<u>765.50</u>
Total	\$864.78	\$2,296.50

We have checked with the Sheriff's Department and they have informed us they have two (2) multi-button telephone instruments and each has eight (8) vacant buttons. Based on this information, there should not be any premise telephone equipment problems.

B. ENHANCED 9-1-1- (E9-1-1-)

E9-1-1- is similar to B9-1-1 only in the fact the public dials the same three digit code for emergency aid. Beyond this, E9-1-1 provides the exact address, telephone number, subscriber name, date, time of day, type of subscriber (Res, Bus, or Pay), and a list of the emergency agencies who cover this particular address. All of this information appears on an Automatic Location Identification (ALI) screen in the PSAP. Obviously the caller's address is very essential to responding to any type of emergency; many times the caller cannot speak, or gives garbled information, or passes out, or hangs up, etc., etc.

With E9-1-1-, these problems are eliminated because if any of these things happen, the information is still on the screen and help can be dispatched. For all intents and purposes, false alarms are eliminated. Response time is improved by a minute or more and this results in lives saved and reduced property damage. I won't dwell on E9-1-1 because you're seen our equipment demonstration which vividly depicts the speed and improvements in this service.

The three primary service plans we discussed were a master PSAP in Evansville covering all of the subscribers in the Evansville exchange; a master PSAP covering all of Vanderburgh County, including Evansville; and separate PSAP's for the city and county. With the first plan, we would install three (3) positions and seven (7) trunks in the Evansville 9-1-1- PSAP. This would cover approximately 71,000 telephone subscribers. Under the second arrangement, we would add the remaining county exchanges and the subscriber count would increase to 79,000. The PSAP would be enlarged to 5 positions and 7 trunks. Our final option would direct all city 9-1-1- calls to the city's PSAP, and all county 9-1-1- calls to a PSAP in the Sheriff's Department. Both PSAP's would be tied together so that calls and screens of information can be transferred. Also, they would automatically back one another up in the event of a failure or major emergency. For simplicity, I am labeling these plans A, B & C.

A. 71,000 Subscribers Covering Evansville Exchange:

Monthly Charge	\$ 6,100.00
Installation	\$ 64,500.00

B. 79,000 Subscribers Covering Vanderburgh County:

Monthly Charge	\$ 6,700.00
Installation	\$ 71,500.00

C. 79,000 Subscribers with Separate PSAP's for the City and County:

Monthly Charge	\$ 9,400 (\$112,800/Yr.)
Installation	\$ 71,500

From the standpoint of cost, Plan A is cheapest but it doesn't cover the citizenry. Plan B covers the county but there could be political ramifications. Plan C covers everyone and eliminates any political disputes between city and county. I personally favor "C" because it not only directs the caller to the proper PSAP and dispatcher, but it removes any possible barriers and delays which have occurred in similar city/county E9-1-1 planning. Our installation is 16-20 months from receipt of order. There are communities in Indiana who have been arguing for years as to who will answer and dispatch 9-1-1- service! They are no further today than they were five years ago.

Indiana Bell is very eager to pursue the development and installation of E9-1-1- service for Evansville and Vanderburgh County. Please feel free to call me Collect at 317-265-4891 if you have any questions.

Sincerely,

Jerry Larrison  
Account Executive

Mr. Borries said the foregoing information will be shared with the Sheriff. Mr. Larrison indicates the one to Evansville, alone, is the cheapest to install, but it does not cover the citizenry. Plan "B" covers the County, but there could be some political ramifications. Plan "C" covers everyone and eliminates any political disputes between the City and the County. They are eager to pursue the installation of the E-911- System and we can call him if we have any questions. Again, February 6, 1988, would be the target date they are looking at for the installation of the Basic 911 System. As also pointed out, Representative Dennis Avery is going to add his sponsorship to a bill that will be introduced in the Indiana Legislature in their short session which might provide a vehicle for local units to set up a way in which the billing could be handled on a percent basis and that looks like that would be a very helpful bill.

Commissioner Willner said he has a question. He received a call from some people who live in the northwest section of the County and they are not even on a Bell Telephone System (up in Elberfeld north of Daylight). They have an Elberfeld telephone, which is a CONTEL phone. Can CONTEL install anything in their exchange that would serve as a 911 number and call, then, the Evansville number -- as they are dependent upon Evansville for fire, ambulance, police, etc., just like everybody else -- but they have no way to do that without dialing that number. He promised to direct the question to the proper authorities.

Commissioner Borries said he does not know; we'll have to call Mr. Larrison to obtain an answer. There are about 25 residences along the Frontage Rd. in the 789 (Haubstadt) exchange who are not covered by this. As with a lot of these telephone companies, he would think there might be a way to interface on that, but he is not sure they are covered.

Mr. Willner said the people in Elberfeld wondered if this is possible and, if it is, they feel we ought to give them the same service that we're giving everybody else -- and he agrees with that. But if it is not possible then.....

Commissioner Borries asked that Jim Lindenschmidt call Mr. Larrison to check on the possibilities with CONTEL.

County Auditor Sam Humphrey asked Commissioner Borries if he is aware that Marion County has 911 and they are about to take it out, due to problems experienced?

Mr. Borries responded, "Basic. Part of their confusion is that they have been involved in some political disputes regarding the system. Also, it is his understanding that there was one incident up there where a mistaken address was given and the emergency vehicle was dispatched to Park Avenue and it should have been going to Parkview -- and they ended up at the wrong spot."

Mr. Humphrey said the Enhanced System should eliminate this.

Mr. Borries said Hammond, IN is either already on the Enhanced System or is going on it. South Bend, Mishawaka, St. Joe, are going on it. Park County, Floyd County -- the New Albany-Jeffersonville area are also going to go on it in the spring. So this might be something that we might want to check into. But there are some counties and cities going on it in 1988. He believes Hammond is the first city in the State that is on the Enhanced System. He also thinks that probably for a number of these rural areas that are dependent upon larger areas like Evansville for safety, that the best way for them to be included in that network again would involve some kind of State situation where it could be 15 cents or something like per month. Again, this has nothing to do with measured service. It would simply be



a way of that kind of collection -- and he believes some of the rural areas will be better served in an emergency network like that if they look at a statewide enabling ordinance to do this.

Mr. Willner said the individual who called him said he would hate to have to pay via his taxes for everyone else to have 911 number and he not have one. He said that if the State wouldn't pass legislation whereby it could be put on the phone bill, then he really would not want the 911 number.

RE: OLD BUSINESS

Acceptance of Sarabeth Lane: Mr. Easley said there was one item he forgot. Joanne Matthews received a Petition for the acceptance of a road on the west side of Evansville (Sarabeth Lane -- just off Felstead). He and Mr. Bethel will look at this road and if the Commissioners have time they may want to look at it. He will see that Mrs. Cox also gets a copy of the Petition. The matter was taken undervisement for one (1) week.

RE: SCHEDULED MEETINGS

Mon. Dec. 28 7:00 p.m. Land Commission Mtg.  
(Room 307)

RE: CLAIMS

Dave Guillaum Construction Co.: A claim in the amount of \$1,993.00 for work on Rollett Lane. This is the remaining balance less seeding, to be completed when conditions permit. The claim has been signed by County Engineer Andy Easley.

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

RE: PUBLIC OFFICIAL BONDS

President Borries presented Public Official Bonds for the following, which are to be accepted and forwarded by the Secretary to the County Recorder for recording:

Sam Humphrey, County Auditor  
Bob Steele, County Recorder  
Pat Tuley, County Treasurer  
Jane Berry Bland, Deputy Treasurer

RE: EMPLOYMENT CHANGES

Center Assessor (Releases)

J. L. Ritter	Field Dep.	\$35.00/Day	Eff: 12/28/87
C. W. Gullledge	Field Dep.	\$35.00/Day	Eff: 12/28/87
J. O. Dixon	Field Dep.	\$35.00/Day	Eff: 12/18/87
M. A. Drake	Office Dep	\$35.00/Day	Eff: 12/28/87
V. M. Coursey	Office Dep.	\$35.00/Day	Eff: 12/28/87
J. S. Yeley	Field Dep.	\$35.00/Day	Eff: 12/28/87
R. M. Gullledge	Field Dep.	\$35.00/Day	Eff: 12/28/87

Armstrong Assessor (Appointments)

John J. Bittner	Part Time	\$35.00/Day	Eff: 12/21/87
Randall Kron	Part Time	\$35.00/Day	Eff: 12/21/87
Joyce Ann Kron	Part Time	\$35.00/Day	Eff: 12/21/87
Raymond H. Schmitt	Part Time	\$35.00/Day	Eff: 12/21/87
Gilbert T. Adler	Part Time	\$35.00/Day	Eff: 12/21/87
Ronald E. Barton	Part Time	\$35.00/Day	Eff: 12/21/87
Emily M. Kron	Part Time	\$35.00/Day	Eff: 12/21/87
Earl J. Hoetling	Part Time	\$35.00/Day	Eff: 12/21/87

German Township Assessor (Appointments)

Karen A. Wagner	Clerical	\$35.00/Day	Eff: 1/4/87
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German Township Assessor (Releases)

Karen A. Wagner          Clerical          \$35.00/Day          Eff: 1/4/87

(To change account numbers)

Center Township Assessor (Appointments)

George Gossard          REAS Coord.          \$514.94/Pay          Eff: 12/22/87

Circuit Court (Appointments)

Laura M. Pate	PT Intern	\$3.35/Hr.	Eff: 12/21/87
Janet E. Hamer	PT Intern	\$3.35/Hr.	Eff: 12/21/87
Kathleen Payne	PT Intern	\$3.35/Hr.	Eff: 12/14/87
Debra Hayden	PT Intern	\$5.00/Hr.	Eff: 12/18/87
Tracy L. Thread	PT Intern	\$5.00/Hr.	Eff: 12/18/87
Thos. L. Montgomery	PT Intern	\$5.00./Hr.	Eff: 12/14/87
Robert Howerton	PT Intern	\$5.00/Hr.	Eff: 12/21/87

Circuit Court (Releases)

Laura M. Pate	PT Intern	\$3.35/Hr.	Eff: 12/18/87
Janet M. Hamer	PT Intern	\$3.35/Hr.	Eff: 12/18/87
Robert Howerton	PT Intern	\$5.00/Hr.	Eff: 12/18/87

Burdette Park (Appointments)

Wm. Englehardt	PTGC	\$4.35/Hr.	Eff: 11/21/87
James Jones	PTGC	\$4.00/Hr.	Eff: 11/22/87
Bruce Crider, Jr.	Rink Guard	\$3.50/Hr.	Eff: 12/18/87

Treasurer (Releases)

Georgiana Harris          Part Time          \$35.00/Day          Eff: 12/14/87

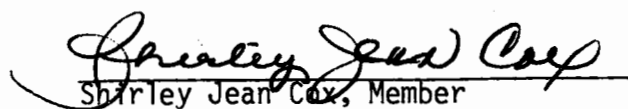
There being no further business to come before the Board at this time, President Borries declared the meeting adjourned at 3:30 p.m.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R. J. Borries	Sam Humphrey	Curt John
	R. L. Willner		
	S. J. Cox		
	(Absent: Vacation)		
	<u>COUNTY HIGHWAY</u>	<u>COUNTY ENGINEER</u>	<u>EUTS</u>
	Bill Bethel	Andy Easley	Rose Zigenfus
	<u>PURCHASING</u>	<u>OTHER</u>	
	Tom Dorsey	News Media	

SECRETARY:          Joanne A. Matthews

  
Richard J. Borries, President

Robert L. Willner, Vice President

  
Shirley Jean Cox, Member

- to be approved -

MINUTES  
COUNTY COMMISSIONERS MEETING  
JANUARY 4, 1988

I N D E X

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MINUTES  
COUNTY COMMISSIONERS MEETING  
JANUARY 4, 1988

The Vanderburgh County Board of Commissioners met in session at 4:00 p.m. on Monday, January 4, 1988, in the Commissioners Hearing Room, with President Rick Borries presiding.

President Borries called the meeting to order, apologized for his late arrival, and welcomed attendees to the First Session of the Board of Commissioners for the New Year. He said that Commissioner Cox is still on vacation.

Sheriff's Deputy Tom Wallis declared the Commission in session pursuant to adjournment.

President Borries announced that due to the holidays, work backlog, etc., there are no minutes ready for approval today.

RE: REORGANIZATION OF BOARD OF COMMISSIONERS

Upon motion duly made by Commissioner Willner and seconded by Commissioner Borries, Mr. Borries was elected President of the Commission for 1988.

Upon motion duly made by Commissioner Borries and seconded by Commissioner Willner, Mr. Willner was elected Vice President of the Commission for 1988.

RE: RESOLUTION RE COMMISSION MEETING DATES

Upon motion duly made by Commissioner Willner and seconded by Commissioner Borries, the following Resolution was adopted:

RESOLUTION

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 the first, second and fourth Monday of each month at 2:30 p.m. and on the third Monday at 7:30 p.m. If a holiday falls on Monday, then the meeting will be held on the following business day unless otherwise stated by the Commissioners in an open meeting.

The evening meetings on the third Monday of each month are being held at such time for the convenience of the public, at which time the Rezoning Petitions will be heard.

APPROVED this 4th day of January 1988.

BOARD OF COMMISSIONERS OF  
VANDERBURGH COUNTY

/s/ Richard J. Borries  
/s/ Robert L. Willner

ATTEST:

Sam Humphrey  
Auditor, Vanderburgh County

RE: ACCEPTANCE OF COUNTY EMPLOYEE LISTS

President Borries submitted the County Employee Lists for 1988 for approval.....lists received and filed.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Borries, the lists were accepted and approved. In the interest of time, Commissioner Borries did not read the lists in their entirety, but they were as follows:

Clerk

Helen Kuebler  
Jean Ritter  
Cathy Holbrook  
Deborah Hunter  
Frances Gates  
Kris Johnson  
Suzanne Demsey  
Sharon Yunker  
Bertha Greubel  
Charlene Appman  
Doris Parrott  
Linda Schiff  
Helen Middleton  
Norma Dickens  
Darlene McVeety  
Virginia Seybold  
Amy Helfert  
Martha Brinker  
Michelle Knapp  
Jennifer Althaus  
Eleanor Ann Wilson  
Betty Burton  
Mary Victoria Ohl  
Sharon Green  
Linda Webster

Angela Delgman  
Florence Hess  
Patricia Gossman  
Joan Page  
Linda Oldham  
Doretta Fairchild  
Susie Heberer  
Deborah Jackson  
Mary L. Rose  
Shirley Eidson  
Ruth Porter  
Dortha Buente  
Lynda Naylor  
Lorraine Dean  
Dorothy Wolf  
Jacqueline Head  
Kendra Martin  
Janet Ward  
Jean Whicker  
Tracy Statz  
Lee Crow  
Judy Bumpus  
Deborah Mottley  
Sandra Rust

Auditor

Sam Humphrey  
Cindy Mayo  
Peggy Powless  
Karen Joest  
Gloria Evans  
Terri Woodward  
Dolores Gugin  
Janet Watson  
Anne Virgin  
Michele Nolan  
Jean Haskins  
Lena Sherman  
Terri Riney

Joanne A. Matthews  
Dona Reheman  
Shirley Ankenbrand  
Dorothy Wilson  
Tabreccia Millender  
Marie Dunn  
Bettye Miles  
Betty Franklin  
Kathy Ewers  
Vanessa Adams  
Martha Calkin  
Marian Ellsperman

Sheriff

Clarence C. Shepard  
Michael Craddock  
Gary O'Risky  
David Ludwig  
William Roberts  
Gary Kassel  
John Ruetter  
Soney Banks  
Michael Sturgeon  
Robert Beckham  
Bruce Crider

James Fravel  
James Moers  
Jimmie R. Tucker  
S. Lee West  
John Lancaster  
Tim Lennartz  
Gerald Castrup  
Clifford Trainer  
Peter Swaim  
Terry Hayes  
Phillip Strange

Thomas Rademacher  
Stanley Garrett  
Kenneth Patterson  
John B. Ellsworth  
Thomas Brandsasse  
William Coleman  
Stepnen Sparks  
Joseph Winfield  
Michael Austin  
Larry Craddock  
John Engelbrecht  
Michael Hertweck  
Mary Klaser  
Charles LaVanchy  
Stepher Moser  
Roy Perkins  
William Roland  
Michael Taylor  
David Wedding  
Steven Clark  
Jacqueline Trail  
Billy Denton  
Thomas Wallis  
Marvin Cooper  
Robert Hahn  
Steve Lockyear  
Kelli Seddon  
Roy Burris  
Stuart Van Meter  
Paul Bice  
Mark Sloat  
Robert Tribble  
Timothy Heath  
Jeffrey Johnson  
Robert Miller, Jr.  
William Pierce  
Dale Thene  
Fennes B. Shoulders, Jr.  
Richard Hildebrandt

Recorder

Bob Steele  
June Reuter  
Sally A. Dicks  
Linda Wilson  
Mary Ruth Dorsett

Surveyor

Robert W. Brenner  
William Jeffers  
Linda Freeman  
Wayne Pasco

Coroner

Charles R. Althaus  
Richard A. Woods  
Stanley Michael Ford  
Alice C. Fox

Prosecutor

Robert J. Pigman  
Christian M. Lenn  
Robert E. Zoss, Sr.  
Jerry Atkinson  
James Ethridge  
Doug Brown  
Sandra L. Millard  
Susan Johnson

Michael Daws  
Steven Schnell  
Ronald Hartmann  
Sandi Schuler  
Kenneth Collins  
William Droll  
Stephen Griggs  
Danny Armstrong  
Ronald Brown  
Dennis Daniel  
Michael Forshee  
Michael Jones  
Randall Korff  
Frank Lutz  
Jerry Oschner  
James Poston  
James Spence  
Kent Todisco  
Robert Carl  
Kenneth Mitz  
Michael Duckworth  
Rodney Buchanan  
Richard Bennett  
Timothy Eli  
Derrick Johnson  
Kenneth Roy, Jr.  
David Weiss  
Danny Hape  
Robert Vessels, Sr.  
Byron Klaser  
John Strange III  
Thomas Wedding  
Eric Hermann  
Michael Kingston  
Ronald Newman  
Lois Scruggs  
Michael Higdon  
Oliver Hayek  
Johnie Mayer

Elizabeth A. Bennett  
Patti Gullatte  
Debra Gayle Becker  
Sharon E. Kohtala

Thomas Goodman  
Charlie Davis  
Alice Louise Williams  
Rodman

Michael J. Danks  
Stanley M. Levco  
Richard D'Amour  
Charles Spaetti  
Steve L. Bohleber  
Steve Owens  
David Jackson  
Carol Hustace



Angela Mitchell  
Susan Mattingly  
Nancy Schmitt  
Doloris Savage  
Deputy Pros. (PT)

Bettye Norrick  
Debra Jo Day  
Barbara Clark  
Deputy Pros. (PT)

IV-D Support Division

Nancy Hankins Long  
Mary Jo Kingon  
Lisa Conling  
Sheryl Weiss

Bernice M. Roth  
Sylvia Y. Ruetter  
Benjamin E. Haddox, Jr.  
Rita Jo Ford

County Assessor

James L. Angermeier  
Zreeta Hardin  
Evelyn Lannert  
LaTosha Pitt  
Carolyn Garrison

Monica E. Mindrup  
Cheryl Lawrence  
Frank A. Papriella  
Madge Bunker  
Janice Lindauer

Armstrong Assessor

Wilbur G. Kron  
Randall Kron

Center Assessor

Alvin E. Stucki  
Gary Lee Coursey  
Patricia Ann Altman  
Angela J. King

Janet R. Stucki  
Rebecca A. Fulkerson  
Debbie A. Burch

German Assessor

Gary W. Wagner  
Karen A. Wagner  
Margaret Effinger

Perry Assessor

Harry A. Tornatta  
Glen E. Koob  
Karen J. Swartz  
Nancy L. Locke

Knight Assessor

Al Folz  
Jerry Zeller  
Helen M. Hammer  
Dorothy M. Cole

Shirley J. Reeder  
Lillian N. Tibbals  
Tonya Ann Kolley

Pigeon Assessor

Robert T. Dorsey  
Kraig M. Nance  
Mary Ann Eickhoff  
Mary Joan Payne

Joan M. Dorsey  
Judith Stricker  
Betty Radcliff

Scott Assessor

Bob F. Harris  
Norma Miller  
Gladys Martin

Union Assessor

John R. Bernard

Voters Registration

Paul J. Bitz  
Travis Rayburn  
Barbara Bolan  
Pamela Bailey

Susan K. Kirk  
Virginia Massey  
Cathleen Gorman  
Carmen McAtee

Co-Op Extension Service

Jack D. Wade  
Linda Thomas  
Jane E. Jetts  
Susan Plassmeier  
Rosalie Mesker

Betty M. Bumb  
Ella Mae Sheets  
Larry Caplan  
Randy Brown  
Janice Dougan

Area Plan Commission

Barbara L. Cunningham  
Chris Forney  
Brenda Hill  
Virginia Wirthwein  
M. Irene Mastison

Joseph Ballard  
Beverly Behme  
Kathryn Young  
Betty J. Gilles

Drainage Board

Robert L. Willner  
Richard J. Borries  
Shirley Jean Cox  
David V. Miller  
Curt John

Veterans Administration

Carl M. Wallace  
Mark D. Acker  
Judith A. Arensmann

Commissioners

Richard J. Borries  
Shirley Jean Cox  
Curt John  
Michael T. Wathen

Robert L. Willner  
David Miller  
Margaret Meeks  
Rebecca J. Kachunuk

Jail

Peter L. Evers, M.D.  
Sue C. Mann  
Gloria J. Grant  
James Basham  
James Ayers  
Arlita Small  
Paula Rodenberg  
Clint Fussner  
Doris L. Karns  
Pamela J. West  
Roxanna C. Roy

Mary E. Imel  
Roxanne Beckham  
James M. Chapin III  
David E. Roy  
James W. Oldham I  
Dan Collins  
Mark Russler  
James A. Tucker  
Kimberly DeWitt  
Brian H. Korn  
Deanna M. Gass

Weights & Measures

Loretta Townsend  
Gary Anderson

Supt. of Buildings

James E. Lindenschmidt  
Bennie Gossar, Jr.

Circuit Court (136)

William H. Miller  
Linda Sumner  
John Brinson  
Barry Standley  
Kenneth Henson  
Robert L. Saunders, Jr.  
Katherine Baird  
Leslie Freeman  
Dennis Heathcott  
Michael Peeler  
Helen Reed  
Verner Solomon  
Oscar Kirkpatrick  
Raymond P. Knoll  
Denise Karcher  
Melvin MacGregor  
Scott Sullivan  
Mark Acker  
Michael Lotz  
Russell Sumner

Lucille Smith  
Wanda Ringham  
Terry White  
Karen Scott  
Larry McDowell  
John R. Mueller  
Connie Gard  
Harris Howerton  
Norman G. Hoskinson  
Karen J. Destache  
Benjamin Evans  
Dennis Howard  
Donald Vowells  
Todd Corne  
Darren Newman  
Norman Hoskins  
Frank Flemington  
Dennis Hudnall  
Donald Landers

Circuit Court (260)

Paul Wollenmann  
William Martin  
Janet McConnaughay  
Roy Weightman  
Harris Howerton  
John Voight  
Norman Hosdkinson  
Metty Craig  
Benjamin Evans  
Patricia Walker

Gilbert Schiff  
Edward Montpetit  
Dennis Heathcott  
Kenneth A. Henson  
Justus Hurd  
Robert L. Hart, Jr.  
Michael Peeler  
Janice Sloat  
Weston A. Heinrich

Circuit Court (276)

Paul. Miller  
Kathleen Payne  
John Wiseman  
Paul Arrstad  
Laura Pate  
Janet Hamer  
Tracy Thread

Hugh Nicholas  
Anthony Sullivan  
Michael Kummer  
Mary Lloyd  
Rachel Maasberg  
Thomas Montgomery

Drug & Alcohol

William M. Campbell  
Deborah A. Ransom  
Sheila M. Short

Carl A. Miller, Jr.  
Sherri L. Page  
Deloris L. Koch

Auditorium

Gyneth J. Rhodes  
Ruby Norris  
Geroy McNary  
Dwight Taylor

Geraldine Gass  
Sylvester Lipson  
Bruce L. Cook

Burdette Park

Mark Tuley  
Joyce Moers  
Steven Draig  
Oliver Spencer  
Brenda Mitz  
Nancy Buckman  
Todd Halbrook  
Bruce Crider

Donald Chambliss  
William Murphy  
Arthur Pagett  
Perry Gostley  
Thomas Goodman  
Todd Halbrook  
Laural Martin  
Michael Taylor

Legal Aid Society

Sue Ann Hartig  
Karen Gayle Paulin

Kevin Dean Gibson  
Kathleen Ann Powers

County Council

Robert Lutz  
William Taylor  
Mark Owen  
Mildred Ahrens  
Jo Ann Utley

Curt Wortman  
Harold Elliott  
Betty Hermann  
Alan Kissinger

Human Relations

Timothy Allen Young

Hillcrest-Washington Home

Carolyn Kirby

Highway

William L. Bethel  
Mark Alan Montgomery  
Sidney Brown  
Lillian N. Young  
Ralph A. Easley, Jr.  
Jackie L. Crawford  
Cecil D. Sills  
Larry J. Phillips  
Gary R. Page  
Harold Lee Stuckey  
Albert E. Gartner  
Ronald N. Martin  
John R. Keown  
James D. Smith  
William D. Dickinson, Jr.  
Richard W. Sebree  
Roy W. Tuley  
Terry K. Calkin  
William V. Boring  
Freddie R. Blair  
Donald W. Williams  
Harry A. Woods  
Delbert J. Deig  
Andrew S. Wade

Cletus J. Muensterman  
Milton Hayden, Jr.  
Susan Elaine Kirk  
Lee Stuckey  
Donald J. Gartner  
Thomas Lee Waterman  
Dennis Merideth  
James R. Triplett  
Kirk B. Humphrey  
Raymond E. Cook  
Darryl Chamberlain  
Harold Steckler  
Tracy Leon Jones  
Daniel V. Gossman  
Jeffrey Glen Mitchell  
Roger A. Ritter  
Robert Earl Smith  
Alan E. Groves  
Clayton Jenkins  
Dennis E. Dooley  
Sam Robinson  
Larry J. Babbs  
Thomas J. Schmitz

Cumulative Bridge

Dan Hartmann  
James A. Coleman  
Timothy Carl Miles  
Danny Ray Gatewood  
Joseph Gerard Schapker  
Delbert Pinkston

Scott A. Davis  
David Jon Austin  
John M. Garrett  
John Allen Culver  
James R. Carrigan

Prosecutor/Adult Protective Services

Terry L Ruark

Misdemeanant Housing

Alfred Leon Askins  
James K. Boyd  
Glamer M. Taylor  
Emily d. Landers

Convention & Visitors Bureau

Thomas S. Heaton  
Kimberly D. Tepool  
Myrtle M. Masterson

Yolanda Bowling  
Janet M. Fisher

Re-Assessment/Armstrong

Wilbur G. Kron

Re-Assessment/Center

George Gossard  
Michael D. Moers  
Alvin E. Stucki

Re-Assessment/German

Gary W. Wagner  
Marshall Neal  
Adrian WEilson  
Margie Hartmann

Betty Singer  
Bob Dezember  
John Tragaser  
Lester Helfert

Re-Assessment/Knight

Diana R. Fritchley

Re-Assessment/Perry

Harry Tornatta

Re-Assessment/Pigeon

Robert T. Dorsey  
Paul E. Hatfield  
Coordinator (Unfilled)

Re-Assessment/Union

John R. Bernard

Re-Assessment/Scott

Marcia Roberts  
Norma Miller  
Marvin Lundy  
Doris Bailey  
Darrell Hart

Gladys Martin  
Harvey Seabold, Jr.  
William Olstad  
Jo Ann Hart  
Bob F. Harris

Armstrong Trustee

Wilbur G. Kron  
Emily M. Kron

Knight Trustee

Ronald J. Saulman  
Sharon Lynn  
Emarie S. West  
E. Annette Dickman  
L. Cova Morris  
Rose Borries  
Florence Hess  
Tom Shetler, Sr.

Pigeon Township Trustee

Doratheia M. MacGregor  
Raymond J. Wilm  
David Shaw  
Bettye C. Duggins  
Mary L. Hall  
Mary L. Lancaster  
Margaret M. Sallee  
Winfield Ong  
Billie A. Watson  
Margaret Lucille Lambert  
Michelle Gubler

Mary D. Williamson  
Callie M. Rogers  
Supervisor (Unfilled)  
Ruth Anslinger  
Mary E. Jart  
Donna S. Jones  
Nancy B. Walters  
Imogene Evans  
June Hallenberger  
Odie F. Harlan  
Virginia Landers

Center Township Trustee

Wilbur J. Schmitt  
Donna J. Fritts  
James L. Ritter

Barbara A. Besing  
G. Richard Eykamp  
John R. Gerard

Scott Trustee

Barbara Harris  
Bob F. Harris

German Trustee

Fred Happe  
Mary Happe  
Ron Hartman  
Tim Bishop  
Phil Strange

Perry Trustee

Norman "Red" Mosby  
Betty Jean Hempfling  
Norma J. Smith  
Mary Cooper  
Llopyd Jost  
Jerome Richey  
Robert Koressel  
Jack Caine

Union Trustee

John R. Bernard

Superior Court

Terry Dietsch  
J. Douglas Knight  
Robert W. Lensing  
William J. Brune  
Ralph E. Moore  
Donna F. Baumeyer  
Georgia Williams  
Deborah L. Ray  
Sarah L. Cooper  
Roberta J. Jourdan  
Donald Lee Erk, Sr.

Thomas Lockyear  
Scott R. Bowers  
Maurice C. O'Connor  
Barbara C. Williams  
Laura A. Cunningham  
Debra M. Settle  
Karen Flittner  
Mary M. Clark  
Sharon J. Boardman  
Denzil E. Reed  
Edward J. Davine

Alvis C. Herrenbruck  
Louis J. Carnaghi  
Bart F. O'Connor  
Eileen Baker  
Joycelin G. Brinkmeyer  
Theodore F. Gore  
Jill L. Hendricks  
Daniel J. Wagner  
Albert C. Folden, Jr.  
Nina L. Lockyear  
Jane L. Schmuck  
Devonna K. Brown  
Richard D. Jewell  
Rosemary Norbury  
Ronald J. Freeson, Sr.  
David M. Shaw  
Barton Alan Bates  
Gloria J. Fark  
Arletta L. Turpin  
Danna L. Harpole  
Jeri L. Werner  
Carolyn J. Prior  
Jeffrey L. Lantz  
Paul V. Partington

Frederick E. Althaus  
James T. Barron  
Gregory W. Combs  
Ronald S. Barron  
Patricia E. Fischer  
Joseph R. Lutz  
Bernie E. Faraone  
Mark G. Dremstedt  
Mary J. Herdman  
Marilyn E. Hess  
Debbie K. Wallace  
Rebecca M. Ledbetter  
Toni A. Brinson  
Stephen C. Haas  
David N. Lamont  
Mary Lee Hahn  
Fred O. Vetter  
Mildred Morgan  
Brenda L. Robbins  
Lori M. Gauer  
Karen A. Haas  
Teresa J. Wargel  
Sigmund V. Labhart, Jr.  
James F. Cole

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Work Report/County Garage: Mr. Bethel submitted copies of the Work Report for Employees at the County Garage for period of December 28, 1987 thru January 1, 1988.....report received and filed.

Gradall: Happe Rd. and Mann Rd.

Trash: River Rd., S. Weinbach, Lynn Rd. and Koressel Rd.

Front Loader: Picked up dirt on east side of St. Joe Avenue

Tree Crew: Bayou Creek and Hillview Rd.

Patch Crew: Detroy, Mesker Park, St. Wendel Rd., Waterworks Rd., Boonville-New Harmony Rd.

Grader: Graded and rocked St. Wendel Lane, Rollett Lane (shoulders) and rip-rapped Old Petersburg Rd.

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

- Repaired guard rail on Columbia St. overpass and cut grass and weeds
- Cut grass and weeds around bridges and guard rail on Nisbet Station Rd.
- Cut weeds around bridge on Schroeder Rd.
- Repaired guard rail at 10002 Hogue Rd.; also cut weeds and grass from culverts, bridges and guard rail on Hogue Rd.
- Cut grass at bridges and guard rails on Baseline, Seven Hills, Boonville-New Harmony and Kansas Rd.
- Cut hole in washout on Volkman Rd. and dumped rock in washout and picked up old guard rail

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



RE: COUNTY ATTORNEY - CURT JOHN

Proposed Ordinance re Open Burning: Attorney John said he has the revised version of the Open Burning Ordinance. It needs to be advertised twice (Thursday, December 7th and Thursday, December 14) and the Public Hearing can be held on January 19th.

Commissioner Borries noted the Commissioners Meeting will be held on Tuesday, January 19th, due to the fact that all County Offices will be closed on Monday, January 18th, in observance of Dr. Martin Luther King's birthday. This is a night meeting and will begin at 7:30 p.m.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Borries, the secretary was instructed to advertise the Public Hearing concerning the Proposed Ordinance re Open Burning.

It was noted by Commissioner Borries that despite the recent heavy rains our area still had about 7" below normal rainfall for the year and we could perhaps still face a crisis in the spring.

RE: COUNTY ENGINEER - ANDY EASLEY

Peach Blossom Lane: In response to query from Commissioner Borries concerning the Peach Blossom Lane situation, Mr. Easley said he and Mr. Bethel looked at this and he is going to contact Union Federal this week.

Audubon Estates & Brookview Heights: He and Mr. Bethel also looked at these subdivisions and he reported to Jim Morley that these areas needed a couple of items before he can recommend acceptance.

Road Paving Program: Commissioner Borries said he thinks he asked at the last meeting that Messrs. Easley and Bethel prepare a proposed list of roads to be included on the paving program for 1988.

Mr. Borries said he knows that in the past Mr. Easley has prepared a preliminary list based upon what he feels the cost per mile for the asphalt will be, and he thinks he has been very successful in relation to his formula (particularly in letting the contracts as the roads become due, and there have been some competitive bids). Sometimes it has depended upon road location as to which firm has handled those bids -- in relation to where their asphalt plants are located. He asked if we want to set a date at this time for the Public Hearing on roads?

Commissioner Willner advised that the City did not take J. H. Rudolph's bid this year; rather, they took Jerry David's bid, which was the low bid. Sometimes the County is more flexible than the City

Commissioner Borries said he likes the competitive nature of what has been set up in the last year, based upon the estimates submitted by Mr. Easley and the actual price. The two figures seemed to be very close. He thinks it helps the budgetary process, for one thing, if you're able to determine exactly how much money you have available for the various roads.

It was the consensus that we're probably a couple of weeks off yet insofar as setting a Public Hearing date.

Mr. Easley said he doesn't think there is any need to have a Public Hearing much before the first of March, when we've seen what the winter weather has done to the roads. In the interim, a preliminary list can be prepared.

Mr. Easley said they have to measure the mileage and width of pavement and get all of that into the computer and determine quantities and unit prices and then get a bid price.

Commissioner Borries said Mr. Easley might add a portion of Staser Rd. near Highway 41 to that list. This road seems to be pretty well traveled at this time.

Mr. Easley said he knows where Mr. Borries is talking about.

Commissioner Willner said there was some talk about this at one time when an interested prospect was looking at that corner lot and he did want the county to update that road -- but that deal fell through.

At the suggestion of Commissioner Willner, Mr. Easley said he will check with the State as to whether or not they are through using certain roads as an alternate route. If they aren't, then we won't want to repair them yet.

RE: FINANCIAL REPORT - BURDETTE PARK

President Borries presented the following Financial Report which had been submitted for Burdette Park for period ending November 30, 1987:

1987 STARTING BUDGET

1987 Budgeted	\$ 456,318.00
1986 Encumbered by P.O.	0
1986 Encumbered by Contract	\$ 66,368.84
Additional Appropriation	<u>\$ 175,289.14</u>
Total 1987 Budget	\$ 697,975.98

EXPENDITURES & BALANCE 1/1/87 TO 11/30/87

Total Expenditures	\$ 632,735.07
Total Balance	\$ 65,240.91

INCOME 1/1/87 TO 11/30/87

Pool	\$ 186,998.10
Rink	\$ 26,214.50
Rentals	\$ 70,494.50
Miscellaneous	<u>\$ 23,926.50</u>
Totals	\$ 307,633.60

11/30/87

Total Expenditures	\$ 632,735.07
Total Income	- 307,633.60
Deficit Sub-Total	\$ 325,101.47
Less Capital Improvements	<u>- 104,128.84</u>
Total Deficit	\$ 220,972.63

Commissioner Borries said we do not yet have the figures for December, but in terms of revenue we jumped to \$307,633.60 and he doesn't Burdette Park has ever taken in this much. Even with all the capital improvements being advertised, in regards to the formula Mark Tuley works up, the total deficit is down. We still have another month's statistics to go -- but the deficit at this point is only \$220,972.63 and the Board is pleased to see this..

RE: PUBLIC OFFICIAL BONDS

Upon motion duly made by Commissioner Willner and seconded by Commissioner Borries, Public Official Bonds were accepted for the following, to be transmitted by the Secretary to the County Recorder for recording:

Curt Wortman  
Mildred Ahrens  
Mark Owen  
Stanley M. Ford

William Taylor  
Harold Elliott  
Robert Lutz

RE: APPOINTMENTS TO AREA PLAN COMMISSION

Upon motion duly made by Commissioner Willner and seconded by Commissioner Borries, Al Bauer, Jr. was appointed to serve on the Area Plan Commission. So ordered.

With regard to representative of the Board of Commissioners to serve on the Area Plan Commission, Commissioner Willner said he has been on the Area Plan Commission five (5) times in the last several years and he does not want to represent the Commission this time around. He suggested Commissioner Borries might want to talk with Commissioner Cox when she returns to see if she wants to serve.

RE: BUILDING COMMISSION

The meeting proceeded with the Chair recognizing Mr. Roger Lehman, Building Commissioner. He said he just wants to provide an update concerning the Kay's Health Club property. The new owner had indicated he would have this torn down by the end of November, but this hasn't been accomplished yet. His attorney found a clouded title, which they're trying to work out -- but this will take some amount of time. In the meantime, nothing has happened. The driveways have not been barricaded, even though he asked the owner twice to do this and the owner indicated both times that he would do this -- but he still hasn't done it. Mr. Lehman said he is of the opinion that we probably ought to go ahead and take care of this matter or we're going to be living with this thing another six months. It is his recommendation that he contact the low bidder from June of last year to see if he will honor the same bid price for raising the property and, if so, proceed. The bid was \$1,495.00.

Commissioner Borries said he thinks the County has shown good faith.

Commissioner Willner said, "Really, this building sitting up there is not hurting anybody. No one is real close to it -- the neighbors are across the road. He doesn't see that it hurts to wait. He asked if the cover is still over the well?

Mr. Lehman said it is and the doors are still secured.

Commissioner Borries said he'd like at a minimum to see the entrance either wired or roped off.

Mr. Lehman said he talked with the owner last Wednesday or Thursday and he said he'd have someone out there the next day -- but it hasn't been done yet.

Commissioner Willner asked that Mr. Lehman contact the owner one more time. If the matter is not handled by next Wednesday, then the Commissioners will be inclined to proceed with demolition.

Commissioner Borries said we've been through this and we've asked whoever owned the property at any given time to act in good faith. But it surely seems to him that at a minimum to block off the entrance would surely deter potential vandalism. He requested that Mr. Lehman provide the Board with a further report next week.

Vanderburgh Auditorium Air-Conditioning: Mr. Lehman advised that he has been contacted by four (4) engineering firms with regard to the air conditioning system for the Auditorium. They are supposed to have their statement of qualifications and costs to him by next Friday January 8th. He will provide the information

to the Commissioners on January 11th as to the identify of the firms and their cost estimates -- and the matter can be taken under advisement for one (1) week.

RE: SCHEDULED MEETINGS

Wed.	Jan. 6	2:30 p.m.	County Council Meeting
Mon.	Jan 11	9:00 a.m.	County Assessors Meeting (Room 307)
Mon.	Jan. 11	2:30 p.m.	Public Hearing re Vacation of East Tennessee Street
Mon.	Jan. 11	4:30 p.m.	Board of Commissioners Executive Session

Commissioner Borries said the Executive Session will be held immediately subsequent to the regular Commissioners Meeting on Monday, January 11th, for purposes of discussion re the matter of Lew Volpe, the past Vanderburgh County Treasurer.

RE: CLAIMS

Bowers, Harrison, Kent & Miller: A claim in the amount of \$2,349.43 for legal fees re several cases in litigation was presented for approval.

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

RE: EMPLOYMENT CHANGES

Center Assessor (Appointments)

Gary Coursey	R.E. Deputy	\$19,140/Yr.	Eff: 1/1/88
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RE: 911 EMERGENCY SYSTEM

Commissioner Borries said he has not yet been able to contact Mr. Larrison of Ameritech. Has Mr. Lindenschmidt heard anything from him?

Mr. Lindenschmidt said he will be trying to call him first thing tomorrow.

Commissioner Borries said he will try to have a report for the Board next week concerning this matter.

RE: OHIO STREET BRIDGE

Commissioners Borries and Willner indicated they have some questions concerning the Ohio Street Bridge and will try to resolve these next week.

There being no further business to come before the Board at this time, President Borries declared the meeting adjourned at 4:50 p.m.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R. J. Borries	Cindy Mayo	Curt John
	R. L. Willner	(Chief Deputy)	
	S. J. Cox		
	(Absent - on vacation)		

COUNTY COMMISSIONERS  
January 4, 1988

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COUNTY HIGHWAY

Bill Bethel

COUNTY ENGINEER

Andy Easley

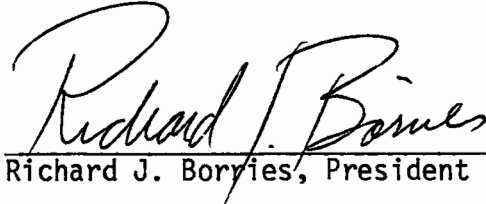
BLDG. COMMISSION

Roger Lehman

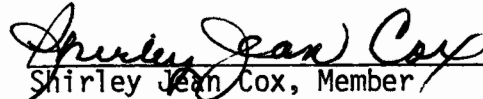
OTHER

News Media

SECRETARY: Joanne A. Matthews

  
Richard J. Borries, President

Robert L. Willner, Vice President

  
Shirley Jean Cox, Member

MINUTES  
COUNTY COMMISSIONERS MEETING  
JANUARY 11, 1988

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MINUTES  
COUNTY COMMISSIONERS MEETING  
JANUARY 11, 1988

The Vanderburgh County Board of Commissioners met in session at 2:35 p.m. on Monday, January 11, 1988, in the Commissioners Hearing Room, with President Rick Borries presiding.

President Borries called the meeting to order and welcomed Commissioner Cox back and wished everyone a Happy New Year.

RE: APPROVAL OF MINUTES

President Borries asked for approval of the minutes of December 7, 1987. He stated that he had not had time to review the minutes of December 28 and January 4, 1988.

Ms. Cox called attention to the minutes of December 7, 1987, on page 37 about halfway down the page, in reference to the 911 emergency system, the date of the letter that President Borries is referring to, should be December 1st, not December 31st. (The letter was from President Borries to Mr. Larrison (spelled with two rs)).

Upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, the minutes of December 7, 1987 were approved as engrossed by the County Auditor and the reading of same waived. So ordered.

RE: PUBLIC HEARING ON VACATION OF EAST TENNESSEE STREET

President Borries stated that a new problem had entered into this particular issue.

Mr. Willner said, "Our Council tells us, since this has already been advertised for public hearing, that we should go ahead and see if there are any remonstrators."

Mr. Borries said, "The issue is, since the last time that this Commission heard this matter, the official annexation petition from the City of Evansville was approved by the State of Indiana, so that this particular area, East Tennessee Street, is now inside the newly annexed City Limits of the City of Evansville."

Mr. Borries asked if there were remonstrators present who would like to speak on the vacation of East Tennessee Street.

County Attorney, David Miller said, "Mr. President, it would be my suggestion, first of all, my preliminary opinion, just off the top of my head, is that upon the effectiveness of the Annexation, this Body lost jurisdiction over the section of Tennessee Street that is in question; however, since an advertisement has been issued and the petition is on file, I would suggest that this Board, since there are no remonstrators present, this Board can go ahead and vote on the question and I can then do final research to determine whether the vote has any affect. If you vote, and the vote has no affect, because you have lost jurisdiction, then it is an annulity, and if you vote and it turns out that you do have jurisdiction, then the job is done, so I would suggest that you go ahead and cast your votes and we'll determine within the next week if it was jurisdictionally affected."

Mr. Borries said, "In order to move this meeting along, before we do this, let's go back to Item 3 for approval."

RE: AUTHORIZATION TO OPEN BIDS FOR HEATING, VENTILATION  
AND AIR CONDITIONING FOR HILLCREST HOME.

A motion was entertained to authorize the County Attorney to open the four (4) bids received for heating, ventilation and air conditioning for Hillcrest Home.

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

Mr. Borries said, "Commissioner Cox reminded me that our legals on this advertisement were due at 2:30 p.m., which is the beginning time for our meetings. Are there any other proposals at this time, before the attorney opens these?"

Being no further proposals to submit, it has been moved and seconded for County Attorney to open said bids.

RE: VACATION OF EAST TENNESSEE STREET (CONTINUED)

Mr. Borries said, "Mr. Staser is here on the vacation of East Tennessee Street." He then asked Mr. Staser to give an update on any activities concerning this request.

Mr. Borries continued, "Under the Attorney's advice, we may ask for a vote following your presentation."

Mr. Staser said, "The only way we could use Oak Grove Road for access in any event would be that people would be using that to go down to Cullen Avenue and past the Lumber Company, so it would not be feasible to use this road going to the south because you could not get across Green River Road. There would be no left access at all."

Mr. Staser continued, "We talked to Mr. Ryan about extending Cullen Avenue and he was adverse about it because he said this is not his property. It is Mr. Harp's."

Mr. Staser said, "The bottom line is that Mr. Harp is going to have to put roads in there to successfully redevelop that area."

After more discussion, it was stated that by keeping part of Tennessee Street open to Green River Road, it would be providing both an ingress and regress for traffic.

(Parts of Mr. Staser's presentation were inaudible.)

Mr. Borries entertained questions from the Board to Mr. Staser.

Commissioner Borries said, "For the record, the part that you say will remain open, is still the first 50 feet where there is currently a curb cut near the bakery. Is that correct?"

Mr. Staser answered affirmatively.

Mr. Borries asked if the Board was ready to vote on the matter.

Mr. Willner said, "There have been some pros and cons with the planners in that area. I would like to keep the options open and say that when that property is developed, that curb cut will be used and that we will have a chance to approve that."

Mr. Staser said, "I think, Mr. Willner, that logically speaking they are going to have to use that curb."

Commissioner Willner made the motion that the vacation be approved, with a second by Ms. Cox.

Ms. Cox said that she did have a question of Mr. Staser and asked if he did have a corrected petition for vacation showing that this is good.

Mr. Staser said he did not have a corrected petition, he corrected the Ordinance.

Roll call vote was called, with all Commissioners voting "yes."

Mr. Borries added, "In regards to part of his reasoning, which he did not want to say before the vote, but I think there is such a thing as too many streets and looking at things realistically in this area, Vogel is going to be extended at some point to the east and I think it is naive to think that we are going to have a grid that is going to have streets all that close together and I think the other obvious problem that there would be is that there would never be any left hand access unless you were able to put some kind of a curb cut in there, which would be very poor traffic planning. If Vogel is extended in the future, to the East, and if Virginia Street is extended to the East, there will be a grid system in place and also some other north-south streets that will be developing and I think that will be adequate to handle that traffic."

RE: OPENING OF ARCHITECTURAL & ENGINEERING DESIGN PROPOSALS  
FOR AIR CONDITIONING SYSTEM AT VANDERBURGH COUNTY  
AUDITORIUM/ ROGER LEHMAN OF BUILDING COMMISSION

Mr. Borries introduced Roger Lehman, representing the Building Commission on the opening of architectural and engineering design proposals for air conditioning system at the Vanderburgh County Auditorium.

Mr. Lehman said, "The information that we received is not a bid, it is a proposal for architectural engineering fees for docket preparation, construction drawings and construction inspection for the proposed improvements to the Auditorium. The proposals were not due in my office until last Friday and I did not look at them over the weekend, and I would ask that they be taken under advisement for a week and at that time I will confer with Tom Dorsey and discuss further each proposal with each firm and meet the Commissioners prior to the next meeting and come to an agreement on which of the four proposals that we wish to entertain. I will read the name of the firm and state that all proposals met the general requirements of the advertisement. I will read the name of the firm and their estimated total price for architectural engineering fees and ask that you take them under advisement:

K G V & S Architects.....	\$33,000.00
Midwestern Engineers.....	\$22,000.00
WSC Associates.....	\$20,300.00
Kramer Group.....	\$24,718.00

This will entail all architectural and engineering fees.

Commissioner Borries asked for questions of Roger. Being none, he entertained a motion to address Roger to examine these and give the Commissioners a report at the next meeting.

Motion made by Mr. Willner, with a second by Ms. Cox. So ordered.

Re: December Report for Building Commission

Roger Lehman presented a December report for the Building Commission and stated they may have the annual report done for the next meeting.

Re: Kay's Health Club

Roger Lehman said, "I have a report on Kay's Health Club. I talked to Mr. Wagner again today of his reasoning for not barricading the gates prior to what he had agreed with us. He indicated that the weather created problems, but he again agreed that he would have it done by tomorrow. He did explain that the problem with the deed was that there was someone listed as a deed holder that had not yet signed the release and it was a person who is hard to find. Once that person signs the release,

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we can proceed. I will be back next week and by that time if he doesn't have it barricaded off, I will come with my coveralls on."

Mr. Borries said, "Last week or the week before, we said that we would try to contact them one more time, this Gentleman, and we insisted that all entrances be blocked off to avoid any problems and that once you had made that contact, we had set some deadlines, so you have given us the report as you had pointed out, your recommendation to demolish by indeed next week."

Ms. Cox reminded Roger that the meeting for next week would be a night meeting.

Mr. Borries confirmed that this would be a night meeting and if Mr. Lehman could not make it, he can file a written report to us with your recommendation and what you have found out or whatever.

RE: REQUEST FOR LIABILITY INSURANCE FOR JAIL DOCTOR AND  
REQUEST FOR TELEPHONE INSTALLATION AT SHERIFF'S TRAINING  
FACILITY ON KANSAS ROAD

The Chair recognized Sheriff Shepard, who is present regarding liability insurance for the jail doctor and request for telephone installation at the Sheriff's Training Facility on Kansas Road.

Sheriff Shepard said, "Also, for the record for general information, you were speaking about annexation, prior to the first of the year, I met with the City Police Department and they do not have a facility, manpower, equipment or money to take over this right away, so we had several staff meetings and they asked that we continue investigation of that particular area until such time that they can meet the transition and go into it. We did this on the Lynch Road Annexation and it worked out very smoothly. We had no problems, and until such time that they can get the equipment and manpower out there, we have agreed to go ahead and do our night work patrolling of an extra car out in that area. I see no problem with that."

Mr. Shepard continued, "I have two items, the first one, I sent letters to you. This letter is to request the installation of a single line telephone to be installed at the Vanderburgh County Sheriff's Department Training Facility located on Kansas Road, R.3, Box 191. At the request of Jim Lindenschmidt, I required the approximate cost of installation of \$127.50. Mr. Lindenschmidt stated he can furnish us with a phone instrument for the installation. The Sheriff's Department can pay the cost of this installation, but not the charge from the Sub Station Utilities Account which amounts to \$47.52 per month. I respectfully request your approval on this request."

Motion to approval request made by Mr. Willner with a second from Ms. Cox. So ordered.

Sheriff Shepard continued, "Item Number Two is a very serious thing. I contacted Mr. Willner last week to give me authorization to meet with County Attorneys and research this. It has been brought to my attention by our Jail Doctor, Peter Evers that his expense for malpractice insurance for the Jail portion of his coverage will cost him \$5,762.00 for the year. He is employed by us on the Jail Budget at the annual salary of \$9,304.00 for 1988, Line Item #100.0-130.1-111. As you can see, he is losing money by having to purchase his own Malpractice Insurance and it will not be worth his time to continue working as many hours as he puts, in plus "on-call" and extra visits to the jail. Dr. Evers is very devoted in caring for the needs of our inmates and wishes to continue to do so. He is asking for assistance from the Commissioners to pay for his Malpractice Insurance or indemnify him from any possible lawsuit from the jail inmates whom he treats. David Miller is researching alternatives and will advise us of your options at the next meeting of the Commissioners. It behooves me to act on the

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situation expediently, as we are charged by law, for the health care of these inmates. As you know, a lawsuit could cost the County many times the cost of this insurance. I strongly recommend that we comply with our Jail Doctor's request."

Attorney Miller said, "After the Sheriff called me, we did initiate a little bit of research on this item and as one would expect, it is not within the province of the Governmental Body to pay the private insurance premium of an individual. I think the answer to this is, however, is reasonably straight forward. The first thing we need to do is get varification from Dr. Evers's insurance carrier that an exact amount of money is indeed attributable to his premium by reason of his service as Jail Doctor. Whatever that is, and then ask, if you are so disposed, ask the County Council to grant an increase in his salary to the extent necessary to cover this premium. That is the only way that I can think of to do. It is not appropriated for this Governmental Body, for this County to pay a private insurance premium. Just as it is not legal for you to pay a portion of my malpractice coverage just because you happen to be my client. There is a significant consideration here in that Dr. Evers is apparently experiencing a cost of approximately 45 to 50% of the entire amount of his compensation, just for the insurance to allow him to do this type of service. I am amazed by that number, but if that is what it is....that's what it is, and I imagine that if Dr. Evers quits, anybody else would have the same problem, so, if we are going to have a Jail Doctor, we are going to have to compensate him for the amount required to cover his expenses. That's the only way I can think of."

Sheriff Shepard commented, "He draws a salary of \$9,304.00. If he pays the \$5,762.00, we are actually paying him a salary of \$3,542.00. Even if he came to visit once a week, that would break it down to \$68.00 per day, and I don't think he can work for \$68.00 a day, plus, he is on call and he does come down here at least two to three times a week. He is available also for special cases. This is just his Jail Malpractice. It is not his private practice."

Attorney Miller stated that this would need to be verified before it was put on Council Call.

Mr. Borries questioned, "David, do we not have to indemnify him, regardless of whether we pay his malpractice insurance?"

Attorney Miller responded, "If he is a County Employee and it is so shown on the County Payroll, then, there is a statutory obligation on the part of the County, as long as he is acting in the scope of his authority, to indemnify him and it seems to me from that standpoint, that this should be free because of his malpractice."

Mr. Willner asked if there was a limitation on this, as far as being indemnified by the County.

Sheriff Shepard said, "He doesn't care, if you will indemnify him, he knows he is covered by the things he does, because he is AMA accredited, he just got reaccreditation for another two years, and he has been for a number of years, which means that he has all of the AMA standards."

Mr. Miller asked if Dr. Evers would do this anyway.

Sheriff Shepard said, "He is leaning toward, if we keep the salary the way it is and don't do something to indemnify him, it is not worthwhile for him financially to continue."

Attorney Miller said, "As Bob pointed out, there is a statutory indemnification; but my understanding is that he was not willing to stand with the indemnification, he wants the insurance."

Sheriff Shepard responded, "No, as long as he is covered, he said I don't care what you do as long as I am covered when I am here at the jail. That is all that I am worried about."

Attorney Miller said, "Let me get the statutes and I can answer the question in five minutes. If he is willing to accept the County Indemnification, he is covered by statute anyway."

Mr. Borries asked, "Is the doctor's name on the list of Vanderburgh County Employees for 1988?"

Sheriff Shepard answered, "We have a line item budget. He is under the Jail Budget, which is in your jurisdiction."

Ms. Cox questioned, "How do you handle the nurse?"

Sheriff Shepard responded that they have a line item for three (3) nurses.

Mr. Humphrey asked, "Do you have a line item budget for the doctor?"

Sheriff Shepard said, "Yes. The Line Item is 100.0-130.1-111."

Ms. Cox said, "I would rather see us include him under our County Insurance rather than to give him an additional salary, because he is going to have to pay taxes, withholding, and everything else on that."

Sheriff Shepard explained, "He (Dr. Evers) said premium was strictly for his jail malpractice. He keeps his separate practice on another policy."

Attorney Miller said, "I bet you, among other things, our insurer would get a great big lump in his throat if he thought that he was providing any kind of medical malpractice coverage for the County. That is another aspect that will have to be looked at if we go the indemnification route, because it is fine to have insurance, but if our insurance excludes this kind of occurrence, the indemnification that we would be giving would be Uninsured Indemnification and I am not sure about that."

President Borries said, "David, we will defer this until we get further information from our insurance carrier as well as you."

"One way or another Sheriff, we are committed to cover. I think it is good that you raised this issue to bring this out so that we are aware of it and we need to take steps at this time to make sure that he has coverage."

RE: TELEPHONE REQUEST/ AL FOLZ, KNIGHT TOWNSHIP ASSESSOR

Mr. Borries read a letter for telephone request from Al Folz, Knight Township Assessor:

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

RE: Additional Telephones

Dear Commissioners:

I am requesting two (2) additional telephone lines due to the annexation, reassessment and increase in businesses in Knight Township.

I would appreciate your immediate consideration.

Sincerely,  
/s/ Al Folz  
Knight Township Assessor



Mr. Borries said, "Jim Lindenschmidt, who just left our meeting, has given me the following information. He has itemized a labor, material, location, etc. at Location A, Location B. I am not sure about Location C."

Mr. Borries then recognized Al Folz and asked for comments.

Mr. Folz said, "We need more telephones because of increase in personnel for the assessment. I need A and B, I really don't need C. I really just need two (2)."

Mr. Borries said, "I do not know why he quoted the other, but he does give an indication....."

Mr. Folz explained that there was a request for three (3) phones, but they really only needed two (2).

Mr. Borries questioned, "I assume that you are going to need the one that says "with existing jack" and one that says with "Power pole." I am not sure, with enhanced features?"

Mr. Borries continued, "It says the above prices is a one time charge of \$15.00 added to each order "Firm", good for thirty (30) days."

Commissioner Borries then entertained questions from the Board.

Mr. Willner questioned Mr. Folz as to whether they had money in their budget for this, and asked who pays for the phones that they have in their office now.

Mr. Folz explained, "The County pays for the phones now. There is nothing in their budget for phones."

Ms. Cox questioned if this could possibly be paid for out of the Reassessment cost.

Mr. Willner asked, "In the out-townships, how are the telephones handled?"

Jim Lindenschmidt explained that "Out townships (Perry) has a line item for phones, but all phones in this building come out of the Commissioners Telephone Budget. As I understand, some of them are going to be hooked into this main computer system."

Mr. Bob Lutz explained, "The outlying townships have already put in their lines in their office. Where they are getting the money from, Bob, that's you and the County Council's problem."

Mr. Willner said, "I was under the impression that they give \$30,000.00 to somebody to run the program."

Ms. Cox questioned, "My question is, are we going to have all of the other township assessors that are located here within the building come to us with this same request?"

Mr. Borries explained, "I think Al points out here that, it's not only for the reassessment, you had some problems here with the Annexation as well as the increase in terms of Commercial activity, buildings and etc."

The Chair further explained, "I am not sure that all of the other townships are going to need two additional lines. Some of them may need one. Knight Township probably has surpassed Pigeon now in terms of total Commercial activity. I would think that it has."

Mr. Folz said, "We have 24,000 pieces of property."



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Mr. Lindenschmidt said, "I just called KLF, I don't know about this, they just brought this to me prior to the meeting, what the location A, B, and C are, but I told them what the request was and that I needed a price figure to see what it is going to cost. He questioned Mr. Folz, Do you know where locations A, B, and C are? Also, I told them that I do have one (1) flash phone in here, so we didn't need to buy that one instrument (Which is \$75.81)."

Mr. Willner said, "Let me make a motion to recess for a week."

Ms. Cox asked, "For what reason?"

Mr. Willner answered, "To see what the rest of the Townships are going to do."

Ms. Cox continued, "The only concern that I would have would be how much the monthly charge is going to be."

Mr. Lindenschmidt explained, "There will be no monthly charge except that these phones will be put on the main frame and the maintenance will be \$2.92 per month per phone. That will be the only monthly charge. This will be into our main frame down here and there will be no installation charge."

Ms. Cox said, "There would be labor charges of approximately \$170 some dollars, but he has to have these phones to do his work and we just okayed the Sheriff's Department, they have to have a phone out there at their place. I can't see delaying it another week. Let the other people come in and make their requests that they need additional phones to handle the load too."

Mr. Folz explained, "We need them as quickly as we can. We have to get on this Annexation, because we have to get the records in place for the Auditor."

Mr. Humphrey questioned how many pieces of property there is?

Mr. Folz said, "There are over 6,000 population "

Mr. Willner asked Mr. Lutz, "What did they give the out townships to run their reassessment program?"

Mr. Lutz said, "He did not have that information. It was all written down. There was nothing there for telephones. It was just for what it will cost them to hire their extra people."

Ms. Cox asked if this telephone request could be brought up later in the meeting.

Re: Report on Insurance (Indemnity)/ Jim Lindenschmidt

Mr. Lindenschmidt said, "I called about the insurance and our insurance excludes medical malpractice specifically; however, they are looking into the Coroner right now, or this new Pathology deal that they are talking about, in getting insurance for him and so that would be the only way that we could do this, if the Sheriff wants to look into it to see about including malpractice insurance for his doctor."

Mr. Borries asked, "So the option then, of him being a County Employee, his being included then, in the County's insurance is not really then an option to be considered."

Mr. Lindenschmidt continued, "He sort of questioned the fact whether this \$5,000 would be just for the Malpractice of the Jail."

Mr. Willner said, "We knew that we did not have Malpractice Insurance, but the question is, Do we have to indemnify Dr. Evers?"

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Mr. Lindenschmidt said, "The attorney said that Our Liability Insurance covers him under Medical, but the Malpractice Insurance is specifically excluded."

RE: TRAVEL REQUEST/ MARK TULEY

The Chair recognized Mark Tuley.

Mr. Tuley stated, "We have a Travel Request in today and what it is for is we are asking to attend again the Indianapolis Boat and Sport Show. The last couple of years we have been a part of the Visitor's Convention Center and we would like to have one of these shows of our own. That has already been secured. The Boat and Sport Show is four (4) days, February 11 thru the 14th and we do have money in our budget to cover the cost. We will be sending our Staff up there and I guess basically I need to know, first of all, is it alright for us to attend and second, what are we allowed? The cost of the hotel, I assume and I don't think we are so concerned with mileage, but mainly with the hotel rooms. We have a little bit of a problem I think, it's a four day show and we are going to have to shuffle our crew, because the following week-end we have the Boat and Sport Show here at the stadium, so to keep from paying overtime, I will send different people up back and forth. Basically, I need your approval for permission to travel."

Mr. Willner questioned as to about what dollar cost they are talking about.

Mr. Tuley answered that the whole project should be less than \$500.00.

Mr. Willner made the motion to approve the request for travel, with a second from Ms. Cox. So ordered.

Mr. Tuley stated than he had another item for the Commissioners today. He said, "We have about a dozen old banquet tables that we are getting ready to discard and chairs that we have no use for. We were going to pay somebody to haul them off, because we don't think they are actually good enough to send to the County Auction. A couple of guys from the Firefighters Union, they have a new headquarters, came and took a look at the tables and chairs and asked us if we were going to throw them away and they asked if they could have them. There would be no liability or anything if anyone would get hurt. They want to sand down the chairs and resurface the tables and we do not find it cost effective at all for us to do that. They said if the County was just going to throw them away, they would like to send you a letter of request for them or whatever measure it takes."

Ms. Cox asked, "Could they just haul them away for us at no charge?"

Mr. Tuley answered affirmatively.

Mr. Borries questioned Attorney Miller, "David, if these are marked "not usable", in other words, they would have to have Browning-Ferris haul them away, is there any problem with giving them to the Firefighters, per agreement, that they want to sand them down and it is not cost effective for Mark's employees."

Mr. Miller responded, "You declare them Abandoned Property."

Mr. Borries told Mr. Tuley, "Why don't you just send us a note that this is Abandoned Property so we would have documentation and then have an accompanying order from the Firefighters."

Mr. Tuley then said, "I would like to remind you that we have a joint meeting set up with the County Council, next Saturday, January 16, 1988, at noon, at the Park, to go over our Capitol

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Improvements Budget. Hopefully you will all be available to make it. The majority of the Council is going to be there and Come Hungry....I talked Carl Wallace into cooking."

RE: COUNTY ATTORNEY/ DAVID MILLER

Re: Bids on Hillcrest Home

Attorney Miller reported on Hillcrest Bids. "On the Hillcrest Bids, there were four (4) in number, all of these bids are in order, that is, they have all been properly signed, all are accompanied by the bid bonds and cashiers check in the proper amount.

J. E. Shekell, Inc., 424 E. Tennessee Street, Evansville, IN. \$238,923.00. (Included is a note that it does not include boiler removal.) Mr. Miller does not know if the specifications say anything about boiler removal and this is something that will need to be reviewed.

W.R. Sheet Metal, Inc., 1301 N. Harlan, Evansville, IN.  
Amount of \$275,300.00.

Schmitt Refrigeration, Heating & Air/Conditioning, Inc.  
200 S. Governor St., Evansville, IN.  
Amount of \$196,256.00 (Not including sales tax, which is not applicable anyway.)

A. C. Tilley, Inc., of Evansville, Indiana  
Amount of \$236,500.00.

President Borries entertained questions of the Board.

Mr. Borries said, "Our usual custom of procedure is to turn these bids over to the professional, who in this case is Mr. Tony Wilson, who has been the Engineer who drew up the specs."

Mr. Borries then asked Mr. Wilson what length of time he would like to examine these specifications in order to give the Board a recommendation.

Mr. Wilson responded that the recommendation should be ready by the next regular meeting.

Ms. Cox asked Mr. Wilson for an Engineer's Estimate on this particular bid.

Mr. Wilson responded that the Engineer's Estimate was for \$210,000.00.

Ms. Cox asked, "Do we have money approved in the County Council?"

Mr. Borries answered affirmatively.

Ms. Cox then asked what amount was approved by the Council.

Mr. Lindenschmidt read, "Approved money for heating and air-conditioning in the amount of \$260,100.00).

The Chair then thanked everyone for the bids and said, "We will turn these bids over to Mr. Wilson. He will review them and if he can come up with a recommendation for us at the next meeting, we would be very interested in hearing that, and I know that the Hillcrest officials are very anxious to continue this.)

Re: Findings on Sheriff Shepard's Request for Insurance

Attorney Miller said, "Since the Sheriff was in here, we have made the following determinations:

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First of all, the insurance carried by the County specifically excludes any liability for medical malpractice. The County has no current coverage for any position for Indemnification that we might find ourselves in with respect with this Jail Doctor. If it is determined that the Jail Doctor is an employee of Vanderburgh County, and I believe that there was a preliminary determination that he is, the County has an obligation under Indiana Code 34-4-16.5-5 to pay any judgement, compromise or settlement against the Employee when the act of omission causing the loss within the scope of employment and in the case of a claim or suit against an employee of a Political Subdivision when the Political Subdivision determines that paying the judgement is in the best interest of the Government. That leaves the door open to the determination that it is not in our best interest to pay it. Now, beyond that, Vanderburgh County has an Ordinance that has been adopted in Section 35.61 says that the Board of Commissioners shall Indemnify any official Deputy Sheriff or Employee of the County for all sums which the Official Deputy Sheriff or Employee becomes legally obligated to pay, by reason of judgement, compromise or settlement of claims or lawsuits for injuries or damages, provided the act or omission resulted in the judgement, compromise or settlement would be eligible for the furnishing of a defense provided the act or omission were within the scope of the Employee's duties and responsibilities and provided they were not the result of deliberate intention, and that the acts are not criminal acts. So, you have by Ordinance, made a determination that you are bound to Indemnify. This Ordinance makes the best interest determination and puts you in a position to indemnify."

Attorney Miller continued, "This is the situation that you are now in and it is interesting that Dr. Evers question is prisons, because you now find yourself without any insurance and with a legal obligation that you have already placed upon yourself to Indemnify. I would therefore suggest that you buy him the insurance, because if you don't, we are self-insured as to a Medical Malpractice claim and the insurance company will seek indemnification from you, if he buys his own insurance. If we buy the insurance and we name ourselves as an additional named insured on his policy to that extent, you may buy the coverage, because you are buying insurance for the County."

Mr. Miller said, "What you cannot do, is pay his premium and not be named insured."

Ms. Cox said, "He is telling us that we have an opportunity to get coverage for his actions for \$5,000.00 a year, and we can say, 'we will take care of you,' but it may cost us a lot more than \$5,000.00 a year even one application that would come up and you know the majority of the County's lawsuits that I see, since I have been on this Commission, with very few exceptions, have been Jail related."

Mr. Borries commented, "Legal cost alone, our usual rule has been that, in relation to any disputed claim, we would authorize the Attorney to enter into, perhaps, litigation. We would be faced with additional legal expenses and there is a prospect that you could win the issue."

Ms. Cox questioned, "Do we have \$5,000.00 in our Insurance Budget that we could pay this, or will we need to go before Council?"

Attorney Miller responded, "I am not sure that you can buy this insurance for \$5,000.00 and what was quoted to Dr. Evers was 'it is going to cost him \$5,000 more on his policy, with respect to his Jail practice.' If the County is covered, as an additional insured, I do not know if that insurance company would name the County as an additional named insured with this same fee. Theoretically they should, because the exposure is the same, but insurance companies do things in cash. I would say that you would have to have Dr. Evers inquire into this. We do need to

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varify that this is the additional premium. What I am telling you is that this County is exposed to a Medical Malpractice claim, and you are now uninsured on that."

Mr. Willner asked, "Where do you draw the line? The nurses are exposed to the same thing. What if the nurse would give the wrong pill to an inmate, so now you need three more."

Ms. Cox said, "No Bob, you don't. The Medical Profession is on a different tier than the employee and speaking from a personal point here (having a relative in the Medical Field) Malpractice Insurance has skyrocketed. The potential to sue a physician in the various areas is so great. I thought we had more than one doctor in the Health Department and I wonder what their coverage is."

Ms. Cox said, "When an elderly person comes in to our Health Department for a flu shot and they have a severe reaction which results in death, who is liable?"

Mr. Willner stated, "When we had the epidemic of the bad flu shot which they should never have given out, the Federal Government was liable because they released the serum. It was not Local Government."

Mr. Borries said, "I would want to check out the possibilities, but I believe that the whole purpose of what we have tried to do is get any insurance coverage, to reduce the exposure of the County. You are dealing with a high-risk situation and Medical Malpractice, as we pointed out, has been on the increase simply because of the hazards that are present in all areas of the population. I would think that being in the Jail population, those hazards would be increased enormously and I for one would want to proceed with the idea that we would want to be as cost effective as we possibly could, but in view of the problems that you could encounter in any kind of a Jail, the risk is always there and the risk would be something that could be far more expensive than trying to take care of this Malpractice Insurance."

Ms. Cox questioned Attorney Miller, "David, did I understand you to say that the County Council could give a raise to the Physician, and in turn he could pay his own insurance?"

Attorney Miller responded, "Yes, and if that were done however, the County would not be named as an additional insured and my fear is, now that we have researched this, that the insurance company would seize upon the County's obligation to Indemnify the employee and they may pay the judgement and then look to the County for reimbursement."

Mr. Borries asked, "So the question that we need to find out before next week is whether or not the County can be named as additional insured to this Medical Malpractice Insurance and to what extent."

Re: Compensation to Vanderburgh County Attorneys

Mr. Miller said, "You will recall that over the years, we have had a written agreement concerning compensation to the Vanderburgh County Attorneys that the Board has approved. I have one to submit for your consideration for 1988. Frankly, it is the first time that I have looked at it in three or four years. David Jones and I have been the same for so many years that we just submitted the same contract year after year; however, with David's replacement, it has necessitated a change here and there. There have been some developments over the last few years that have caused me to believe that a few changes are in order in order to clarify certain work that we have done and so I have a draft to submit to you on yellow lining, with changes and additions for your consideration and then we can discuss it next week. I will also be here next week, and if you have any questions at that time, I will try to answer them for you."



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Re: Performance Bond/ Woods Road Bridge Project

Mr. Miller stated, "At Andy Easley's request I have examined this Performance Bond on the Woods Road Bridge Project and assuming the amount of the Bond is correct, it appears to be \$169,000, and if that is right, then the Bond is in proper form for your approval."

RE: TELEPHONE REQUEST/KNIGHT TOWNSHIP ASSESSOR

Mr. Borries asked if there was enough information at this time to consider Mr. Folz's request for additional telephone service.

Mr. Humphrey said, "You were given a copy of the Appropriation Ordinance."

Mr. Borries questioned if there was a telephone appropriation.

Mr. Humphrey answered negatively.

Mr. Willner added, "But there is Office Supplies for \$1,875.00. The point that I want to make is....It is my opinion the telephone for the Assessor's Office should come out of the Reassessment Budget, instead of the County General Fund. I am not qualified to say if he needs 3,4, or 5 phones."

Ms. Cox said, "But if it is for Annexation purposes, it will not be Reassessment."

Mr. Folz said, "The Annexation needs to be started as quickly as possible."

Mr. Borries said, "I would assume that in order for him (Mr. Folz) to move forward we would have to make a decision on that and as other requests from other townships come in, we may want to request from the County Council that some Reassessment monies be transferred into account for telephones."

Mr. Humphrey asked Mr. Folz, "How long will it take you to complete that Annexation?"

Mr. Folz responded, "Nine to ten months."

Mr. Humphrey said, "We have to have it completed and balanced in order to get it into the tax duplicate for '88 pay '89 and we have to have it in our records by no later than March 1st."

The Chair entertained questions.

Ms. Cox moved that the request for additional phones for the Knight Township Assessors Office, with the request for Location A and B for the two phones, be approved, with a second by Mr. Borries. So ordered.

Mr. Borries added, "We will address Mr. Willner's concern, because I do think that the phone situation does need to be covered."

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Work Report/County Garage: Mr. Bethel submitted copies of the Weekly Work Report for Employees at the County Garage for period January 4 thru January 8, 1988....report received and filed.

Gradall: Ditch at 5745 Mesker Park, Highway 66, St. Joe Rd.  
Pull limb out of tree on West Baseline Rd.

Grader: Graded and rocked the following roads:  
Seib Rd., Sensemeier, Wright, Neubling, Kneer,  
Outer Darmstadt, Hill Top.

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Grader: Graded snow off of 11th St., 12th St., all intersections on St. Joe Ave., Motz Rd., Motz Ln and Mann Road.

Patch Crew: Pollack Ave., also shoulders, spread mix on shoulders of Upper Mt. Vernon Road.

Tree Crew: St. Wendel Rd., Hillview Rd., Baseline Rd., Baseline Rd., Baumgart Rd.. Burned limbs on Eichoff Rd., Barton Rd.

Trash Crew: Garage, Burkhardt Rd., Green River Road

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

- Installed rail on St. Wendel Road
- Repaired culvert on Volkman Rd.
- Saw cut Hedden Rd. to install 12" culvert.
- Cut weeds & cleaned Old State Road
- Dislodge log jam under Stringtown Bridge
- Salt and sand bridges.

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

Snow Routes: Also submitted was schedule of snow routes .....report received and filed.

Ms. Cox questioned if the salt and sanding of bridges was in the County.

Mr. Bethel answered affirmatively. He further stated, "We do not include the City now. We have made an agreement with them."

Mr. Bethel passed out copies of the snow route schedule and stated that these are the streets they do first.

Mr. Borries said, "I think this is very helpful. I know for all people and particularly school buses in the travelled routes, I think that this kind of route has enabled the School Corporation to be able (parents will be able to know) where certain buses will pick up. The State Law has changed regarding school closings and that sort of thing, so there will be more emphasis on keeping the schools open and I think that thanks to your work, that did happen this past time."

Mr. Bethel said, "We had a nice compliment. The Superintendent of Schools called me and said they had no trouble whatsoever getting to the schools."

Mr. Borries said, "Then, let us try to set up certain pick-up points that allow parents to drop their children off and pick them up off certain locations so that everyone can be assured, give them first priority in the County."

The Chair entertained questions of Bill Bethel.



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RE: INFORMATION ON CARANZA DRIVE PROJECT:

Attorney Miller stated, "There is one other item, ( I need to make copies of this)..We are working on the Caranza Drive Sewer Project to get that underway. The first order of business is to enter into an agreement for Engineering Services and we have been working over the holidays on developing a contract for that Project. I have here and want to submit to you, for your examination, a contract that we have put together for Veach, Nicholson, Griggs Assoc., for the Engineering work on that Project. It has taken us three and a half weeks because of the holidays to get this done and I know that a lot of people are anxious to get going on it. I will get copies of this to you this week and if any of you have any questions or suggestions for changes, to let me know and then we can go over it at next weeks meeting. This is a necessary step in the Caranza Drive Project."

RE: COUNTY ENGINEER - ANDY EASLEY

The Chair called upon County Engineer Andy Easley for his report.

Mr. Easley said, "I have given you copies of two claims from the State of Indiana. You have heard of these before. Final Payment Request on St. Joseph Avenue in the amount of \$79,588.30 and the other letter is for Final Payment Request on Lynch Road in the amount of \$27,220.60. We have been allowed to transfer that money by the County Council, so the Auditor has funds to pay these bills and I am requesting that you authorize paying these claims to the State of Indiana."

Ms. Cox asked, "This will close the books?"

Mr. Borries asked, "This is final payment? You have determined that?"

The Chair entertained a motion.

Ms. Cox moved that the claims be allowed.

Mr. Willner asked to add one word into this motion, for the record, "FINAL" claims be allowed.

Ms. Cox altered her motion to read, "The FINAL claims on the Lynch Road and St. Joseph Avenue be allowed." Second by Mr. Willner. So ordered.

RE: APPOINTMENTS TO BE MADE

Mr. Borries said, "The appointments that need to be made for January 11 through 1988, we have called these persons. We appreciate the dedicated service of all volunteers who consent to serve on County Boards and unless we have some rather specific complaints or requests by the person themselves to not be reappointed, we have reappointed these people and they have consented to be reappointed should we choose to do so:

.....Board of Review..2 Members for 1 Year appointment- Paul Batts at 2430 E. Walnut Street and William J. Browning at 5807 Twickingham.

Evansville Vanderburgh County Building Authority Board of Trustees...Mr. Don Kolb on Schmuck Road (has consented to serve again) Term would expire 7-31-91 (4 year term)

Human Relations Commission..2 year Term - Sue Woodson, 3600 Aspen Drive (to serve again from) 1/1/88 through 12/31/89.

Area Plan Commission ..Commissioner Willner informed me last week that he is unable to serve on this Board and I could not reach any consensus with any other member on the Board, Ms. Cox was not here, and the first meeting was on January 6th, so for the record, I have agreed to serve on the Area Plan Commission for a term of 1 year, from 1/1/88 to 12/31/88."

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The Chair entertained approval of these appointments to be made at this time.

Motion by Mr. Willner with a second by Ms. Cox. So ordered.

RE: YEARLY REPORT - VETERANS SERVICE

President Borries acknowledged a Yearly Report of the Veterans Service concerning personal interviews, claims, applications, information of Counseling Service, and etc. to be received and filed for the year of 1987.

RE: HOLIDAY CLOSING

All County Offices will be closed on Monday, January 18, 1988 in observance of Martin Luther King's birthday. The next Commissioners meeting will be an evening meeting on Tuesday, January 19 at 7:30 p.m. in Room 307.

RE: OLD BUSINESS

Re: Tokens for Auditorium Parking Lot

President Borries said, "Ms. Gy Rhodes, Manager of the Auditorium, sent a letter to him, saying that effective to the Commissioners decision, the Auditorium would discontinue tokens for the Parking Lot effective as of this date. The Parking Lot would be 50 cents in the morning from 7:00 a.m. to 9:00 a.m. to provide parking for the Government Employees at a reduced rate. Parking charges after 9:00 a.m. would be \$1.00. For those who have already purchased tokens for this month, the tokens will be accepted through January 31, 1988."

Mr. Borries continued, "The reason for this change has been as we have so often wrestled with this problem of the Parking Lot, what would be a fair charge, how we are going to best handle this, the most cost effective way. The token portion of the machine simply is not working properly because persons who don't ordinarily use tokens, when they drive in will put quarters in the machine and the machine simply doesn't work. Continuing with the coin operation of the machine, where everyone could use coins, the 50 cents could be used for those persons who wish to park in the morning and after that, the parking charge would be raised at approximately 9:00 a.m. and this is the proposal that is made."

Mr. Borries asked for discussion at this point.

President Borries said, "I have asked about putting a full-time employee out there and it simply would not be cost effective because the revenue taken in from the parking lot would not offset the wages if you had a person out there full time."

Ms. Cox said, "I think this is a good recommendation. The arms of those gates are up more than they are down. We have had nothing but headaches with them since I have been on this Commission."

Mr. Lindenschmidt said, "I think this is the attorney's recommendation. He is going to contact that company one more time, but they seem to think to solve the problem would be to take the token thing off and then you wouldn't have that trouble."

Ms. Cox added, "They should not have sold us those gates with the understanding that they could be used for tokens and coins both."

Mr. Borries said, "I will take this then, that we will use this as our policy and hope that through new technology something will work over there someday soon."

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RE: PLEASANT RIDGE DR.-CRESTVIEW DRIVE INTERSECTION

Mr. Borries read a letter from Rose Zigenfus of EUTS concerning the intersection of Pleasant Ridge Drive and Crestview Drive:

"The intersection at Pleasant Ridge Dr. and Crestview Drive is a three way intersection and currently is not controlled by any traffic control signs. This intersection meets the Manual on Uniform Control Devices Requirements for multi-way stop signs; therefore, EUTS recommends that the stop signs should be posted on all three approaches, on Pleasant Ridge Drive, and Crestview Dr."

Mr. Borries said, "Due to the interest of time, since we have an Executive Session to follow this meeting, and since Ms. Zigenfus is not present at this meeting at this time, he would like to have this deferred to a later time."

RE: OTHER MEETINGS SCHEDULED AT THIS TIME

Zoning Subdivision Review - Tues, January 12th at 9:30 a.m. in Room 303.

Department Heads w/Teamsters, Wed., Jan. 13th at 1:00 p.m. Room 307.

RE: CLAIMS

Alexander Ambulance Service: Claim in the amount of \$22,691.24 for the 4th Quarter of 1987.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, the claim was approved for payment. So ordered.

Veach, Nicholson, Griggs Associates: Claim in the amount of \$1,674.90 for Green River Road South, Project ME-340 (4) Road Design and Plans (incl. R/W Plans). Progress payment #3.

Motion by Commissioner Cox and seconded by Commissioner Willner that the claim be approved for payment. So ordered.

Ms. Cox said, "I did find a copy of a memo from the Indiana Department of Highways, dated December 30, 1987, regarding a geotechnical investigation on North Green River Road on State Road 62 to Heckel and I would like for us to coordinate this a bit better than we did the Boonville-New Harmony one where they had everybody all upset when these big augers came in and drilled." Ms. Cox further asked Andy Easley if he was aware of this memo.

Mr. Easley answered affirmatively and said, "I will see that our consultants notify the property owners and we did have a few problems on Green River/New Harmony "

RE: EMPLOYMENT CHANGESVanderburgh Auditorium (Appointments)

Michael Glover	Custodial	\$4.88/Hr.	Eff: 1/01/88
Farrel Hodgkins	Security	\$35.00/Day	Eff: 1/01/88

Vanderburgh County Land Commission (Appointments)

Jeanette Rueger	Clerk	\$35.00/Day	Eff:12/18/87
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Vanderburgh County Land Commission (Releases)

Jeanette Rueger	Clerk	\$35.00/Day	Eff:12.28/87
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Vanderburgh Superior Court (Appointments)

Laura Cunningham Ct. Reporter. \$20,483.00/Yr Eff:1/1/88

Vanderburgh Superior Court (Releases)

M. Jane Dooley Ct. Reporter \$19,695.00/Yr. Eff:12/31/87

Laura Cunningham...Riding Bail..\$16,308.00/Yr. Eff:12/31/87

Pigeon Township Assessor Reassessment (Releases)

Cheryl L. Freeman PT \$35.00/Day Eff:12/31/87

Karen M. Melliff PT \$35.00/Day Eff:12/31/87

Pigeon Township Assessor (Appointments)

Karen M. Melliff PT \$35.00/Day Eff:1/1/88

Knight Township Assessor (Appointments)

Diana R. Fritchley Deputy \$13,978.00/Yr Eff:1/1/88

Knight Township Assessor (Releases)

Diana R. Fritchley PT \$35.00/Day Eff:1/1/88

Auditorium (Appointment)

Sue Blaxton PT/Office \$35.00/day Eff:1/6/88

Circuit Court (Appointments)

Larry G. McDowell Asst.Ch.Prob.Off \$24,234.00/Yr Eff:1/1/88

Robert L. Saunders Prob. Off \$20,987.00/Yr Eff:1/1/88

Dennis Heathcott Asst.Dir Ct.Sv. \$20,987.00/Yr Eff:1/1/88

Justus Hurd W/R Officer \$15,750.00/Yr Eff:1/1/88

Circuit Court (Releases)

Robert L. Saunders Asst.Ch.Prob.Off \$23,302.00/Yr Eff:12/31/87

Larry G. McDowell Prob.Off \$20,180.00/Yr Eff:12/31/87

Dennis Heathcott Comm.Serv.Off \$19,936.00/Yr Eff:12/31/87

Justus Hurd W/R Officer \$15,750.00/Yr Eff:12/31/87

Circuit Court (Appointments)

Rachel Maasberg Bookkeeper \$5.00/Hr. Eff:1/1/88

Laura M. Pate Intern \$4.00/Hr. Eff:1/1/88

Kathleen Payne Intern \$3.35/Hr. Eff:1/1/88

Anthony Sullivan Intern \$3/35/Hr. Eff:1/1/88

Circuit Court (Releases)

Anthony W. Sullivan Intern \$3.35/Hr Eff:12/31/87

John Hunt Wiseman Intern \$3.35/Hr Eff:12/31/87

Michael Ray Kummer Intern \$3.35/Hr. Eff:12/31/87

Paul N. Aarstad Intern \$5.00/Hr. Eff:12/31/87

Prosecutor (Appointments)

James Warren Ethridge, Jr. Dep. Pros \$22,500.00/Yr. Eff:1/1/88

Prosecutor (Releases)

Daniel De Armond Dep. Pros. \$24,762.00/Yr. Eff:1/1/88

James Warren Ethridge, Jr. Dep. Pros. \$20,800.00/Yr. Eff:1/1/88

Circuit Court (Appointments)

Tracy Thread Intern \$5.00/Hr. Eff:1/1/88

Paul N. Aarstad Intern \$5.00/Hr. Eff:1/1/88

Debra Kaye Hayden Intern \$5.00/Hr. Eff:1/1/88

Robert V. Howerton Intern \$5.00/Hr. Eff:1/1/88

January 11, 1988

Circuit Court (Releases)

Thomas Montgomery	Intern	\$5.00/Hr.	Eff:12/31/87
Robert V. Howerton	Intern	\$5.00/Hr.	Eff:12/31/87
Janet McConnaughay	Asst. Dir. Comm.Ser.	\$20,180.00/Yr	Eff:12/31/87

Circuit Court (Appointments)

John Wiseman	Intern	\$3.35/Hr.	Eff:1/1/88
Michael Kumer	Intern	\$3.35/Hr.	Eff:1/1/88
Janet Hamer	Intern	\$3.35/Hr.	Eff:1/1/88
Thomas Montgomery	Intern	\$5.00/Hr.	Eff:1/1/88

Circuit Court (Releases)

Janet Ellen Hamer	Intern	\$3.35/Hr.	Eff:12/31/87
Kathleen J. Payne	Intern	\$3.35/Hr.	Eff:12/31/87
Debra Kaye Hayden	Intern	\$5.00/Hr.	Eff:12/31/87
Tracy Laine Thread	Intern	\$5.00/Hr.	Eff:12/31/87

Clerk of Circuit & Superior Courts (Appointments)

Raenna Hendricks	SupCtDep	\$613.84	Eff:1/1/88
Sandra Rust	Dep. Clk	\$321.31	Eff:1/11/88
Janice Bentle	Dep. Clk	\$267.80	Eff:1/1/88

Clerk of Circuit & Superior Courts (Released)

Deborah Hunter	Supt. Ct. Dep.	\$613.84	Eff:1/1/88
Raenna Hendricks	Dep. Clk.	\$514.94	Eff:1/1/88
Janice Bentle	Dep. Clk.		Eff:1/11/88

Circuit Court (Appointments)

Janet McConnaughay	Serv. Off.	\$631.00/BA	Eff:1/1/88
Justus Hurd	W/R Off.	\$397.00/BA	Eff:1/1/88
John W. Voight	W/R Off.	\$397.00/BA	Eff:1/1/88
Mary M. Lloyd	Intern	\$5.00/Hr.	Eff:1/1/88

Circuit Court (Releases)

Mary M. Lloyd	Intern	\$5.00/Hr.	Eff:12/31/87
Rachel Maasberg	Intern	\$5.00/Hr.	Eff:12/31/87
Laura M. Pate	Intern	\$3.35/Hr.	Eff:12/31/87
Daniel Huck	Intern	\$3.35/Hr.	Eff:12/31/87

Circuit Court (Appointments)

Janet McConnaughay	Comm.SerOff	\$19,936.00/AN	Eff:1/1/88
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Knight Township Assessor (Appointments)

Jackie S. Hammer	Deputy	\$35.00/Day	Eff:1/1/88
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Knight Township Assessor (Releases)

Leon Collins	Deputy	\$35.00/Day	Eff:1/1/88
Jeffrey L. Devine	Deputy	\$35.00/Day	Eff:1/1/88
Paul J. Marx	Deputy	\$35.00/Day	Eff:1/1/88

Sheriff (Comm. Jail, 100.0-130.1) (Appointments)

Sue C. Mann	Jail Nurse	\$20,239.00/YR	Eff:1/1/88
Roxanne Beckhamm	Jail Nurse	\$19,193.00/YR	Eff:1/4/88

Sheriff

Sue C. Mann	Jail Nurse	\$19,193.00/Yr.	Eff:12/31/87
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January 11, 1988

German Township Assessor (Appointments)

Margie Hartmann Clerical \$35.00/Day Eff:1/4/88

Pigeon Township Trustee (Appointments)

Jeffrey D. Evans Invest. \$14,000.00/Yr. Eff:1/4/88

Pigeon Township Trustee (Releases)

Winfield Ong Invest. \$15,663.00/Yr. Eff:12/25/87

RE: COUNTY AUDITOR-SAM HUMPHREY

County Auditor Sam Humphrey was recognized by the Chair.

Mr. Humphrey said, "I would like to ask the Commissioners desires on - we are now publishing the Budget Books, and we have apparently, in the past, given these to people whom I do not feel need these books. They don't have much use for them. We have a need for 24 books and we are going to be charged about \$175.00 plus binding."

Mr. Humphrey continued, "What I need to know is people who come in, such as Press, Chamber of Commerce, League of Women Voters, etc. who want these books....Should we charge them and if so, How Much??"

Ms. Cox asked how much the books would cost.

Mr. Humphrey responded with "about \$10.00 each. We are now *permitted to* charged, according to the State Board of Accounts, \$1.50 per page and I think there are about 92 pages in the book."

Mr. Willner suggested that we charge them exactly what it costs us.

Mr. Borries responded that he thought all would agree on that.

The Chair entertained other business before the meeting was recessed.

Re: Peach Blossom Lane

Ms. Cox called attention to minutes of previous meeting of a report on Peach Blossom Lane.

The Chair called on Andy Easley for report on this.

Mr. Easley said, "I am working with Union Federal on this and maybe next week I will have a report on what they have agreed on."

Being no further business to come before the Board at this time, President Borries declared the meeting adjourned at 4:35 p.m.

PRESENT: COMMISSIONERS COUNTY AUDITOR COUNTY ATTORNEY

R. J. Borries	Sam Humphrey	David Miller
R. L. Willner		
S. J. Cox		

<u>COUNTY ENGINEER</u>	<u>COUNTY HIGHWAY</u>	<u>BLDG. COMM.</u>
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Andy Easley	Bill Bethel	Roger Lehman
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VANDERBURGH CO. SHERIFF

Clarence Shepard

January 11, 1988

OTHER

Al Folz, Knight Township Assessor  
Bob Lutz, County Council  
Mark Tuley, Burdette Park  
Attorney Staser  
Lawrence W. Ravellette/Schmitt Refrig.  
Bill Rosenbarger/WR Sheet Metal, Inc.  
Bruce Wilhite/Shekell Inc.  
Jack Ruston/Shekell, Inc.  
Don Young/Don Young Electric  
News Media

SECRETARY: Bettye J. Miles  
(For Joanne A. Matthews)

*Richard J. Borries*  
R. J. Borries, President

*Robert L. Willner*  
~~*Robert L. Willner*~~  
R. L. Willner, Vice President

*S. J. Cox* 2/1/88  
S. J. Cox, Member



MINUTES  
COUNTY COMMISSIONERS MEETING  
JANUARY 19, 1988

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MINUTES  
COUNTY COMMISSIONERS MEETING  
JANUARY 19, 1988

The Vanderburgh County Board of Commissioners met in session at 7:30 p.m. on Tuesday, January 19, 1988, in the Commissioners' Hearing Room with Commissioners Rick Borries and Shirley Jean Cox in attendance.

President Borries called the meeting to order and welcomed the attendees. He advised that copies of the Meeting Agenda and the proposed Burning Ordinance are available to the attendees (they can be found on the table near the entrance to the room).

RE: APPROVAL OF MINUTES

It was noted that the Board has two sets of minutes to approve, December 28, 1987 and January 4, 1988, respectively. A motion was entertained.

Commissioner Cox said she did not attend these two meetings, but she did compare the minutes to the meeting agendas and moves that both sets of minutes be approved as engrossed by the County Auditor and the reading of same be waived.

Commissioner Borries said he found no corrections to be made and he will second the motion. So ordered.

RE: PROPOSED BURNING ORDINANCE

President Borries said it is rather ironic, he supposes, that on this day in 1988 when, according to some accounts we've had as much as 1-7/10 inches of rain, many of us are here to consider a proposed ordinance on open burning in Vanderburgh County. The facts are, however, that as the the year 1987 ended, there had been serious drop conditions in Vanderburgh County. He thinks Vanderburgh County was some seven (7) inches below what a normal rainfall would be. The Commissioners had heard from several of the Volunteer Fire Departments about their concerns -- particularly late last summer and fall. Their concerns were that the voluntary pleas that this Board had given to stop burning during serious conditions were not working, because literally all of the Volunteer Fire Departments had been taxed to the limit. At that time the Commissioners had asked the County Attorneys to review some proposed ordinances. The one that looks at this point as though it would have some merit (based upon what we hear this evening) is the one that is available to you this evening. Again, there are copies available to you on the table by the door.

Commissioner Borries said, "Obviously, I cannot speak for Commissioner Cox, but what we wanted is to say that we welcome you here and certainly want your input on this. Based on what you say and the conditions of which we're aware, we'll certainly take this under advisement. I would not call for any decision this evening, simply because we wanted your input on this and do value your opinion in regards to this proposed ordinance. At this time we will call for those people who wish to speak on this particular ordinance. Our secretary has a big job to do in transcribing all of these minutes -- often some 30-odd pages for some of our meetings. If you would, please state your name and address for our record. This will make her job much easier and our record more accurate."

Mr. Bill Jeffers, Chief Deputy Surveyor, was recognized by the Chair. He said he resides at 6608 Kembell Drive in Vanderburgh County Indiana. "I may be at a slight advantage to some of the other people in the audience, because I was given a copy of this proposed Open Burning Ordinance at 8:00 this morning by Jim Lindenschmidt. But over the last few weeks I've been asked by certain friends and neighbors and other people with whom I've come in contact on account of my job, to ask a few questions. Some of the questions will be asked tonight by other people so I will avoid asking all of them.

The questions I'd like your indulgence on at this time pertain directly to the copy of the proposed ordinance given to me this morning -- I'll narrow it down to that.

In the first paragraph it states that the Board may prevent an unreasonable fire hazard during unusually dry weather period -- as we had this past late summer and fall and under certain circumstances which, in the judgment of the Board, present the possibility for exceptional risk of fire to the citizens of Vanderburgh County, pursuant to U. S. Forest Service Guidelines.

At the bottom of the same page under "Restrictions" it appears as if this ordinance would restrict the Board of Commissioners to proclaiming an open fire emergency condition only when declared by the U. S. Forest Service. So one of the questions that came up after discussing this with a few people was that (and I would like to say that everyone agreed) under the conditions we had this year (which everyone understands only happens once about every 20 years) we need an ordinance like this. But the question came up, 'Would you wait for the U. S. Forestry Service to declare an emergency for Southwest Indiana before you, yourself, declared an emergency in Vanderburgh County? I am not asking for an answer at this time -- that is just one of the questions.

If you decided to declare an emergency independent of the Forestry Service's declaration, would you use the Forestry Service's Guidelines (which this document indicates you would)?

The subsequent question would be, "Are those Guidelines available not only to the Commissioners, but to those of us present here who would like to see what those guidelines entail?

The other question that came up from several people concerned the permit (which this document indicates would be obtained from the Fire Department having jurisdiction over the area where the open fire will be conducted. Will that permit have a cost attached to it? It doesn't so say in this document, but would there be a cost for obtaining the permit? The subsequent question to that from several people was, "Whether there is or isn't a cost, would a permit have to be obtained for each individual burning or day? If a farmer were burning three different ditches in a week, would he have to have a permit for each ditch location if they weren't interconnecting ditches?" Again, I am not asking for an answer at this time, but it is one of the questions that came up during the discussion.

From residents in my neighborhood who are not farmers -- but who have a lot of trees: "Would there be anything in the ordinance that would prohibit -- except during declared fire emergencies -- such common practices as burning leave, burning cut brush, burning off their garden plot possibly burning a lawn they're trying to rid of weeds, or other traditional uses of open burning in Indiana? This was because in the County we don't have unlimited leaf pick-up from Browning-Ferris as they do inside the City Limits and it would be extremely costly to rid ourselves in many neighborhoods of the accumulation of leaves in the fall, if we weren't allowed to burn them safely.

They also asked if you'd have to have a permit to burn leaves outside the period declared to be an emergency -- or is the permit only required during the emergency period?

The last thing I would have to say would be job related. I would like to point out (and I think you will probably hear it again tonight, so I won't go into depth on it) there are plenty of fellows in the audience who have at one time or another been under contract to our office (Surveyor's Office) to maintain legal drains. One of the traditional methods of destroying weed seeds (especially from annual broadleaf weeds such as horse weed and velvet leaf) is that in addition to mowing or spraying a ditch, when there is a problem area we don't mind if they burn the weed seeds off and promote grass growth. This has been done since the Indians were here. Prairie fires have always promoted grass growth. This is just one of those things to promote healthy grass growth in our ditches that occasionally is used. It is not one of those situations where we encourage people to burn an entire ditch. It's just that sometimes when you have a problem area that is the best solution. Thanks for your indulgence."

Commissioner Borries expressed thanks to Mr. Jeffers and said he had some very good questions. What the Board is going to try to do is to take all of this testimony under advisement and try to come up with some answers.

RE: REZONING PETITIONS

President Borries said that in all fairness to persons who may wish to leave at this time, there are two Third Reading Rezoning Petitions which have been continued: VC-1-88, Petitioners Larry & Carol Watson, and VC-2-88, Port City Material. These matters have been continued so they will not be heard this evening. If any persons are present concerning these petitions, they may wish to leave.

RE: PROPOSED OPEN BURNING ORDINANCE

The meeting resumed with further discussion concerning the proposed Open Burning Ordinance, and Mr. Dave Ellison was recognized by the Chair.

Mr. Ellison said he resides at 2040 W. Baseline Rd. in Vanderburgh County. Unless someone would have something else to say, he believes Mr. Jeffers's questions are similar to what he would be asking. The farmers aren't against what the Board is going after insofar as not burning or putting a restriction on burning, but they don't want a continued ban on burning. This is their main concern. They know there was a problem this year and there were those who took advantage of that problem and ran the volunteer fire department equipment ragged. He does think there was some carelessness.

Mr. Borries expressed appreciation to Mr. Ellison for his comments.

Mr. Eldon Maasberg of R. R. #7, Vanderburgh County, was recognized by the Chair. He said he is one of the contractors who mows ditches and he still has never had an answer on what will happen if these jams get in the creek. Who is going to wind up paying for them if we do have a ban on burning? This was one of the questions he brought up at a previous meeting. People dump leaves in farmers' ditches. If you have no open burning, where are these leaves going -- in farmers' ditches?

Mr. Borries thanked Mr. Maasberg for his comments and entertained further questions.

Mr. Eugene Farney was recognized by the audience. He said, "I can see where we might need a burning ordinance. But what if we want to burn or clear a piece of land and want to burn while you have this ordinance on? Are we allowed to burn our trash? What if we want to clear a piece of woods or clear a fence row? I feel like I can maintain it or I won't light it. If it is going

to keep me from doing this, I certainly don't want to do it now. I can't do it now. If I am going to clean up something, I have to do it more or less when it is dry. Most of our problem this fall was after picking time. I can see where we do need an ordinance. It's carelessness -- it's carelessness. There were three of them right out my way -- they shouldn't have been. But I'd like to keep it open to where if we do want to clean a fence row or burn a fence row -- we can burn it. It just wouldn't be right. There is a fellow down in Dogtown who has been having trouble with the Fire Department. He's got the back water bringing in trash on him. He'll light it and the Fire Department will come down and put it out for him. That isn't any good. It is contrary to good sense. Who is going to clean it up? He has to clean it up because it is his land -- he has to farm it. This is what I'm concerned about."

Attorney Miller said, "Mr. President, I would point out that there's a provision in this proposed ordinance for the obtaining of a permit by someone during a period when the ban against burning would be in effect. If someone in the position of Mr. Maasberg -- or any farmer who finds himself needing to burn in order to conduct his livelihood -- he could apply to the Fire Department having jurisdiction and obtain a permit for that particular burn."

Mr. Larry Goebel was recognized by the Chair. He stated he lives at 4745 W. Boonville-New Harmony Rd. "In regards to that -- I did have a problem this fall with the local Fire Chief. He came to my farm and said there was a ban on burning. We were burning a tree in the middle of our field. There are no housing areas or anything for miles. It was a plowed field and it had rained the night before just enough to dampen the soil. There was no way it could have gotten out of control. It had burned for ten (10) hours. He called me at 6:00 in the evening and said he was going to put it out and charge me for it. I told him, "No, we want to burn that tree -- because there is some steel in it and we can't saw it down. The landlord asked me to do it." The Fire Department came at 10:20 p.m. and put out the fire after I went to bed at 10:00 p.m. I think these kind of shenanigans are going to get worse under this ordinance. I realize he had problems this fall because it was so dry and all of that. But I just want to register a complaint insofar as what happened to me this fall."

Commissioner Borries entertained further questions. There being none, he continued by offering his comments saying: "Bill, I think you must have done a fine job here to summarize the concerns of the people in attendance here this evening. Some of this information I cannot give you at this time. But I will do my best to have our staff research much of this so we can get some answers before we take any action on this. Do you have any comments at this time, Shirley?"

Commissioner Cox said, "The only thing -- to address some of the questions -- do we have a copy of the U. S. Forest Service Guidelines available? Was there a restriction issued by the U. S. Forest Service Guidelines for this area at the time we put the ban on?"

Mr. Borries asked Attorney Miller whether he knows?

Attorney Miller said "I am aware of the U. S. Forest Service having regulations. I cannot tell you that I have ever had occasion to read them. I believe they would be available through the County Extension Agent or through the Soil Conservation Service. Thus I cannot speak to that question."

Mrs. Cox said, "Before you came in, the question was posed concerning just what the guidelines are -- what they say."

Commissioner Borries said, "I don't know. I believe that through the Hoosier National Forest that Commissioner Willner had a copy and I am not sure where they are at this time. But I do know



that the purpose of using them as a reference point was the fact that they might have more information based on their professional experience and expertise with the conditions in Southwestern Indiana than we would in a situation like that. Often (as I think was the case in point last time) we began to receive a lot of complaints here -- primarily through the Fire Departments at that point -- that there were some dangerous conditions that had to be remedied and we issued statements to the media. But often in their busy schedules perhaps some of that communication was not printed or carried. If it was, things still didn't seem to compute until we would begin to have some serious problems and then we had more complaints. I think the aspect of this was to check with a professional service like this to get professional opinions, again based on data that could be determined that there were drought conditions. I think that is the whole purpose of using the U. S. Forest Service as a frame of reference."

Mr. Jeffers said, "One point I wanted to make, I would encourage you not to charge for those permits. As pointed out by Mr. Goebel, he may just want to burn one tree. The next day he may want to burn one ditch."

Attorney Miller said "There is nothing in the ordinance that provides for a charge. There is nothing that requires a charge; nor is there anything to indicate when a permit will be issued and when it might be denied. But I would have to say that it would be pretty severe circumstances to deny an occupational need for a permit. We just have to use good sense when these things arise. If there is a good possibility that a farmer who needs to burn is going to put at risk a large subdivision or a big plant out in the County or something like that, then probably he is going to have trouble getting it. On the other hand, if he's got a tree in the middle of a field that needs to be burned and there is no big deal, there will probably not be a problem. But, as we saw this fall, these things sometimes require some attention. But there is no charge at this point."

Mrs. Cox asked, "For clarification Attorney Miller, if the ordinance does not address a charge then there is no charge?"

Attorney Miller responded, "That is exactly right. There is no statutory or ordinance authority for a charge -- so there is no charge." In response to question from the audience as how permit would be obtained,, Attorney Miller replied: "As I envision the way this ordinance works in connection with the State Statute, you would apply to the Fire Chief having jurisdiction in your area. If the Fire Chief would refuse to issue the permit for any reason, you would ask to be on the next County Commissioners' agenda (which can't be more than a week away at any given time) and the Commissioners would then have authority to override."

The individual said, "If you have something that is dragged out that could be forever...."

Attorney Miller said "You're not looking at more than a week away."

In response to query as to who has the final decision as to whether or not a permit will be issued, Attorney Miller said: "The Fire Chief has initial authority and, under any set of circumstances, since the County Commissioners have imposed the ban there is every reason to believe that the County Commissioners have complete jurisdiction to make exceptions to the ban. Therefore, the place of last resort would be the County Commissioners if a Fire Chief in a particular township would deny a permit."

Commissioner Cox said, "I think Mr. Farney raised the question that if the ordinance is in place can he still burn? The answer is under Part 1(c) "Restrictions", it does speak to this. When the ordinance ban is in place, there is no burning allowed unless

he/she has first obtained and has in his/her possession a written permit. So there would be burning allowed when the ban is in place, providing there is a permit."

Attorney Miller said, "Right; this doesn't place a ban on burning all the time. It is only when an emergency is declared. And even during the emergency a permit can be obtained for your occupational and necessary needs. If you can't get it from the Fire Chief, you come here. If these Commissioners think the Fire Chief has been reasonable, then they will back him up. If they don't, then they won't."

An individual in the audience asked. "What if you have two fire departments in your area and one says you can burn and the other says you can't? Who do you go by?"

Attorney Miller said "Get a permit. I can't imagine you'd be under two jurisdictions, in fact."

The individual said the property in question is on opposite sides of the road.

Attorney Miller said "One side of the road is governed by one Fire Department and the other side is governed by another Fire Department. Therefore, it depends upon where you're going to burn."

Jim Lindenschmidt, the Commissioners' Liaison, injected a bit of humor when he offered, "Drag it on the other side of the road."

Commissioner Borries said, "Ten (10) inches below normal rainfall is serious. In fact, I think seven (7) inches is serious."

In response to question from the audience as to when we will know if it is serious, Commissioner Borries said, "You'll know!"

Attorney Miller said "I think that is exactly right. Like some Supreme Court Justice said about obscenity, 'I don't know how to define it, but I know it when I see it.' By golly, when we have that kind of an emergency, all of you will know it just like this body knows it. And this is not something that is going to be imposed lightly. But it is something that they need the power to do. If you have a problem with it when it is imposed, then you come to see them and I am sure you will find them very reasonable. But something has to be done."

Mr. Farney offered, "Down in Dogtown they have all their trash and debris in the spring of the year. Why do they have to put up with them coming out there and putting their fires out?"

Attorney Miller said "This body does not have control of the Township Fire Departments...."

Mrs. Cox interjected, "Mr. Farney, we had no regulations concerning this prior to this time. Everyone just did what they thought was the right thing to do. That is why there was a need demonstrated that we get something for the entire county for people to have imposed. Just an observation -- it would seem that you people in the room tonight -- from the questions posed it would seem that you are not really the ones who should be controlled in your burning. I think you are responsible and you know how to handle it. But there are a lot of people out there who do not know and this has caused us a lot of problems. I don't think that with the responsibility shown by our farmers and landowners out in the County that you will have any problem at all in getting support from the Fire Department to continue burning the way that you have and controlling your own fires. I don't think it will be a problem. But we do have to do something for those people who think 'Well, I'm just going to burn this little pile of leaves' and forget that the wind is blowing a certain way - and those sparks can be carried -- and it causes a lot of problems for a lot of people and a lot of damage."



Mr. Borries said, "I would concur. Often some of the people who are not here are some that we are trying to reach with this particular ordinance. I will assure you that I am a believer in limited government. I do not enjoy doing this. But what we had and tried last fall did not work. From my standpoint, I would assure you that this would be used as a last resort and we would know if there are unusual conditions. I can only recall using the frost free law in one instance. This is primarily something based upon that one. When you have unusual conditions -- a sudden thaw after a hard winter -- and we had trucks traveling on some County roads and we did use a frost free ordinance of some sort to restrict trucks for a few weeks on certain roads when the roads were just going to turn into mush. Once the soil firmed up we immediately took that off. I will assure that use of this ordinance will be a last resort; this is not something that is going to be permanent. I would say that you all are as concerned about the environment as we are. It would be an unusual situation. If we don't do something, we're going to be negligent in our duty in some cases to protect your concerns, as well, because these fire departments were not going to allow us to ignore it -- and we shouldn't."

In response as to means of notification, Commissioner Borries said that media time is scarce. All too often they have headlines to meet. But this is a good question and something we need to consider. As soon as Margie (Weeks) learns of a road closing, she notifies the news media and they learn of it that way. Hopefully, we'll never have to use this.

Mr. Bill Wittekindt noted that the chances of posing the ban into tomorrow morning is pretty slim, so residents will have a week, a couple of weeks or whatever notice. As soon as we'd receive a rain we'd then withdraw the notice?

Commissioner Borries said "Certainly."

Commissioner Cox said she wishes to also point out that no official action can be taken unless it is at a called meeting -- or a special meeting with proper notice to the media.

Mr. Bill Wittekindt, Sr. asked if we have any cooperation from any of the surrounding counties? He said he thinks this is a wonderful ordinance; a fire is a terrible thing.

Commissioner Borries said, "We've had extraordinary cooperation from surrounding counties insofar as the Coroner is concerned. That might be a vehicle we could use later. The Board will be meeting with other Commissioners to plan together on that."

With regard to the questions raised by Mr. Jeffers, the Board wants to get some U. S. Forest Service guidelines and make these available to all, so people can see what they would do when there is an emergency. The Commissioners do not want to restrict the farmers' business and do not want to impose this open burning ban unless it is a last resort.

In response to query from Mr. Maasberg regarding the inclusion of a certain distance from a specific dwelling and whether this is still under consideration (as indicated previously) Commissioner Borries said it is a judgment call. How are we going to enforce that? We wouldn't have anybody out there. In a crisis, we're not going to measure anyway. If you can't do something that is going to make sense or be practical that would be enforceable, it wouldn't do well. He would again say that if the conditions are windy, very dry -- if this were in effect -- we would hope that responsible people would go to the Fire Department and talk with them and tell them what they had to do. Then, they might find out immediately that the Volunteer Chief might tell them not to do it. He would say that there will not be any kind of a limit insofar as a specified number of feet away from a dwelling or anything like that. Frankly, it is just difficult to enforce.

If the conditions are dangerous enough and if this ban is in effect, then it is really a matter between say you and the Fire Department -- with a right of appeal. And that could be something we might want to address or at least include a sentence that.....

Attorney Miller said he thinks that is implicit. If the Commissioners put it into effect, they can take it out.

Commissioner Borries entertained further comments. He said no action will be taken tonight. Some of the questions brought up tonight will be referred to Attorney Miller and on others we'll see what we can come up with from the U. S. Forest Service.

In response to query as to when the Commissioners think the draft of the Final Ordinance will be ready for their consideration, Commissioner Borries said he would to advertise it again just to make sure we follow the correct procedure; but he would like to have it in place April 1st. Again, merely because this would become a part of the County's ordinance system by April 1st would not mean that the Commissioners would use it. He again expressed his appreciation to the various individuals for their input. He asked that any additional concerns be passed along to the Commissioners. Bill Jeffers attends the Commissioners meetings on a regular basis and Jim Lindenschmidt is always in the Commissioners' office. There are ways the Commissioners will be able to communicate with the various individuals concerning this ordinance. Again, he wishes to assure the attendees that the Commissioners will use restraint and the ordinance will be put into effect as a last resort. "But, shame on us if we don't do something if the conditions would be serious enough!"

Commissioner Cox said she would personally like to express her appreciation to the attendees for their input in an effort to help the Commissioners make a better ordinance.

RE: CONTRACT TO BE AWARDED FOR INSTALLATION OF HEATING VENTILATION AND AIR-CONDITIONING AT HILLCREST-WASHINGTON HOME

President Borries said the subject matter has been continued, so no decision will be made this evening insofar as awarding this contract.

RE: CONTRACT TO BE AWARDED FOR ARCHITECTURAL & ENGINEERING SERVICES FOR AIR-CONDITIONING SYSTEM UPGRADING, ETC. AT THE VANDERBURGH AUDITORIUM

It was announced by President Borries that this subject matter has also been continued; therefore, no decision will be forthcoming this evening.

RE: REZONING PETITIONS

VC-3-88/Petitioner Mike Weimer (1st Reading): The common known address is 3510 S. Weinbach, which is outside the City Limits. The land is currently vacant and the proposed land use is an M-2 Salvage Yard. This property is apparently adjacent to an area that Mr. Weimer already owns and operates and is also near the I-164 corridor. Commissioner Borries asked if anyone is present who wishes to speak concerning the said petition? There being no response, a motion was entertained.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Borries, VC-3-88 was approved on 1st Reading for forwarding to the Area Plan Commission. So ordered.

VC-4-88/Petitioner, Cyril Gerteisen (1st Reading): The common known address is 5900 W. St. Joseph Rd. Requested zoning change is from Agricultural and R-1 to R-3. Land use is currently multi-family dwelling. Commissioner Borries said he mentions this because he doesn't see how multi-family dwelling could fit

into Agricultural of R-1. The proposed land use is multi-family dwelling. Commissioner Borries then asked if anyone is present who wishes to speak to this petition?

Commissioner Cox said that is probably why the petitioner is requesting the change. She said that, for the record, she did receive a call from a person living in the area expressing concern regarding the request to grant a rezoning for R-3, which, as she understands it, does allow for apartments. The individual cited the narrowness of the land or road back to the area and also area septic system problems or sanitary drainage problems. Not seeing anyone in the audience and there being no response, she would move that VC-4-88 be approved on 1st Reading and forwarded to the Area Plan Commission. A second was provided by Commissioner Borries. So ordered.

Commissioner Borries said both of the foregoing rezonings should be heard on 2nd Reading at the APC Meeting on Wednesday, February 3rd. Since Monday, February 15th, is a holiday (Presidents' Day) the Commissioners will meet at 7:30 p.m. on Tuesday, February 16th, and the rezonings will come back to the Board of Commissioners for 3rd Reading at that time.

RE: COUNTY ATTORNEY - DAVID MILLER

Caranza Drive Sewer Project: Attorney Miller said the Commissioners will recall that last week he submitted a draft of an agreement for engineering services regarding the Caranza Drive extension. At that time, he also submitted a draft of the document to Veach, Nicholson, Griggs Associates for their comments. He has a re-draft of the proposed contract for the Commissioners, which was completed today, based upon comments and requests that VNG made. He does not wish to belabour the Commissioners in this meeting with the changes made. Along with the re-draft he will give the Board a copy with yellow lines -- so they can see where the changes were. There are remarks which he placed in the left-hand corner. He apologizes for not having the Commissioners' copies "yellow marked", but the re-draft was just finished at 5:00 p.m. today. If the Commissioners want to mark their copies, the largest and most important changes appear as follows. The pages are not numbered because the copy machine cut off the page numbers. Changes were as follows:

Page 5      Article "4-c" (just above Article 5) used to be "d" and the former sub-section "d" was deleted. It referred liquidated damages. In Article 5-a (about 10 lines down where it says 1-1/2%. (In the last draft that was 2-1/2%.)

In Article 5-A, Sub-paragraph 4 is added and replaces a former 4, that made payment contingent upon the awarding of the contract. The engineer objected to having exposure that would require him to do the engineering work and then if the contract was cancelled for some reason (that is, if the sewer extension was cancelled for some reason, the previous draft of the contract just provided that he wouldn't be paid. So this new provision provides that if the extension is cancelled, the County guarantees that they will be \$35.00 per hour for their work. That is the purpose of that.

In Article B-1, where you see a 1.25 (two lines from the bottom) -- that is an insert that uses a 25% overhead factor for additional services over and above those contemplated by the contract.

Article 5, Sub 3 (at the top of the next page) provides for \$35.00 per hour for litigation services. (This was a blank before.)

Article 6-A, Sub 3, Sub A (middle of the page) is modified so that it matches Article 5-A(4) -- that is the guarantee of payment if the contract is cancelled.

Those are the major changes. He would suggest the Board take this under advisement. We have spent quite a bit of time working towards the initiation of this project and he knows all of the Commissioners are anxious to get it started.

Chamber of Commerce/Vanderburgh County: The next item is the Grant Agreement for the \$75,000 of Economic Development for the Chamber of Commerce. He has prepared a Grant Agreement for the Commissioners' consideration. This is substantially identical to the Grant Agreement prepared and signed last year. However there are two substantial changes in the grant in addition to the amount (which has tripled from last year).

First of all, he has put in a modified revision regarding the keeping of books, records, and ledgers that requires the Chamber to keep and maintain separate books, record and ledgers relating directly to the receipt and expenditures of those funds from Vanderburgh County which are the subject of the agreement. That was a matter that was raised by President Borries during his consideration of this matter.

The second is a provision requiring (Paragraph 3(b) that the Chamber shall schedule and give written notice of Quarterly Meetings between the Chamber and representatives of the Board of Commissioners of Vanderburgh County and the Vanderburgh County Council. At those meetings the Chamber shall disclose and describe thoroughly the economic development activities which are being financed by the funds which are the subject of this agreement and the Quarterly Meetings shall be open to the Public. That is an additional provision that is new this year. Other than that, the agreement is identical to that of last year. (Original and 3 copies submitted to the Board). He recommends the Commissioners take this agreement into consideration and, if they find it acceptable, approve it.

Jail Doctor/Insurance: Continuing, Attorney Miller said he believes the Commissioners will recall the discussion that the Sheriff has with the Jail Doctor. He doesn't have a problem with the Jail Doctor he has a problem with the Jail Doctor's insurance. The Jail Doctor's insurance company was telling the Jail Doctor that it was going to cost \$5,500 or so for him to have medical malpractice insurance. We don't know why, but now that figure is \$2,400. They've made inquiries, etc., and they are now scheduled to get a letter that says that the additional increase in premium is now going to be \$2,400 -- not \$5,500 --. When he gets this letter he will submit it to the Commissioners. They have done a bit more checking insofar as the question of how to handle this. It would be difficult to do it by amendment to the Salary Ordinance. We'd have to go not only through the County Council, but through the State Board of Tax Commissioners, etc. Thus, he is recommending to the Board that, assuming we get this letter with respect to the \$2,400, that we have the County named as an additional insured and handle it through our insurance account -- if the Commissioners deem that the appropriate manner in which to do it. Or, the Board can reject it altogether. But it has come down by a sum of about \$3,000 give or take, so it makes it substantially more palatable than it was.

Mrs. Cox asked, "Was the insurance company amenable to adding Vanderburgh County?"

Attorney Miller responded in the affirmative.

Mrs. Cox said she believes we should accept it right now.

Eminent Domain/Boonville-New Harmony Rd. Relocation: Attorney Miller said he wanted to advise the Board that with respect to the Boonville-New Harmony Rd. relocation, he's had a couple of calls from Mr. Vic Funke, who is engaged as the appraiser for that ground. He finds Mr. Funke very conscientious. This has reference not only to the Boonville-New Harmony matter, but to any type of eminent domain type ground that we get involved in. Mr. Funke raised an interesting question which he (Miller) had never had occasion to look at before and it was this. "Out in that area where Turris Mining has been buying underground coal, which raises substantially the total value of that ground out there in terms of condemnation value. However, we don't want the coal. We don't use the coal and we don't intend to mine the coal, so Mr. Funke posed the question to me of whether or not his evaluation of that land had to include the value of coal.

For all future purposes and for any consideration that you all must give to consideration of the purchase of land under eminent domain, all in the world a governmental body purchases in an eminent domain proceeding that involves right-of-way is the surface. You do not purchase mineral rights; you do not purchase underground rights unless you so specify for some particular reason -- such as if you're condemning ground for use as a County Garage facility or some large County facility like this one -- where you would want to have total control of all underground rights. All in the world you are purchasing when you purchase right-of-way is the service -- and we do not have to pay for underground mineral rights, because we don't take underground mineral rights. And I have so advised Mr. Funke. Anytime in the future that you're examining an appraisal, if you ever see any valuation placed on underground mineral rights -- you should question the appraiser about it. That is all I have.

RE: EXECUTIVE SESSION

President Borries noted that subsequent to the January 11, 1988 meeting, the Board had advertised an Executive Session with Attorney David Miller regarding several legal matters concerning the Volpe case. There was no decision reached in that meeting. There was discussion only of pre-trial strategy in a very complicated case. At this time, this is all he has to report concerning that Executive Session because, as he said, no decisions were reached during that meeting.

RE: AGREEMENT WITH COUNTY ATTORNEYS

President Borries said Attorney Miller had submitted an agreement between Vanderburgh County and the County Attorneys, which contained a slight revision. He saw no change in the fee, but does Mrs. Cox have any questions?

Attorney Miller advised there was no change in the hourly rate. They added a provision (2nd page) to cover extraordinary matters that have now arisen in their experience which really cost extensive amounts of effort and time and they ask that they be paid for that. They have been -- the Board has recognized it in the past. There is nothing different about what they are asking there that hasn't been requested in the past.

Mrs. Cox asked, "What does this mean in here, David, 'Compensation for legal work pertaining to extraordinary matters shall be fixed on a matter-by-matter basis.?'"

Attorney Miller said "That means we will bring it up to you in an open meeting and ask you for approval to do the work and presumably it will be at the set hourly rate that is set forth in the contract -- unless we would request otherwise in an open meeting. We have this unforeseen and extraordinary matter that is going to require a lot of time on our part and we ask to be paid for it on an hourly basis -- that is all."

Ms. Cox asked, "Would you ever ask more than the fixed rate of \$60.00 per hour?"



Mr. Miller responded, "I can't really foresee that. The rate has been \$60.00 ever since I have been County Attorney. Frankly, by current standards that is quite low. But we are willing to go ahead with that and see no reason to ask the Commissioner to change it at this point."

Mrs. Cox asked: "Then, why did you find it necessary to include that?"

Attorney Miller said, "Well, I can give you a couple of examples. One example would be if we became involved in a kind of case that would require the engagement of a particular out-of-town Counsel that would have a higher rate."

Secondly, if we have on our staff (I can think in particular of one individual -- our Labor Attorney, who has an hourly rate and a very small staff. If we would find it necessary to ask for a higher rate, you could say 'yes' or 'no'. But I can't foresee when or under what circumstances that might be."

Mrs. Cox said, "Well, the way this reads though -- it looks like on everything which falls under the heading of 'extraordinary matters' -- it says, 'Compensation for legal work pertaining to extraordinary matters shall be fixed on a matter-by-matter basis.' Does this mean that everything where you come to us and ask, 'Do you want us to handle this?'-- and we say, 'yes' -- then it isn't any longer automatically the \$60.00 fee?"

Attorney Miller said, "No, no, no, no."

Mrs. Cox asked, "Then, am I reading this wrong?"

Attorney Miller said, "I must say that I didn't foresee it that way. What I foresee is that the compensation will be requested at the normal hourly rate, unless there would be some extraordinary circumstance that I don't see at this time. If you would like that re-written to say that, I have no problem with that. I just didn't...."

Mrs. Cox said, "We've always gone along if extra expense were incurred; we've never refused. But the way that that reads is that any one of those things that you have defined as being extraordinary are negotiable, as I see it."

Attorney Miller asked, "Why don't I say '...shall be fixed at the standard hourly rate provided herein.'"

Mrs. Cox said, "That is great. Is that all right with you, Rick?"

Commissioner Borries said, "Sure. I think we'd be ready with that next week if...."

Mrs. Cox said "I'm ready to do it now. When does it expire? December 31, 1987?"

Attorney Miller said, "It does; but it says '..it shall be effective until terminated by any of the parties.' The reason being that sometimes from year to year we forget to do these things and we don't want to be without some kind of agreement for the State Officials to refer to. I've marked that out and if that is satisfactory with you it is certainly satisfactory to me."

It now says 'Compensation for legal work pertaining to extraordinary matters shall be fixed at the standard hourly rate provided herein.'"

Upon motion duly made by Commissioner Cox and seconded by Commissioner Borries, the agreement was approved as amended.

The Chair requested a roll call vote and the motion was unanimously approved.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Work Report/County Highway Garage: Mr. Bethel submitted copies of the Weekly Work Report for Employees at the County Garage for period of January 11 thru January 15 1988.....report received and filed.

Gradall: Outer Broadway, 1909 Speaker Rd.

Grader: Mann Rd., Bixler, Massberger, Wallenmeyer, Schmitt Rd., Armstrong, Lutterbach, Emge Rd., Buente, Staub, Day Rd., Schissler, Cypress, Seminary, Golden Rule, and Old Henderson.

Tree Crew: Bayou Creek, Hillview, Cypress-Dale and Volkman

Patch Crew: St. Joe Avenue, Mesker Park Drive, Korff Rd., Laubscher, Happe, Boonville-New Harmony Rd. and Seib Rd.

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

- Worked on log jams at Heckel Rd., Petersburg Rd. (behind the golf course and behind Evansville Day School)
- Replace guard rail t Pollack Avenue, St. Joe Rd., Hillview, and St. George Rd.
- Repaired guard rail at Darmstadt Rd.
- Replaced pipe and rip-rapped at Heddon Rd.
- Burned wood piles in river bottoms
- Cleaned culvert on Oak Grove Rd.

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

Peach Blossom Lane: Mrs. Cox said she has a note regarding Peach Blossom Lane.

Mr. Bethel said he and Mr. Easley worked on this problem together.

Mr. Easley said he met with Earl Williams of Union Federal and he has requested that they mark all the concrete we want removed and replaced. Mr. Easley is in the process of doing this and then Union Federal is going to evaluate the cost of the repairs. If Union Federal repairs all the concrete, they want us to paint all removal replacement and we will be doing that.

Outer Lincoln Ave. near McCarty Lawn & Garden Center: Commissioner Borries said he has one area to which he wants to direct Mr. Bethel's attention on Outer Lincoln Avenue near the McCarty Lawn & Garden Center -- the installation of a pipe or telephone. In his opinion, it is not acceptable.

Mr. Bethel said, "That is now in the City -- but we will work on it for you if you want us to. I told them they had to put hot mix on that, level it off and...."

Mr. Borries said, "The annexation is in effect; but I do know that through an agreement with the Sheriff's Department (as he had indicated in one of the meetings earlier this year) the Sheriff's Department is going to continue to provide law enforcement protection in those areas that have recently been annexed for a period of one (1) year. What I maybe would ask you



to do is to talk to the City Engineer and call this to his attention, Andy. As you pointed out, this is not acceptable. There are a lot of residents out there not aware that they have been annexed and there have been some calls on this. If Andy can relay this to the City Engineer, perhaps we can enter into a local agreement with the City concerning this."

Messrs. Bethel and Easley agreed to get with them and see that it is done right.

RE: COUNTY ENGINEER - ANDY EASLEY

Performance Bond/Woods Rd. Bridge: Mr. Easley said that approximately a week ago the County Attorney approved the Performance Bond for the Woods Rd. Bridge and the Commissioners have never formally accepted the bid. He would request that the Commissioners sign the Form 96 at this time. Bids were received, and normally the contract is not signed until the Performance Bond is received. We are accepting the 3-span bridge (Alternate "B") which is \$169,004.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Borries, the contract was signed. So ordered. Mrs. Cox did note that this is not what she preferred but we do need to build the bridge.

North Green River Rd. Improvement Project: Mr. Easley submitted a request letter from United Consulting Engineers. They are asking that the Commissioners approve Alt & Witzig Engineering, Inc. to perform Geotechnical Investigation Services on the North Green River Rd. (Morgan Avenue to Heckel Rd.) Improvement Project. This is to be done at standard rates.

Mrs. Cox asked, "Who is this firm?"

Mr. Easley said there are several firms approved by the Indiana Department of Highways to perform geotechnical investigations (they evaluate soil conditions). He is not sure how many local firms are on this list. Alt Witzig may have their offices in Indianapolis or they may have a local office (he forgot to check this out). If the Commissioners want to suggest someone else.....

Commissioner Borries asked "Are there local firms?"

Mr. Easley said he will have to check on this.

Commissioner Borries said he prefers to take this matter under advisement -- and see if we get a suggestion.

Mrs. Cox said she doesn't know anything about Alt Witzig.

Browning Rd. Estates West (Section II): When the street plans were approved for Browning Rd. Estates West, Section II, the Wittekindts had requested waiver of curbs and gutters -- which was approved. The Wittekindts have re-evaluated the street section they want on Pine Gate Rd. and, because of the appearance of the street recently built by Bill Wittekindt, Jr. in the other section, Bill Wittekindt, Sr. has changed his mind about the desirability of curbs and gutters. He thinks they will blend with what he has and requests permission to install curbs and gutters. There were no grade changes and they will have not ditches. This will be better from an erosion point of view. It is Mr. Easley's recommendation that the Commissioners approve the request.

The Wittekindts are in the audience today.

Mrs. Cox said, "With pleasure."

Commissioner Borries said "I want to commend you for that. Again, I think that certainly is a step forward."

Upon motion duly made by Commissioner Cox and approved by Commissioner Borries, Browning Rd. Estates West Section II

street plans (Pine Gate Rd. and Maple Gate Rd.) were amended to include rolled curb and gutters, rather than the side ditches. So ordered.

Mr. Wittekindt, Sr. commented, "This amendment has been approved by the Area Plan Commission. Will the Commissioners convey their approval to the APC?"

Mrs. Cox said, "There would have to be an inclusion then for the cost of your rolled curbs and gutters insofar as the bond is concerned."

Mr. Wittekindt said he understands this.

Mrs. Cox said the Surveyor's Office also needs to have a copy of the amended plans, since the plans include both street plans and drainage plans.

Mr. Jeffers asked who the Engineer is on this, and Mr. Wittekindt said the Engineer is Mr. Fred Koester of Ft. Branch, IN.

Request To Go on Council Call: Mr. Easley asked if the Commissioners want him to go on Council call to get the Eickhoff-Koessel account reimbursed for the money used to pay those year end bills?

Commissioner Borries responded in the affirmative.

Mr. Easley said at this time he would request permission to ask for \$106,830 to reimburse that account.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Borries, Mr. Easley was authorized to go on Council Call for the \$169,004. So ordered.

RE: DESIGN ENGINEERING ON CARANZA DRIVE

Commissioner Borries noted that Item #9 on the agenda, which concerns the design engineering on the Caranza Drive Sewer Project, was covered by Attorney Miller and the matter has been taken under advisement. He asked, for informational purposes, "David, this is a substantial agreement, which we should accept after careful examination?"

Attorney Miller said, "If you accept the agreement, the Engineer will accept it in the form in which it has now been given to you."

Commissioner Borries asked if the Board can take this under advisement for an additional week?

Attorney Miller said "It has been seven weeks; there is no reason it can't be eight weeks."

Commissioner Borries said "If it keeps raining, he won't be able to get out there anyway. But assuming there are no concerns on the part of Commissioner Cox or Commissioner Willner (if he is here) -- the agreement will be approved at the next meeting."

Attorney Miller said "I do want you to realize that in the previous contract it was possible (although unlikely) that the Engineer could have performed all or substantially all of the work and been exposed to the possibility of not being paid if, for some reason, the project were scrapped. Under this proposal, the County essentially is guaranteeing the Engineer that, to the extent work is done to the point where the project is scrapped, the County will guarantee payment to the Engineer on an hourly basis."

In response to query as to "Out of what fund?", Attorney Miller said he would have to leave that to the Commissioners at this point. However, that is the change that he wants them to be aware of -- that the Engineer was concerned about the possibility

of the project being scrapped. Now, of course, if the project goes forward under the Barrett Law, the Barrett Law bond procedure will pay for his services. The trouble with this whole thing -- and the reason that that possibility arose -- is because the Engineer's work must be substantially finished before the Barrett Bonds can be approved. We have passed the time for the substantial remonstrances that could be experienced in this case -- so we think the risk to the County is minimal or substantially non-existent, which is why we agreed with the Engineer to go head and do this in this fashion.

Mr. Easley presented a hypothetical situation: "What if, by some strange quirk of fate, the Engineer designs the sewer and the bids come in and then some committee comes forward and says 'we feel we have contacted a private contractor to build this at much less cost'?"

Attorney Miller said, "Then we'll sell the private contractor the plans."

Mr. Easley asked, "Is there some provision to do that?"

Attorney Miller said "We certainly have the capacity to hold the plans for the private contractor and ask the private contractor -- we don't have to approve the private contractor's placement of the sewers except on a condition that he use these plans."

Mr. Easley said "I think you could do that."

Attorney Miller confirmed, "We have enough leverage to do that."

Mr. Jeffers said, "Andy's point is well taken. However, the quirk of fate that I'm concerned about is that if the plans are substantially completed but, for some unforeseen reason, the project is not completed then the sewer itself is not provided to the residents (of which I am one) -- then, who pays for the plans for a service not rendered?"

Attorney Miller said, "The County has guaranteed if this contract is signed to pay for the plans. There would be no provision for Barrett Bonds just for plans. The Barrett Bonds could not be approved only for the plans."

Mr. Jeffers asked, "So, in other words, if the construction project is not completed and the sewers are not turned over to the residents for their use, then the residents would not pay for the plans through the Barrett Law?"

Attorney Miller said, "That is correct."

Commissioner Cox commented, "As hard as we worked to get this on the road and get it worked out to almost everyone's satisfaction, am I missing something here? Is there a potential problem?"

Attorney Miller said "I don't see a potential problem. Mr. Easley is standing over there shaking his head no -- I do not see a potential problem, which is why I so easily gave in to the Engineer's concern. I could have told the engineer to go away and we'd find another engineer. But I see no reason at this point to be concerned about that possibility."

Mrs. Cox said, "And the engineer's plans and specifications have to meet our satisfaction anyway before we pay him."

Attorney Miller said, "That is exactly right."

Mr. Jeffers said "There is no potential problem from the neighborhood standpoint, because as Mr. Miller said -- the period for remonstrance is over and there were only three actual residents who registered a remonstrance against the project."

Attorney Miller said, "Right; the necessary remonstrances just did not appear."

Mr. Jeffers said, "But, one of the three is probably going to hold you up as far as he can -- until you go eminent domain."

Attorney Miller said "We can handle that."

Mr. Jeffers said, "Every time the residents see me in the yard they ask me how it is going down here -- and I just...."

Attorney Miller said "Tell them -- next week."

Attorney Miller said there will be another hearing concerning the benefits, detriments, or whatever.

RE: SOIL & WATER CONSERVATION - REQUEST TO GO ON COUNCIL CALL

President Borries submitted the following request:

January 12, 1988

Mr. Rick Borries, President  
Vanderburgh County Commissioners  
Evansville, IN 47708

Dear Mr. Borries:

The Vanderburgh County Soil & Water Conservation District Board of Supervisors request permission for a Council Call to request a supplemental appropriation in the amount of fifty seven hundred dollars (\$5,700.00) to purchase computer hardware for the district office.

At the initial budget appropriation meeting, the Council approved twenty five hundred dollars to purchase hardware, which was only about 30% of the total amount needed. This would only allow for the purchase of a portion of the equipment actually needed to automate the office.

To purchase computer equipment piecemeal is unwise and earlier purchases, may, in fact, be outdated by the time the entire system can be brought on line. In any event, the equipment that can be purchased for the approved amount would not be an operational unit and couldn't be brought on line.

Thank you for your attention to this matter, and please advise of meeting date, time, and place. Again, thank you so very much.

Thomas Strupp, Chairman  
Vanderburgh County SWCD  
Board of Supervisors

Commissioner Cox asked if part of that is reimbursed?

Commissioner Borries said he thinks SWCD receives federal reimbursement, but he isn't sure it is on this particular request.

Mrs Cox said she wonders why Council only approved a portion -- and Commissioner Borries said he doesn't know.

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

RE: TELEPHONE REQUEST - COUNTY ASSESSOR'S OFFICE

President Borries submitted a request dated January 15th from County Assessor Jim Angermeier for a private telephone line to be put on Evelyn Lannert's desk in place of the extension line that is now in use.

Commissioner Cox asked, "For what reason?"

Mr. Jim Lindenschmidt explained, "She is now coordinating the re-assessment and she is on a joint line with other desks. The irony of this is that when they put this telephone system in he told Jim to give her a private line and he said 'no'. Now he wants it. I might also tell you I talked with the telephone company while they were here today installing the phone lines approved by the Commissioners for the Township Assessors. They also did some work at the Jail. He said they would also like to add another line. I asked him how many opening they had in the switch as of now and they said we only had one or two. So right now we are getting into a critical stage with the switch."

In response to query from Commissioner Cox as to what Evelyn Lannert is now doing, Mr. Lindenschmidt said she is coordinating the re-assessment. Mrs. Cox said, "Oh, I thought we had Simon's Governmental Services that was doing that."

Attorney Miller interjected, "No, Simon's is the Technical Advisor for the Township Assessors."

Following further brief discussion and comments a motion was entertained.

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

RE: ACCEPTANCE OF CHECKS

The following checks were presented for acceptance, endorsement and deposit into the County General Fund:

Check #2040 from the Southwestern Indiana Mental Health Foundation, Inc. in the amount of \$116,085.20, representing fees collected by the Foundation for services in the 4th Quarter, 1987. (This brings the total collected for the first seven months of operation to \$181,094.85.)

Check #09749624 from the Auditor of State of Indiana in the amount of \$11,503.92 for one month's rent for the Department of Public Welfare.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Borries, the checks were accepted and endorsed for deposit into the County General Fund. So ordered.

RE: COUNTY CLERK - MONTHLY REPORT

President Borries presented the Monthly Report from the County Clerk for period ending December, 1987.....report received and filed.

RE: COUNTY TREASURER - MONTHLY REPORT

Also presented was the County Treasurer's Monthly Report for period ending December 31, 1987.....report received and filed.

RE: 1988 COUNTY EMPLOYEE LIST - COUNTY TREASURER'S OFFICE

President Borries also submitted the County Employee List for 1988 for the County Treasurer's Office. This completes the lists for All County Employees for the beginning of 1988.

RE: ACCEPTANCE OF PUBLIC OFFICIAL BOND

Also submitted was the Public Official Bond for Betty Hermann, County Council member. Bond was given to Secretary Joanne Matthews for transmittal to the County Recorder's Office.

Bonds for other Council members had already been submitted.

RE: OLD BUSINESS

Commissioner Borries said a report has already been given concerning the Commissioners' Executive Session held on January 11th.

RE: SCHEDULED MEETINGS

Wed. Jan. 20 8:00 a.m. Mtg. at USI re Traffic Congestion

Wed. Jan. 27 Indiana Association of County Commissioners (Legislative Update)

Commissioner Borries said USI is interested in some kind of solution other than a stop light at the entrance of the University on State Highway 62.

Commissioner Cox said the Commissioners might also want to take a look at Schutte Rd. while they are in the area and see how it impacts at Clark Lane and Schutte and see how Schutte impacts at Highway 62 and also at Lower Mt. Vernon Rd. Perhaps the County might think in terms of widening and/or adding another lane on Schutte Rd. out towards Highway 62. This would help to relieve some of the congestion coming directly out of the University at the flashing light and also on the lower highway. It is just 2-lane right now. We'd have to get State help there on Schutte Rd. where it intersects with Highway 62. But she doesn't think this would be any problem.

RE: CLAIMS

The following claims were presented for approval:

Cindy Ewing: Claim in the amount of \$152.50 for deposition re the May case. (Attorney Miller advised that this is 1/2 the expense.)

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

United Consulting Engineers, Inc.: Claim in the amount of \$10,750.00 for engineering services on the reconstruction of Green River Rd. for period 12/1/87 thru 12/31/87.

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

National Casualty Co.: Claim in the amount of \$1,110.93 for expense in defending case against the County (Claimant: Alfred Wagner). Attorney Miller said the situation with this is that Scottsdale Insurance Co. was purchased by National Casualty. Our agreement with Scottsdale Insurance is to the effect that they will cover amounts over and above a certain deductible, which he believes is either \$25,000 or \$50,000. This is a rezoning case in which Mr. Wagner filed an action against the County. Scottsdale was our alternate insurer in the event liability ran over a certain figure. After the expenditure of this amount of time, as we reported to you earlier, we were successful in getting the case dismissed by the Posey Circuit Court. We billed legal fees at the County rate of \$60.00 per hour to the insurance company. The insurance company paid it and they are now asking the County for reimbursement.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Cox, the claim was approved. So ordered.



RE: EMPLOYMENT CHANGES

County Coroner (Releases)

Alice C. Fox Secretary \$13,978/Yr. Eff: 1/18/88

County Coroner (Appointments)

Helen Ann Groves Secretary \$13,978/Yr. Eff: 1/18/88

Knight Assessor (Appointments)

Hurshel B. Cobb Deputy \$13,978/Yr. Eff: 1/13/88

Hillcrest-Washington (Releases)

Carolyn J. Kirby Housekeeper \$ 5.50/Hr. Eff: 1/9/88

There being no further business to come before the Board at this time, President Borries declared the meeting adjourned at 9:40 p.m.

PRESENT:      COMMISSIONERS      COUNTY AUDITOR      COUNTY ATTORNEY

R. J. Borries	Cindy Mayo	David V. Miller
S. J. Cox	Chief Deputy)	
R. L. Willner		
(Absent/Vacation)		

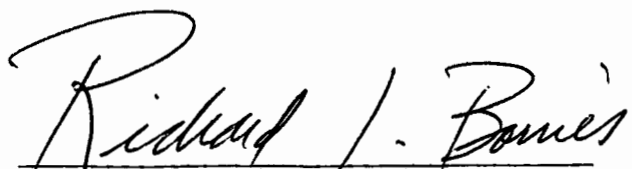
COUNTY HIGHWAY      COUNTY ENGINEER      COUNTY SURVEYOR

Bill Bethel	Andy Easley	Bill Jeffers
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OTHER

Dave Ellison  
Eldon Maasberg  
Eugene Farney  
Larry Goebel  
Bill Wittekindt, Sr.  
Bill Wittekindt Jr.  
Many others (unidentified)  
News Media

SECRETARY:      Joanne A. Matthews

  
Richard J. Borries, President

Robert L. Willner, Vice President

  
Shirley Jean Cox, Member



MINUTES  
COUNTY COMMISSIONERS MEETING  
JANUARY 25, 1988

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MINUTES  
COUNTY COMMISSIONERS MEETING  
JANUARY 25, 1988

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, January 25, 1988, in the Commissioners Hearing Room with President Rick Borries presiding.

RE: APPROVAL OF MINUTES

President Borries called the meeting to order and entertained a motion concerning approval of the minutes of January 11, 1988.

It was determined that none of the Commissioners had had an opportunity to read the minutes, so approval of same was deferred for one (1) week.

Approval of the minutes of meeting held on January 19th will also be deferred until next week, as they were just submitted and the Commissioners have not yet had an opportunity to read them.

RE: POOR RELIEF APPEALS

Pigeon Township/Keith Bailey: Mr. Keith Bailey, poor relief applicant, was recognized by the Chair. He stated he resides at 2501 N. Evans. Mr. Evans had asked for food assistance and was denied because he was over income. His girl friend is a member of the same household and she receives \$340.00 per month SSI. He receives \$229.00 per month AFDC, since he has custody of his child (who also resides in the same household). Their combined incomes total \$569.00 per month, which puts them over the \$400.00 gross income limit for a household of three (3) in accordance with the Pigeon Township Trustee's Eligibility Guidelines. The Trustee has helped them in the past, but only the \$340.00 SSI income had been reported. Mr. Bailey was the applicant and rent receipts were made out in his name. The Trustee's Office was unaware of the AFDC income until his girl friend came into the Trustee's Office and applied for assistance in her name and indicated that in addition to her SSI income, he received \$229.00 AFDC. (She subsequently commented to the caseworker that she guessed she shouldn't have told them about this, to which Mrs. Cox commented, "Oh yes, she should.")

Mr. Bailey said the child is his child and that the girl friend is the child's mother. The girl friend told the Trustee's Office that she is not the child's mother. Mr. Bailey said his wife has mental problems and is on medication for same. In response to query as to who pays for her medication, Mr. Bailey said he thinks Medicaid pays for it -- or has. If they don't, it is supposed to show up on his documentation -- but he hasn't seen any listed as yet. Mr. Bailey is going to driving school so he can get certified and hopes to have a job in a couple of months. He said he cannot work right now because he cannot leave the child all day with his girl friend because of her mental problems -- she is not competent to care for the child. He would be glad to work under a workback program if the Trustee has such a program, if the County can provide some type of suitable daycare for the child. It was noted that the Trustee does not currently have a workback program. He has not had difficulty receiving assistance in other locations, Florida, etc. He was only in Florida a short time and received assistance there. The reason he came back here is because he totaled his car -- and he had nothing. He was on food stamps, but ever since he notified the newspaper about his problems with the food stamp people -- he has been turned down.

The Chair called upon Mary Hart, caseworker for the Pigeon Trustee's Office. She reiterated that in accordance with the Pigeon Trustee's Eligibility Guidelines the Bailey household is over income. Their combined incomes total \$569.00 and limit for household of this size is \$400.00 per month gross income.. The Trustee's office has given assistance in the past, but that decision was based on the SSI income of \$340.00 per month only, since Mr. Bailey had not told them he was receiving AFDC in the amount of \$229.00 per month. He also received food stamps this month.

Following lengthy discussion among the Commissioners and queries from the Board and responses thereto, President Borries advised that while the Commissioners can understand the frustration that Mr. Bailey must be experiencing, they cannot change the guidelines established by the Advisory Board for Pigeon Township (nor any other township). Their role is merely to determine whether the Trustee has in any way acted unfairly in denying assistance. It is the consensus of the Board that the Trustee's Office has followed their guidelines in denying assistance because the Bailey household has income in excess of the amount allowed for a three member household.

In conclusion, the Commissioners commended Mr. Bailey for his efforts to become a certified driver and wished him success in his schooling and finding employment soon thereafter.

Knight Township/Oscar McGee: The meeting continued with the Chair recognizing Oscar McGee, poor relief applicant in Knight Township. Mr. McGee resides at 3637 Covert Avenue and had asked for rent assistance and his application was denied. He said he is laid off from work due to no fault of his. Assistance was denied because he has call waiting on his telephone and basic cable Television and HBO (Home Box Office). Mr. McGee said he needs call waiting because he doesn't want to miss a call about employment should the phone line be busy. Since he isn't working, he cannot afford for his children to go to a movie, etc. The family has no social activities and cable television is the only entertainment they can afford that benefits the entire family. He thinks the Commissioners should change the guidelines. He said he is not only speaking for himself -- but in behalf of any others who might have been denied for the same reasons.

In response to query from the Commissioners, Mr. McGee said his wife is employed -- but makes minimum wage. In response to further query from the Commissioners, Mr. McGee said he is not willing to give up his telephone call waiting feature or cable television just to obtain a few dollars assistance from the Trustee. He doesn't feel the Trustee can tell him what he can and cannot have in his home insofar as entertainment. He can't send his kids to the movies like the Trustee can afford to do. His kids are already doing without a lot of things and he isn't going to tell them they have to do without television, too. They wouldn't understand that. He couldn't even discuss this with the Trustee, because he was told the Trustee wouldn't be back in the office before the following morning (he was on his other job at the Fire Department).

Commissioner Cox asked Mr. McGee if perhaps the children wouldn't understand if he told them it was just doing without television temporarily? Mr. McGee said they wouldn't understand.

The Chair then recognized Emarie West of the Knight Trustee's Office. She said they had acted in accordance with what their guidelines have said for many years -- no cable television or extra telephone features like the call waiting. Were Mr. McGee to have the call waiting and cable television service removed, he would qualify. She said she talked with Mr. McGee when he made the application for rent assistance. She told him at that time that their eligibility guidelines stipulate no cable television (ncluding movie channels HBO, etc.) and only basic telephone

service (except in cases of extreme emergency -- such as a medical emergency -- a heart patient, etc.). The McGees meet the eligibility guidelines insofar as income is concerned. She asked him if he would be willing to forego the cable television and call waiting and he indicated he would not. Mr. McGee didn't come into their office until around 3:00 p.m. to file his application and Mr. Saulman, the Knight Township Trustee, was not in. Mr. Saulman did, however, telephone him the following morning at 9:00 a.m. to inform him that the application was being denied because of the cable television (including HBO) and the call waiting feature on the phone.

Mr. McGee said he wanted his complaint to be recorded in the minutes of the public meeting here today. He talked to Tom Shetler, Sr., who said it is pretty much up to Ron Saulman (the Trustee) as to what decision is made. Tom Shetler, Sr. is on the Knight Trustee's Advisory Board and he was in the dark as to what is going on.

Commissioner Borries said that Mr. Saulman makes his decisions based on what the Board has adopted.

Mr. McGee asked if these Advisory Board meetings are open to the public and Commissioner Borries responded in the affirmative. Mr. McGee said he was going to go to an Advisory Board Meeting and asked when the Advisory Board for the Knight Township Trustee meets?

Mr. Saulman was in the audience and he said that while they meet periodically, they do not have a scheduled or specific meeting date.

Mr. McGee asked, "You mean it might be six months from now?"

Mr. Saulman responded, "That's right."

Mr. McGee said, "That figures."

Following further discussion and comments (much of which was repetitive on both the part of Mr. McGee and the Commission) President Borries advised that the County Commissioners have no authority to change the Eligibility Standards or Guidelines for any of the Townships. Each Township has an Advisory Board and each township draws up its own set of standards/guidelines, which are approved by the respective Advisory Boards. The only role the Commissioners have when an appeal is made is to determine whether the Trustee's Office has treated applicants fairly -- and not violated the applicant's rights -- and that their actions are within the boundaries of the guidelines established by the Trustee's Advisory Board. In view of the number of applications the Trustee's Office receives, they have an enormous task.....to make the best possible utilization of the funds available and still be as fair as possible to all applicants. And it is in the best interest of everyone concerned that guidelines have been established. It would seem in this case that the Trustee's Office has followed the guidelines in denying the request for assistance, with respect to the cable television and call waiting feature on the telephone. He stressed that neither the Commissioners nor the Trustee's Office are penalizing or discriminating against Mr. McGee in any way - and he hopes Mr. McGee understands this. They are simply following the guidelines which have been established and adopted by the Advisory Board. It was the consensus of the Board that should Mr. McGee decide he wants to change his mind and give up cable television and the call waiting feature on his telephone, he can then contact the Knight Township Trustee and re-apply for assistance.

RE: KNIGHT TOWNSHIP TRUSTEE - 1988 GUIDELINES

The meeting continued with Mr. Saulman submitting copies of the 1988 Eligibility Guidelines adopted by his Advisory Board. He said the guidelines are reviewed annually by the Board, to

reflect changes in the law and cost of living. The public is invited to participate in review of these standards. He specifically directed the Board's attention to Page 5. In Paragraph #2 under Shelter Assistance, it states that "NO ADVANCE PAYMENT OF RENT OR ADVANCE DEPOSIT FOR SHELTER WILL BE MADE BY THE TRUSTEE. The applicant must provide for his first thirty (30) days of rent and must make all necessary deposits for shelter or utilities. The Trustee does not find shelter for applicants."

The Commissioners' attention was also directed to Pages 6 and 7, Job Referrals:

An applicant shall be required to complete five (5) job referral forms when shelter and/or utility assistance is granted from the Trustee's office. An applicant must actively seek employment unless one or more of the following circumstances exist:

- A. You (or they) are physically unable to work - as attested by a physician's statement.
- B. You (or they) are a minor or over sixty-five (65) years of age.
- C. You (or they) are needed to care for a family member as a result of age or physical condition.

Continuing, Mr. Saulman requested that the Commissioners sign a copy, indicating they have received a copy of the standards adopted by the Knight Township Trustee on January 1, 1988. These standards supercede all previous standards issued by the office.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, the Commissioners affixed their signatures thereto. So ordered,

RE: COUNTY INSURANCE - DENNIS FELDHAUS

President Borries recognized Mr. Dennis Feldhaus of Helfrich Insurance Agency, who presented a list of insurance proposals for 1988, which are self-explanatory. Mr. Feldhaus did offer several comments. He cited a savings in premiums, saying there was a decrease in premiums of \$160,114. However, he subsequently noted that he inadvertently left out a \$13,140 fee for Caroon & Black for claims handling. This would make premiums a total of \$401,330 rather than the \$388,190 and a decrease of \$146,974, rather than \$160,114.

Citing various changes, Mr. Feldhaus said our Self Insurance Retention (Deductible) increased from \$50,000 to \$100,000.

Workers Compensation - County is fully Self-Insured.

Waterslide Liability is included in the A.L.A. through Lloyds, with Excess through St. Paul's.

Law Enforcement Professional Liability is included in A.L.A. through Lloyds, with Excess through St. Paul's.

Public Official Liability Deductible increased from \$10,000 to \$25,000.

Returning to the matter of totals for premiums, Mr. Feldhaus noted that these totals do not include premiums for Specific County Official and Crime Bonds.

With regard to the County Loss Fund, the following were cited:

1988-1989 Required Amount	=	\$450,000
Current Amount	=	\$411,000 (+-)
Additional Needed	=	\$ 39,000 (+-)

We had 48 claims; of those, 40 are closed and 8 remain open.

Vanderburgh County's Self-Insurance program has been very successful and they are regarded as a roll model for a lot of cities. Elkhart and Madison are now in this program and they look with interest at what is going on in Vanderburgh County.

In the matter of Excess Liability, increase Excess Liability from the present Limit of \$750,000 excess of \$250,000 (A.L.A.) to \$1,750,000 Excess of \$250,000, thereby providing a \$2,000,000 total limit instead of the \$1,000,000. This is an additional premium of \$64,605.00.

The Work Release people are not employees of the County when they are working, so we have to have a separate policy for them.

In the area of General Liability, the breakdown on Deductibles is as follows:

0 - \$100,000	Loss Fund
\$100,001- \$250,000	Lloyd's
\$250,001- \$1,000,000	St. Paul Surplus Lines Co.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the proposal was accepted. So ordered.

RE: HEATING & AIR CONDITIONING FOR HILLCREST-WASHINGTON HOME

The Chair recognized Messrs. Roger Lehman and Tony Wilson, Building Commissioner and Consultant Engineer from T.E.C. Consulting Engineers, respectively, who were present to make their recommendations re awarding of contract for the new heating and air conditioning system at Hillcrest-Washington.

Commissioners Borries and Willner said it was their understanding that none of the bids received included removal of the existing boiler installation. Mr. Wilson confirmed that this is correct,

Commissioner Willner moved that we seek bids for removal of the existing boiler installation before we award the contracts for installation of the new system. Motion was seconded by Commissioner Cox. (Following lengthy discussion, Commissioner Willner withdrew his motion and Commissioner Cox withdrew her second.)

Commissioner Willner said that while we are planning a complete overhaul, why not ask these same people to continue to work and we might get a better price than we would if we wait until next year and ask for a different contract for removal of the equipment. It is ridiculous to leave that in there. He, personally, would like to dispose of the boiler by trying to get the company to keep the equipment. He thought it was in the bid. He has reservations about going ahead and leaving that in the building and not getting it completely out. He's sure some of the pipes are covered with asbestos and we need to get that out of there. It was noted that asbestos has been the center of health controversies and its presence in public buildings has led to costly removal projects.

It was noted by Mr. Wilson that the use of asbestos insulation was found earlier this month during an inspection. Removal of the asbestos would require another consultant, as he is not certified or licensed by the Environmental Protection Agency and can neither assist the county in seeking information nor in removing the asbestos-lined boilers. (In fact, there are two boilers, and he doesn't know whether the other boiler and pipes have any asbestos insulation. There are possibly only a couple of firms in Evansville who are certified and offhand he doesn't have the names of these firms. In response to query from Commissioner Willner as to whether the new equipment will be



placed in the same location as the existing equipment, Mr. Wilson said it will not. The heating and air conditioning units will be located in the attic and the unit heater will be in the boiler room. The new system will not utilize any of the existing pipes.

Mr. Lehman agreed that we need to get rid of the existing boiler, etc., but because asbestos removal is a complicated area, obtaining the necessary documentation, approvals, etc., could take up to a year. In response to query from the Commissioners as to the cost of the asbestos removal, he advised he has no idea. He said there also could be some asbestos in the floor tile or other areas.

Mr. Wilson said the asbestos does not constitute an immediate threat. The boilers could be deactivated, left in place, and isolated from access by residents. Asbestos removal may be mandated in future EPA guidelines and may be costly as well as time-consuming.

Commissioner Cox said that for the building to be fully utilized by Southwestern Indiana Mental Health, the new system needs to be installed. The facility has not been fully utilized and SWMH has a lot of plans for the future to make maximum use of the facility. We certainly wouldn't want to get in and at a later time tear out asbestos covered pipes. Everything should be done and the old out and the new in. County Council needs to be aware of this. They think the \$260,000 appropriated will be adequate. They need to be updated concerning removal of the old equipment and the asbestos removal, which will require additional monies.

Commissioner Borries said if it is going to take a year to accomplish the asbestos removal, then this is going to throw the whole thing off schedule. He would like one more week to hear from the Mental Health Foundation concerning their plans.

Mrs. Cox suggested we might also ask the Health Department to look at this and give us a report of what should be done. We have a problem and we need to make County Council and the Southwestern Mental Health Foundation aware of it. County Council has a Finance Meeting on Thursday of this week.

Following further discussion it was the consensus of the Board that we do have problems -- problems which can't be resolved today. Commissioner Willner said he is personally going to call a couple of companies. He believes the requirement for removal of asbestos from a dwelling is different from that for a commercial building. Perhaps we can obtain some type of permit to remove what we want (the old boiler)..and just jerk it out. He'll get whatever information he can.

Mrs. Cox said she will go to County Council's Finance Meeting on Thursday. The Commissioners need to be there to apprise them of the situation.

In conclusion, the Board decided to take the entire matter under advisement for an additional week, until such time as they have had the opportunity to talk with the Southwestern Indiana Mental Health Foundation and contractors.

RE: REQUEST FOR WAIVER OF SIDEWALKS, CURBS & GUTTERS  
IN MCCULLOUGH SUB. "C"

Mr. William Bivins was recognized by the Chair. He was present for purposes of requesting waiver of sidewalks curbs and gutters in McCullough Sub "C."

In response to query from Commissioner Cox, Chief Deputy Surveyor Bill Jeffers said the drainage plan will be presented before the Drainage Board at today's meeting. The plans were submitted at approximately 12:00 noon today and show side ditches rather than rolled curbs and gutters. They show 50 ft. right-of-way, with 24



ft. pavement and additional 13 ft. on either side for the 6 ft. shoulders and 7 ft. side ditches. ~~They took the dirt from the dam on the lake and sodded the slopes of the ditch. There is not much more water velocity.~~ *deleted*

The Commissioners spent several minutes perusing the plans and discussing technicalities with Mr. Bivins. Mrs. Cox indicated she has no problem with waiving sidewalks, but she thinks we should go with curbs and gutters. Our ordinance stipulates that developer must have rolled curbs and gutters or side ditches on both sides of the road and this only has ditch on one side.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the waiver of sidewalks was granted.

Commissioner Willner moved that the waiver of rolled curbs and gutters be approved.

Following further discussion, Commissioner Cox provided a second to the motion and asked for a roll call vote.

Commissioner Cox, no; Commissioner Willner yes; Commissioner Borries, yes. Commissioner Borries said he is voting "yes" because this is an extension of an existing street -- that is the only reason.

RE: CONTRACT FOR ARCHITECTURAL & ENGINEERING SERVICES FOR AIR CONDITIONING SYSTEM UPGRADING - VANDERBURGH AUDITORIUM

President Borries announced that this matter has been continued.

RE: EUTS - ROSE ZIGENFUS

Request for Stop Signs at Pleasant Ridge Drive & Crestview Drive: Mrs. Zigenfus requested that stop signs be placed at the three approaches to Pleasant Ridge Drive & Crestview Drive, because of the "Y" intersection. They would also request pedestrian crosswalk striping to define walking area for school children when they get off the bus. and Andy Easley has already talked with Gene Kautzman about this.

In response to query from the Commissioners, Bill Bethel confirmed that both Pleasant Ridge Drive & Crestview Drive are County roads.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, the request was approved. So ordered.

Claim/City of Evansville: Mrs. Zigenfus submitted a claim in the amount of \$37,188.99 for 45% of local costs for the County's portion of the Covert Avenue Extension. The IDOH invoice was in the amount of \$82,642.21.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, the claim was approved for payment. So ordered.

Project Update: The following Project Update Report was also submitted by Mrs. Zigenfus:

Third & Fifth Street Realignment: A design hearing has been set for February 3, 1988. Right-of-way processing may begin shortly thereafter.

Fulton Avenue Improvement: Design is proceeding as scheduled. The bridge design necessitates additional documentation. Preliminary grade review meeting was held December 17, 1987.

Green River Road North: Design is proceeding as scheduled. Preliminary field check hprojected for late January 1988.

Lynch Road Extension: Design is proceeding as scheduled. The Interchange proposal has been reviewed by the FHWA Regional Office.

Pollack Avenue Extension: The City has proposed designing the project with City forces. The County, which is 90% of the jurisdiction for the project, is reviewing the proposal.

Green River Road South: Design is proceeding as scheduled. Field Survey has been completed.

Eichoff-Koressel Road: An alternative alignment has been determined to accommodate a four-lane cross-section and an environmental assessment document. A supplemental agreement is being processed to permit preliminary field survey work.

Boonville-New Harmony Road Extension: Appraisals for right-of-way acquisition have begun. Construction is projected for late spring - early summer.

Orchard Rd. Bridge: Structure Type and Size drawings were submitted to IDOH in September. IDOH is suspending review of the plans until Boonville-New Harmony Road Bridge and Fulton Avenue Bridge have been reviewed.

Boonville-New Harmony Road Improvements: East - all comments have been received. The Categorical Exclusion is under review by IDOH. West - environmental approved; decision on design is required.

Ohio Street Bridge: Before early coordination can be sent, design specifications are required.

METS:

Transfer Facility - Redevelopment is handling the appraisals and right-of-way acquisitions.

CAPE/SMILE - Bid specifications for five paratransit vehicles are being compiled.

Paratransit - An RFP for paratransit services is currently being developed.

Transportation System Management Report: Also submitted was the Transportation System Management Report, which recommends the following:

St. Joe Avenue & Allen Rd.  
St. Joe Avenue & Mill Rd.

State Road #57 &  
Boonville-New Harmony  
Highway 41 & Ruffian Way

Traffic Signal — *Commissioner Cox objection to traffic*  
Flashing Signal from 6:00 p.m. - 6:00 a.m.  
Monitor Intersection  
Monitor Intersection

Mrs. Zigenfus commented that St. Joe Avenue & Allen Rd. was the No. 1 traffic accident intersection in the County in 1986. There was brief discussion between the Commissioners and Mrs. Zigenfus. She had asked that the foregoing report be accepted. Commissioner Cox expressed opinion that if the Commissioners accepted the report that would mean they were accepting the recommendations contained therein. Mrs. Zigenfus assured the Commissioners that this is not the case. The motion can be to accept the report. They can take the recommendations under advisement and act upon them independently or whatever at some future date.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the Transportation System Management Report was accepted.....report received and filed. So ordered.

RE: COUNTY CORONER - CONTRACT RE PATHOLOGY LABORATORIES

President Borries said County Coroner Charles Althaus was present prior to the meeting. Before he left, he gave the contract re Pathology Laboratories to the County Attorney for his perusal.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Work Report/County Garage: Mr. Bethel submitted copies of the Weekly Work Report for Employees at the County Garage for period of January 18 thru January 22, 1988.....report received and filed.

Gradall: Worked on Outer Broadway, Mann Rd., St. Joe Ave., Adler, Happe Rd., and Old Lower Mt. Vernon Rd.

Grader: King, Seminary, Happe, Huebner, Fitzgerald, Long, Hickory Ridge, Newman, Oak Grove, Calf Lane, Old Green River, Old Boonville Rd., Bixler, Staub Lane, County Line West, Petersburg Rd., Swope and Millersburg

Trash Crew: River Rd., Old Henderson, Lynn, St. Joe Avenue, Meier, Mohr, Evergreen, Mill Rd. and Wimberg

Cut Bleeders: Evergreen Acres, Broadway, Pollack, Spry. Indian Mounds, and Frontage Rd.

Patch Crew: Broadway, Burkhardt, Larch Lane, Darmstadt, Evergreen, St. Wendel and Booker

Repaired washouts on St. George and Pollack

Repaired paver

Washed and waxed equipment at the garage

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

- Cut trees from the bank of bridge on Fickas Rd.
- Cleaned culvert on 5923 Oak Grove Rd.
- Repaired guard rail ends on St. Joe Avenue
- Cleaned drain off Pollack and Polaris
- Cleaned yard at the Vanderburgh County Highway Garage
- Cleaned culvert at Pollack Avenue and Calf Lane
- Worked on removal of Log Jam at Pigeon Creek Bridge #72

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

Rollett Lane Bridge: Commissioner Cox advised that she has received a lot of compliments regarding the new Rollett Lane Bridge. She said she has been informed, however, that logs are blocking the new waterway channel east of Rollett.

Mr. Bethel said they will take care of this in the morning.

Request for Additional Fire Hydrant: Mrs. Cox noted there has been a lot of development on Rollett Lane (probably some 30 homes, etc.) The closest fire hydrant is at Broadway. She is wondering if the Commissioners can't send a letter to the Water Board to see if they can review the situation and consider installing a fire hydrant about halfway down Rollett Lane.

It was the consensus of the Board that this should be done and President Borries said he will see that a letter is sent.

RE: COUNTY ENGINEER - ANDY EASLEY

Request To Go on Council Call: Mr. Easley submitted a request to go on Council Call for \$10,000 to pay for preliminary engineering to develop a conceptual design for a grade separation structure and highway access for the entrance to the University of Southern Indiana. Preliminary Engineering to include sketches of proposed structure and construction cost estimates.

The Commissioners had attended a meeting at the University of Southern Indiana on Tuesday January 26th, At that meeting, there was a lot of sentiment to get something moving. There was discussion as to whether to ask the State's permission or seek funding from Council. Mrs. Cox suggested we ask permission from the State and tell them we will finance it -- but we need some assurance that Council will finance it. It could be a \$2 million project.

Commissioner Willner said he had heard that the State wouldn't approve the grade separation structure because the traffic didn't warrant it at this time.

Mrs. Cox asked Mr. Easley if the County could do the study?

Mr. Easley said the study needs a lot of time and expertise that we don't have. He suggested we ask Council for an appropriation to conduct the study and if the State turns us down, we certainly won't spend any money. We can ask the State if we may build the overpass and we can ask Council for funding, subject to State approval.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, Mr. Easley was granted permission to go on Council Call to request \$10,000 to conduct the study, subject to receiving approval from the State; we will also contact the IDOH and request approval. If the State does not grant approval no monies will be spent. So ordered.

RE: AGREEMENT RE ENGINEERING SERVICES FOR CARANZA DRIVE SEWER PROJECT

The Commissioners had taken the agreement with Veach Nicholson, Griggs Associates for engineering services for the Caranza Drive Sewer project under advisement.

Following brief comments, upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the agreement was approved. So ordered.

RE: INVESTMENT RESOLUTION

President Borries submitted Investment Resolution for the Board's approval, as follows:

INVESTMENT RESOLUTION  
OF BOARD OF COUNTY COMMISSIONERS  
VANDERBURGH COUNTY, INDIANA  
JANUARY 25, 1988

WHEREAS, the Board of Commissioners of Vanderburgh County, Indiana, pursuant to Indiana Code 5-13-1-1 et seq. (Acts 1975, P.L. 44, P. 222) is vested with authority to direct the County Treasurer to invest County funds under the control of the Board pending distribution to units of government; and,

WHEREAS, the Board of County Commissioners desires to provide flexibility in meeting the financial obligations and other budgetary considerations of Vanderburgh County while maintaining a maximum interest yield on invested County funds;

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF COMMISSIONERS;

1. The Vanderburgh County Treasurer is hereby authorized and directed to invest at his discretion all available Local Road and Street Funds for a period of three hundred sixty-five (365) days and to return all interest earned on deposit thereof into said County Local Roads and Street Fund.
2. The Vanderburgh County Treasurer is hereby authorized and directed to invest at his discretion all County Cumulative Bridge Funds for a period of three hundred sixty-five (365) days and to return all interest earned on deposit thereof into said County Cumulative Bridge Fund.

PASSED AND APPROVED by the Board of Commissioners this 25th day of January, 1988.

BOARD OF COMMISSIONERS OF  
VANDERBURGH COUNTY, INDIANA

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

ATTEST:

Sam Humphrey, Auditor  
Vanderburgh County

Curt John  
County Attorney

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the Resolution was approved. So ordered.

RE: TRAVEL REQUESTS

The following travel request from Weights & Measures was submitted for approval:

January 21, 1988

To: Vanderburgh County Commissioners

I am requesting permission for myself and my Deputy, Gary Anderson, to attend the Annual Winter Training Session for Weights & Measures Inspectors in McCormick Creek, near Bloomington, on January 27th, 28th and 29th. This will involve two nights lodging, etc., and there is monies in our budget for this purpose. I am also requesting that I be allowed to drive my vehicle instead of the Department's Van, as it must have repairs done on it and it is not easy to do when we are in it every day and this time while we are gone would be the best time to have it done.

Also, we must take our equipment to the Lab again this year and it is scheduled for Monday and Tuesday, February 8th and 9th, so I am requesting permission to travel for both of us for these dates.

If there are any questions concerning this, please ask.

/s/ Loretta Townsend

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the request was approved. So ordered.

RE: ACCEPTANCE OF CHECK

President Borries presented Check #799 in the amount of \$38.40 from Wells Cable T. V., Inc. for 4th Quarter Franchise Fees and entertained motion to accept the check for deposit.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the check was accepted and endorsed for deposit into the County General Fund (Quietus #10169).

RE: PUBLIC OFFICIAL BOND

Public Official Bond for Pigeon Township Assessor, Robert T. Dorsey, was accepted and given to the secretary for transmittal to the County Recorder's office.

RE: GRANT AGREEMENT - CHAMBER OF COMMERCE

Commissioner Borries said he has the Grant Agreement between the County and the Chamber of Commerce for approval and asked if there is any discussion concerning the matter.

Mrs. Cox asked if the agreement includes anything about public meetings being open?

Commissioner Borries said it does not; it says that Quarterly Reports will be given and they will be open to the public.

Motion was made by Commissioner Cox that Grant Agreement No. 2855K between the County and the Chamber of Commerce be approved, with a second from Commissioner Borries.

County Auditor Sam Humphrey asked if the agreement will include a copy of the Indiana Code that permits this?

Commissioner Borries said it does not.

Mr. Humphrey said he contacted County Attorney David Miller and told him what he needed and he said he would have it here this afternoon. Commissioner Borries will hold the agreement until County Attorney Miller can be contacted.

RE: SCHEDULED MEETINGS

Thurs. Jan. 28 2:00 p.m. County Council Personnel  
Committee Meeting

Thurs. Jan. 28 2:30 p.m. County Council Finance  
Committee Meeting

RE: CENTRALIZED DISPATCH SYSTEM PROPOSAL

Commissioner Borries said he he talked with the Mayor's Office this past week about the Centralized Dispatch System. He will only say that a meeting was held and discussion focused around improved capabilities on all levels and upgrading the various units -- City Police, Fire and Sheriff. They listened to proposals. Space concerns were also discussed. This proposal would obviously be funded via an Inter Local Governmental Agreement where percentages would be worked out. Previous to that time, this Commission will have the opportunity to view the proposals and discuss the matter fully. Again, the purpose of centralized dispatch system would be to improve emergency services for the entire county. Provisions will be made for computer-aided dispatch and, according to the report he heard, there will be cost savings for all units of government. He will continue to seek additional information and update the Commission.



RE: EMERGENCY SERVICES

Mr. John Bittner was recognized by the Chair. He said that in relation to what Commissioner Borries was saying, that would not include all of Vanderburgh County?

Commissioner Borries said that in relation to the 911 Emergency Service, he is not yet aware of what the capabilities would be.

Mr. Bittner asked, "Will it pick up Cynthiana?"

Mr. Borries said, "Yes, I think there could be some provisions for extending it. There are about five counties looking at it and I think the provisions are there for extension. In other words, if this is included in the safety network, there will be communication through those other counties - that is what it would amount to."

Mr. Bittner said he is helping Wilbur Kron in Armstrong with the re-assessment. "It was brought to our attention (and I believe Mr. Humphrey can verify same) that to have a house number for positive identification or location, is very important if the 911 dispatching system is to be effective." They feel that it is an opportune time -- as long as they're doing the re-assessment -- where people will be physically assessing each house. He talked to Barbara Cunningham in Area Plan and asked her what they could do to get number assigned to each parcel. It was his understanding that we could make a copy of the sections of the townships and when they had the data together and could identify the exact location, they take them to Area Plan and they would assign numbers and these could then be put that on the tax record card. "Would you support that?"

Both Commissioners Borries and Cox said they would -- they think this is very important.

Mr. Bittner continued by saying that in talking with Mrs. Cunningham, she said they usually charge for a roll of paper and we could ask volunteers to run that material off -- there would probably be 100 pages. She said this would not fit into her budget. "Would the Commissioners fund that?"

Commissioner Borries asked, "You're saying the volunteers are already in place?"

Mr. Bittner said, "No."

Commissioner Borries said, "Let's say the persons who are assisting in doing the re-assessment are already in place. Would this be a part of what they do?"

Mr. Bittner said, "I suppose it would be up to the Township Assessors."

Commissioner Borries said "If we could get a consensus from the Assessors, I think it would be a good idea. Since they are already doing the re-assessment, there will not be any significant costs -- such as extra manpower or extra work. We're not talking about every township -- we're probably talking about just the outlying townships of Vanderburgh County."

Mr. Bittner agreed. He reiterated that the 911 system would be very ineffective unless every parcel had a house number.

Mr. Bill Jeffers, Chief Deputy Surveyor, interjected: "If it would help you to make a decision right now, I was told earlier what Mr. Bittner had approached Mrs. Cunningham about. We have the same maps in our office and we can buy a package of printing paper for under \$50.00 (probably about \$35.00 or \$40.00) and I will volunteer two (2) people from our staff to run those



sheets If the County Surveyor does not agree to pay for the \$40.00 worth of paper, perhaps the Board can help out. There are only 200 square miles in Vanderburgh County, so I'm sure one package of paper will do it."

Mr. Bittner said what would really be nice is if the Post Office will use those numbers.

Mrs. Cox said, "They will."

Mr. Bittner said, "We can take these work sheets to the Area Plan Commission so they can assign the numbers, then take that to the Post Office so they can put a zip code on there, then it will be entered into the record card, which will probably be sent to the taxpayer, and then it will be his/her choice as to whether to use the house number or zip code. It will still be up to the individual, but he will at least have the house number. Hopefully, we can emphasize the importance of posting that number.

Commissioner Willner said, "The first thing, they are going to give me another number -- and I already have a mailing address, o.k.?"

Mr. Bittner asked, "Is that a Rural Route Number?"

Mr. Willner said, "If you mail a letter to me at house number so and so, Owensville Rd., I'll never get it. Never."

Mr. Bittner said, "Just as soon as we can get house numbers -- that is what we want. Right now you have to come in and point to the map to indicate where you live with the Area Plan Commission, and they will draw vertical and horizontal line and designate a number. To get all the people to do that would take a long time. All new housing has a house number.

Mrs. Cox said, "The problem Mr. Bittner is addressing here is that when someone calls in the 911 number and they give their address as R.R. #1, Box 660 -- where the heck is R.R. #1, Box 660? And it takes a longer time to identify that -- because it really is not in any sequence -- than it would to have it on records. I was under the impression from Area Plan and Voters Registration that the Federal Government is going to go to this; and if we have our things in place now, it is going to be easier for us to do it now than it would be if we are demanded to do it four years down the line -- because it dovetails beautifully with the re-assessment procedure. And I think it is excellent that a citizen has enough foresight to bring this to our Board -- and I have no problems with this.

Commissioner Borries said, "Our goal is to try to get those house numbers. Thank you, John, for your suggestion. You have our approval and we'll proceed from there."

Mrs. Cox said, "I also want to thank the Surveyor's Office for volunteering to assist."

RE: PEACH BLOSSOM LANE

Mrs. Cox made an inquiry about Peach Blossom Lane. In checking with Mr. Easley, Joanne Matthews said Mr. Easley stated that the weather has prevented their marking the pavement on Peach Blossom Lane.

RE: EMPLOYMENT CHANGES

Circuit Court (Releases)

Paul Wollenmann	(136-198)	.	\$30.00/Mo.	Eff:	1/18/88
Paul Wollenmann	(260-111)		\$631/Bi-An	Eff:	1/18/88
Janet McConnaughay	(260-112)	.	\$631/Bi-An	Eff:	1/18/88
Paul Wollenmann	(505U-111)		\$19,936/Yr.	Eff:	1/15/88
Janet McConnaughay	CSO		\$19,936/Yr.	Eff:	1/15/88

Circuit Court (Appointments)

Jeff Shoulders	(136-195)	\$5.00/Hr.	Eff: 1/4/88
Janet McConnaughay	(136-198)	\$30/Mo.	Eff: 1/18/88
Janet McConnaughay	(260-112)	\$631/Bi-An	Eff: 1/18/88
Paul Wollenmann	(260-112)	\$631/Bi-An	Eff: 1/18/8
Robert Howerton	Supv. Tr.	\$208/Bi-An	Eff: 1/18/88
Janet McConnaughay	Prob. Coun.	\$19,936-An	Eff: 1/18/88
Paul Wollenmann	C.S.O.	\$19,936/Yr.	Eff: 1/18/88

There being no further business to come before the Board at this time, President Borries declared the meeting adjourned at 5:30 p.m., with the announcement that the Drainage Board will convene immediately.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R. J. Borries	Sam Humphrey	Curt John
	R. L. Willner		
	S. J. Cox		


<u>SURVEYOR</u>	<u>COUNTY ENGINEER</u>	<u>COUNTY HIGHWAY</u>	<u>COUNTY</u>
	Andy Easley	Bill Bethel	Bill Jeffers

<u>EUTS</u>	<u>BUILDING COMMISSION</u>
Rose Zigenfus	Roger Lehman

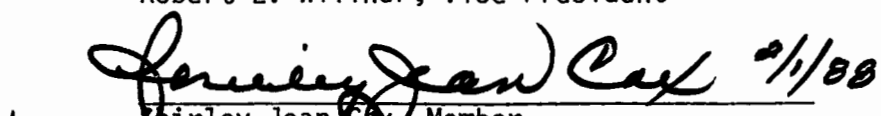
OTHER

Dennis Feldhaus (Helfrich)  
Ron Saulman, Knight Twp. Trustee  
Emarie West  
Mary Hart  
Donna Jones  
William Bivins  
Keith Bailey  
Oscar McGee  
Tony Wilson (T.C.I. Consultants)  
John Bittner  
News Media  
Others (Unidentified)

SECRETARY: Joanne A. Matthews

  
Richard J. Borries, President

  
Robert L. Willner, Vice President

  
Shirley Jean Cox, Member

MINUTES  
COUNTY COMMISSIONERS MEETING  
FEBRUARY 1, 1988

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m., with Vice President Robert Willner presiding.

Since it was the first meeting of the month, the meeting was called to order by Sheriff's Deputy Randall Korff, who declared the Commission in session pursuant to adjournment.

RE: APPROVAL OF MINUTES

After conferring with Commissioner Cox, Commissioner Willner announced that approval of minutes will be deferred until such time as Commissioner Borries arrives. He had to attend another meeting prior to this one.

RE: COUNTY CORONER

County Coroner Charles Althaus was recognized. He said he has three (3) agreements to submit for the Board's approval. Last week he gave copies of the three Agreements or Contracts with the Coroner's Office for 1988 to County Attorney Curt John for perusal. The first was with Reference Pathology Laboratories, Inc. of Nashville, TN to do our autopsy cases during 1988. They have a Dr. Lanny Davidson, who presently lives in Vincennes. He is a Forensic Pathologist (certified) with a number of years of experience, plus a number of years in the U. S. Navy. This contract with them is for \$350.00 per case, which includes the histology that is necessary in each case, which is a cheaper arrangement than we had before with the pathologist at Deaconess Hospital. This agreement is only a temporary agreement, because the President, Dr. Robert Webb, and their associate, Mr. Freeman, and I have talked at length -- because they know how interested we are in having a morgue of our own in this district and they know that we are working towards that goal. Therefore, this Letter of Agreement provides a written cancellation within thirty (30) days by either party. In other words, if the time would come that we would have our own pathologist in this district, then a 30-day notice would cancel this contract.

To reiterate a bit on just what has happened, all of the counties (with the exception of Gibson County at the present time) have appointed a liaison person in the County Commissioner's Office and also one in the County Council. And within the next month we will be having meetings with the seven (7) County Councilmen to start and see how we can arrange and what we need to do in funding our morgue.

Mrs. Cox interjected, "Charlie, did I understand you correctly -- all except Gibson?"

Mr. Althaus said, "Yes, Gibson will have their's the 19th. They are going to participate -- they've had several meeting and took it under advisement, and on the 19th we should have the names of the liaison people."

Mrs. Cox asked, "So, Warrick County is the only one that is not a participant at this time?"

Mr. Althaus responded, "Yes, and I'd like to reiterate on that just one second. When I met with Warrick County, the Coroner stated that it would be costing them too much money to

participate in our program. He stated they only had three (3) autopsies in 1987. That is very, very true. But we had six (6) coroner cases that were individuals who were transported by ambulance or helicopter to Vanderburgh County that upon the death of those individuals it was our responsibility to investigate to see if there was a post-mortem necessary. In doing so we checked with the attending law enforcement officials on the scene and four (4) of those six (6) cases Vanderburgh County had to pay for, which was around \$3,200. So that is why it is much less expense for him in Warrick County. If he adds that \$3,200 on, then he would come up with the amount of money we're asking from them to participate in this program. So I did want to clear that up. And I have to agree with the doctor, as long as Vanderburgh County is paying for it, why should they? We've had four post-mortems this month and two of them have been from Warrick County."

Attorney Miller asked, "Have you approached our legislators about that problem?"

Mr. Althaus said, "Yes; this was a short legislation and they didn't feel that they could get anything through. But during next year's legislation this will be worked on, along with a lot of other things through the Forensic Science Commission of the governors. We're hopeful that next year legislation -- the Forensic Science Commission is supposed to go before the legislators to get legislation to get all autopsies paid for in the State of Indiana."

Attorney Miller said "I think there comes a time when you have to advise Warrick County that what goes around comes around."

Mr. Althaus said, "I have one suggestion -- that the President of the County Commissioners write a letter and enter a contract with the President of the Warrick County Commission -- that would start something rolling. I have the law that you can inter-contract with them. And when all of these counties in Indiana refuse to do so, this law states that we could enter into a contract with other counties in other states for reimbursement for services rendered, and that is plainly stated in the laws."

Commissioner Willner said "That takes the agreement of two parties though."

Mr. Althaus said "That's right -- it takes agreement of the two parties."

Commissioner Willner said, "If you don't have that, then you're not going to get anything."

Mrs. Cox said "This is very similar to what used to be the case with the Change of Venue (and David will remember this, being in the legal field). There used to be a reciprocal -- or reciprocity -- that there was no charge between existing counties -- and Marion County was sending I don't know how many through here to poor little Hancock County, who were working their tails off in the courts and not getting any reimbursement -- and the Legislature saw fit to correct the situation. If we do get this facility (which I sincerely hope we can) it will have a big impact on our taxpayers. As taxpayers, we shouldn't have to carry the load for surrounding counties."

Attorney Miller said, "This situation is not unique to Vanderburgh County. I've got to believe that Vigo County, Lake County, Allen County -- they all have problems. And, in all fairness, I think it ought to be addressed."

The other Commissioners agreed.

Attorney Miller said, "I have an observation about your Letter of Agreement; is it appropriate at this time?"

Commissioner Borries addressed Mr. Althaus and asked, "What you're asking today is permission for just a temporary agreement? Is that correct?"

Mr. Althaus said "No, I am requesting approval of this agreement; but, really, it is a temporary agreement inasmuch as it is only a 30-day situation."

Commissioner Willner asked, "But you are ready for the Attorney to give you his opinion?"

Mr. Althaus responded, "Yes."

Attorney Miller said, "First of all, I understood you to say that you understood it was a 30-day agreement and it is shown to be cancelable not on 30 days but on 60 days written notice."

Mr. Althaus said "That is only on the Letter of Agreement only with Deaconess Hospital (which I believe you have)."

Attorney Miller said, "It says Reference Pathology Laboratories Inc. Isn't that who we're dealing with?"

Mr. Althaus acknowledged that this is correct.

Attorney Miller continued, "The last page provides for a 60 day written notice."

Mr. Althaus referred to his copy and offered his apologies. But 60 days is fine.

Attorney Miller continued, "And, of course, this kind of agreement is like any other continuing contract -- it requires annual funding. It can only be valid from year to year. This document says absolutely nothing about compensation to the Forensic Pathologist for the time he will spend in pre-trial preparation and in giving testimony at the request of the Prosecutor's Office. Do you contemplate that those services are to be paid for by this \$350.00 one time shot?"

Mr. Althaus said, "No, no; the Prosecuting Attorney (when he calls the Pathologist to testify) pays the fee for his services at that time."

Attorney Miller said "If somebody asks me, Charles, the way this contract reads, there is no additional fee required, in my opinion, for that Pathologist to give pre-trial assistance and testify. That is the way I read the contract at this point -- but it is ambiguous on that point. I would urge you to do something to get this in a more complete form as soon as you can. I have no basic problem with the agreement as a temporary stop-gap type of agreement and I don't want to stand in the way -- but there are some gaps that need to be filled in."

Mr. Althaus said, "Why don't you take that and work it out for me? Because I can work it with the reference Pathology Labs. It is not absolutely necessary that it is signed today. Because, as the Coroner, I have the authority to hire any Registered Pathologist or Registered Forensic Pathologist to do our autopsies -- or even a Physician."

Attorney Miller said he would prefer to do this.

Mr. Althaus asked, "Did you look through the other Letters of Agreement?"

Attorney Miller said "I only have one -- with Pathology Laboratories Inc."

Mr. Althaus said there should have been Letters of Agreement with St. Mary's Hospital and Deaconess Hospital. Those were all together -- and there were five (5) copies of each."

Attorney Miller said "There may be -- someplace. I understand that these came to me from Curt John's office very late last week -- and I just found out I had them about 1:00 p.m. today. I read them very quickly -- and they are all the same. I have not seen anything for Deaconess or St. Mary's. My secretary is ill today -- so that is not to say I don't have them. Let me check them all, if that is possible."

Mr. Althaus said "If you don't have those and Curt doesn't have them -- then I do have copies."

Attorney Miller requested that copies be made for him while the meeting continued. (Mr. Lindenschmidt complied with the request.)

Mr. Althaus said the new agreement with Deaconess is practically like the one we had before; per case it is \$230.00. This includes the morgue, refrigeration, and the Dean or Pathology Assistant. It does not include toxicology, x-rays, etc., which was not in the other contract either. It does the histology, but not the x-rays, etc. That is separate. In other words, in total, with St. Mary's and Deaconess, the Reference Pathologist is \$580.00 per case, plus those cases where we need x-rays and extra toxicology, which are primarily in the homicides, a few accidents and some industrial deaths. But out of 77 calls per year, approximately 7 to 10 of those would require that additional amount (which could run anywhere from \$60.00 to \$150.00).

Commissioner Borries addressed Attorney Miller and asked "O.K., we'll expect an opinion on those next week. Are you going to be on?"

Attorney Miller said he will not be here next week; he is taking a little break. He will try to assign it to somebody so he can get it to Curt by next week. If not, certainly he will have an opinion two weeks from today.

Mr. Althaus asked if the Letters of Agreement could be re-typed and ready for signatures?

Attorney Miller said they will be ready.

Funding: The meeting resumed with Mr. Althaus asking, "Who would I talk to -- or where would I go -- to talk about bonding for a County Morgue? And bonding for the seven (7) Districts together for a County Morgue?"

In response to query from Commissioner Willner, Mr. Althaus said, "Money bonds -- bonding to build the morgue."

Mrs. Cox interjected, "Just like we had the bonds to build the Airport. He wants the bonds to build the morgue to go on the property tax rate."

Attorney Miller explained, "He wants it to be done throughout the seven (7) County Districts. You're going to have to discuss the creation of a Bonding District for that purpose."

Mr. Althaus asked, "But where would I go?"

Mrs. Cox asked, "David, would it not work for each individual County to handle their obligation the way that they want to? If their percentage is \$22,000 and they can't pay it out of existing funds, wouldn't they have the ability to create a bond within their County to handle that?"



Attorney Miller said, "I took from what Charles said the implication that there has been discussion among the Counties and they have evidently agreed to do it via bonds."

Mr. Althaus said, "Well, we Coroners have discussed it. I brought it up with the Coroners when I heard the Mayor say there was so much bonding money around -- and I just wondered if this would also apply in the County. Just a real quick figure. For the use of the morgue that we talked about (St. Mary's and Deaconess), in 1985 we paid \$12,300.00. In 1986, we paid \$12,950.00; and in 1987 we paid \$13,125.00. That is three years at a total of \$38,375.00 for the use of the morgue. In 16 years that would pay for itself if you spent \$200,000.00 on a building and equipment."

Attorney Miller said, "If there is general agreement among a group of counties to do something like that, we just have to look at the Statute to see if there is authority for a multi-county bonding district to do something like that. If not, each County would have to decide how they were going to pay for it on their own."

Mr. Althaus said, "I will know something by the end of February, after the liaison parties meet together for the first time. I didn't know where to go and I thought there would be a simple answer. But there isn't, is there?"

Commissioner Willner said, "First of all, I think you'd have to have the County Executives of the seven (7) Counties willing to do a bond issue."

Mr. Althaus said, "But we do think it is possible."

Mr. Willner said "I don't see why not. It might be economically feasible."

Mr. Althaus said, "Really and truly, if you think about it -- and if Vanderburgh County would build the morgue ourselves and the seven (7) counties sign a contract with us and pay us \$230.00 per case, you're talking about 123 to 152 cases per year that they would be using the morgue. But these are some of the things being brought out that we need to work on. We'll be working on them and coming back to you at a later date."

Commissioner Borries requested that Mr. Althaus get in touch with Attorney Miller to learn whether the contracts will be coming up next week or the following week.

RE: COUNTY ATTORNEY - DAVID V. MILLER

Attorney Miller reported that he was contacted by Chief Judge O'Connor of the Vanderburgh Superior Court. Apparently the Court people have what they perceive to be substantial problems with two copy machines that they believe should be addressed by Counsel. They feel very frustrated by their inability to get what they believe is satisfactory service and satisfactory machines. There are two companies -- and I don't know which companies they are at this point. But they have two different machines and both are causing substantial trouble. "One of them, I recall a figure of something like \$10,000 or \$12,000 was spent for the machine and they believe it is not adequate. I told the Judge that because of the policy the Commissioners have created, when any other County officeholder or group of officeholders ask me to perform legal services, I have to get clearance from you to do that -- and I told him I would let you know about this request. It has not been reduced to writing. (But I didn't tell him that I thought that was necessary. If you wish for him to come and more thoroughly explain the problem before I am told to do anything, I will tell him that. I just wanted to bring it to your attention; I don't think it's in the form of an emergency,

but something they wish to be addressed very soon. I think it is County money that is used to buy that equipment as opposed to State money, although the Judges' salaries are primarily State money. I'd like for you to determine if you need to talk to Judge O'Connor first; if you do, we'll ask him to come to a meeting and explain the problem and go from there."

Mrs. Cox said, "For point of clarification, are the Courts dissatisfied with the service for those machines or the quality of the machines? And, are they contemplating suing the companies?"

Attorney Miller said, "They are contemplating suing the company for representation and failure to provide the County Court system with a machine that will meet the demands of the Courts. They say they have constantly told these people how many copies they need and how often it is used -- and the machines consistently break down because they are not the kinds of machines that can handle this kind of capacity."

Commissioner Willner said the Commissioners need to be provided with information as to type and model number of the machines and information as to who holds the service contract.

Mrs. Cox said, "Also, find out if they are on a lease-purchase, rental, or just whether we own them outright with a service contract."

Attorney Miller said, "I believe that was the situation; that they were purchased and there is a service contract."

Grant Agreement - Chamber of Commerce: Continuing Attorney Miller said, "The other matter is something that you may or may not wish to address before Commissioner Borries gets here. But you are aware that the Commissioners have previously voted to enter into a Grant Agreement with the Metropolitan Evansville Chamber of Commerce with respect to a \$75,000 appropriation to be used for the purpose of promoting economic development in Vanderburgh County. I have been advised by Mr. Humphrey that the Indiana State Board of Accounts has asked for an opinion from the County Attorney which sets forth the statutory authority of the Commissioners to make such a grant or an expenditure. After some delay (caused by my involvement in other things) I finally got around last week to researching the matter and I have found statutory authority which I believe does give the authority. I have prepared a brief opinion which cites the Statute (Indiana Code 36-7-2-7) and essentially says that a governmental unit such as this has the authority to expend funds for economic development purposes."

Mr. Willner has asked me to prepare a letter which is addressed to the Attorney General asking for an Attorney General's opinion on this question. At Mr. Willner's request I have done exactly that, and I have provided the Commissioners with copies of that proposed letter. I have not delivered to Mr. Humphrey the letter containing my opinion. I am prepared to stand on that opinion, but I will be guided by the Commissioners with respect as to whether or not I should withhold the delivery of that opinion pending some response to the letter that I have prepared to be sent to the Attorney General. I guess that puts it in the lap of the Commissioners to instruct me as to whether to issue the letter to Mr. Humphrey, whether to issue the letter to Mr. Humphrey and issue the letter to Attorney General Pearson, or only the letter to Attorney General Pearson, or to do something else. So I ask for your guidance in that respect."

Commissioner Cox said, "I believe the agreement we have with the Chamber of Commerce concerning the \$75,000 appropriation is that it would be disbursed on submission of a blue claim. I think that is what the contract says. Have we received a blue claim?"

Commissioner Willner said, "We have to wait for State Board approval before we do that."

Attorney Miller said, "The status is I believe that the State Board of Accounts (or the local representatives of the State Board) have certified everything else in the budget up to the State Board of Tax Commissioners, but they are withholding certifying the \$75,000 grant until they receive my opinion. Therefore, if a blue claim is submitted, it is my understanding that it could not be honored because the appropriation has not been approved by the State Board. Is that correct, Mr. Humphrey?"

Mr. Humphrey acknowledged that this is correct.

Attorney Miller continued, "So that is the status. We have not received a blue claim and the way to get the money issued is for a blue claim to come to the Commissioners for approval. It says, 'The County shall disburse the grant as reimbursements for legitimate expenses incurred in the conduct of the Metropolitan Evansville Development Council's economic development upon submission of a properly executed claim form presented to the County Auditor.'

Ms. Cox said, "I have no problem with the appropriation. I deem it to fall in the same category, even though it is one of our responsibilities to promote economic development and I could not see where it is one of our responsibilities to provide emergency care. We have a contract with a non-governmental firm to provide emergency care -- and I don't have any problem with your opinion at all. I have supported this from the beginning with the understanding that it is one of our obligations to promote economic development and you do cite that in your correspondence and refer to IC 36-7-2-7."

Commissioner Willner said, "With David's opinion, I have asked the Attorney General of the State of Indiana for his opinion. Do you agree with asking him that? Or, you do not want to?"

Mrs. Cox said "Well, I don't know how busy he is; I don't see any need for it. I think that we do have statutory authority to do it. If I didn't believe that I wouldn't have acted in the way I've acted on this from the beginning. I don't know how long it is going to take to get an opinion from the Attorney General."

Commissioner Borries said, "Send both of these letters to the State Board and let them choose -- I have no problem with that."

Mrs. Cox said, "No, that is not where both of those letters are supposed to go."

Commissioner Willner said "Yes; one is supposed to go to the State Board and the other to the Attorney General. But if you send the State Board a copy of this, then they are advised of what we are doing and could make up their own minds. They don't need to wait for the Attorney General's opinion."

Mrs. Cox said, "No but it will hold the money up."

Commissioner Willner said "Not necessarily."

Mrs. Cox said "Not necessarily -- but maybe necessarily it will."

County Auditor Sam Humphrey said, "Shirley, the reason I asked for an opinion was because I had the State Board of Accounts and the State Tax Commissioners in my office for an hour -- and they couldn't make a decision as to whether or not it was even legal -- and that is why they asked for an attorney's opinion. And it

is being held up now based upon some legal opinion -- because they couldn't find anything that they could hang their hats on -- and that is why it has gotten to this point. The request has not been accepted by the State Tax Commissioners as of this time. So it is not just a "for granted" certainty.

Mrs. Cox said, "Well I do understand that City government and County government work differently, but I guess that the City's request for monies for the Chamber of Commerce has also been held in abeyance? Or, can you speak to that?"

Mr. Humphrey said, "They don't go through them."

Mrs. Cox said, "I know they don't, Sam, I understand that. But I personally can't see any difference between contracting out for a service with this group as compared to contracting out to provide ambulance service with a private group -- and it's there -- and I'm not for sure that that statute really speaks to the fact that we have to do that. But I didn't ask for an Attorney General's opinion on that. Well, do you want to hold off until Rick gets here?"

Commissioner Willner said, "That is agreeable with me."

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Work Report/County Garage: Mr. Bethel submitted copies of the Weekly Work Report for Employees at the County Garage for period of January 25 thru January 29, 1988.....report received and filed.

Gradall: Kansas Rd., Outer Broadway, St. Joe Rd., Old Lower Mt. Vernon Rd., St. Joe Rd. and 460 and Kansas Rd.

Grader: County Line East, Young, Green River Rd., King, Long and Hickory Ridge

Patch Crew: Old 460, Boonville-New Harmony, Oak Grove Rd., Millersburg, and Green River Rd.

Tree Crew: Fisher Rd.; burned trash on Hillview

Washed trucks and snow plows

All equipment worked Monday removing snow.

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

- Salted and sanded the following bridges: Stringtown, Waterworks, Wimberg, St. George, Allen's Lane and various small bridges.
- Replaced culvert on St. George Rd.
- Repaired drain on Commercial venue
- Cut wood in ditch on Broadway
- Cleaned yard
- Replaced culvert on County Line West

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

Request To Go On Council Call: Mr. Bethel said he would like to ask permission to go before the County Council to request three (3) pick-up trucks and one (1) 4-Door passenger car. They have not had any of these in the seven (7) years he's been at the County Garage. All of the current ones have 200,000 miles and over on them and it is time to do something to replace them.

Commissioner Willner asked Mr. Bethel if he has the money?

Mr. Bethel said he does, in the County Highway General Fund.

Mrs. Cox asked, "Did you ask him if he has the money?"

Mr. Willner responded, "There is a difference between the County Highway General Fund and the General Fund."

Mrs. Cox said, "I have no problem with that, so I will move that the request be approved."

Mr. provided a second to the motion. So ordered.

Commissioner Willner said, "I might say that you might want to look into the State contract. Was the State government funding pick-up trucks, too?"

Mrs. Cox said, "I would think that all vehicles would be included in that."

Mr. Bethel said he will check on this.

The Chair entertained further questions.

Heinlein Rd./Side Ditches: Mrs. Cox said she received a call concerning the side ditches on Heinlein Rd.

Mr. Bethel said they will be working on Heinlein just as soon as the weather permits. They were going to work out there today, but it was too muddy.

Commissioner Willner complimented Mr. Bethel and his crew for their good job on the recent snow removal -- and said he hopes this problem is over for the year, but he doubts it!

RE: REQUEST TO GO ON COUNCIL CALL FOR CARANZA DRIVE SEWER PROJECT PRELIMINARY EXPENSES

Commissioner Willner asked County Engineer Andy Easley if he worked up the figures for preliminary expenses for the Caranza Drive Sewer Project?

Mr. Easley said he and Mrs. Cox had a discussion about this at the Council Meeting and he did ask the County Council if they would be willing to make an appropriation -- and they said they would. He figured he wasn't going to type it up if he wasn't going to get very far. But with all due respect to Council, he wasn't sure whether they had the money. Apparently we do have a number for Barrett Law Funds and this would give us a line item. He is requesting permission to go on Council Call to ask for \$20,000 to pay for engineering to prepare construction plans, legal expenses, legal advertising expenses, and other preliminary expenses incurred prior to obtaining funds from the sale of the Barrett Law Bonds that will provide financing for the Caranza Drive, Kembell Drive and Old State Road sanitary sewer extension project.

Commissioner Willner asked, "And this would be reimbursable when the project is ....?"

Mr. Easley said "That would be my understanding as to why you would ask for the money. Once the project is bonded and the bonds are issued, the bonds will be issued not only for the total construction costs, but all the engineering costs, legal costs, the bank service fees, broker's fees, and all of that will go into the total amount. So, we're talking about seed money."

Commissioner Willner asked Commissioner Cox if she has questions?

Mrs. Cox said, "Yes, one of which is -- What is the contract with the engineers that we just agreed to?"

Mr. Easley asked, "The amount?"

Mrs. Cox said, "The amount is one question. And what did it say? I was under the impression, Andy, from what you told the Council -- and I did speak out and tell Andy that I shouldn't approach the Council without first bringing it to our Board -- and he tended to agree, even though it was presented anyway. As I understand it, this is for partial payment of work up to a point -- Like, we pay on other engineering contracts. What does this contract call for insofar as interim payments?"

Mr. Easley asked, "Do you mean to the engineer?"

Mrs. Cox said, "Yes, Andy, do you want to go ahead and tell us what the total engineering costs are going to be for this?"

Mr. Easley said, "I reviewed the contract. Insofar as the amount, it is a percentage contract of the construction costs -- and I would anticipate we would be paying approximately \$12,000 for the design -- and we could have some legal fees..."

Attorney Miller interjected, "I intend not to bill any legal fees until the bonds are issued."

Mr. Easley said, "Alright, then I may be a little generous in my front money. I ran into Bill Taylor and asked him if he thought the Council would be willing to...and he suggested that I bring it up at that Finance Meeting the other day, if you recall, Mrs. Cox, that he did say that he suggested I bring it up. I wanted to try to save a month -- that is what I was trying to do. If we get a bill in from an engineer I think if at all possible he should be paid on time."

Commissioner Willner said, "I don't have any problem with it -- especially since it is seed money. I think the project is going to go and I have no problem with it. I think we ought to answer Shirley's question, though."

Attorney Miller said, "I will answer it as best I can, Mrs. Cox. I don't have the contract in front of me. But the contract is written in such a manner that the engineer will be paid for the work he does up to the time the project dies if, in fact, it would be defeated -- and that is essentially the County's exposure. I have said in an earlier meeting and I will tell you again that I will not bill the County until the project is almost through. A substantial amount of work has already been done on it -- but I'm not going to take the position the engineer did. If the engineer feels that he needs to get paid -- I don't know how much money that will be up to the point....but it seems to me that all the engineering work has to be done other than the private supervision (if there is going to be any of that) -- basically, all the engineering work has to be done before we can get a bid."

Mr. Willner said, "That is right -- and you wouldn't expect him to do that without being reimbursed for it."

Attorney Miller said "I was not surprised."



Mrs. Cox said "Under Article 5 on Page 5, where it says 'Compensation' under No. 1, it says, 'Half of the fee is to be paid to the engineer within thirty (30) days after the award of the construction contract to the successful bidder.' This says nothing about updating the payments. And, why was it necessary (if we are going to be paying them on a monthly basis or whatever it is -- like we do the other engineers on the road designs, etc.) to put a specific thing in there that they would be paid within sixty (60) days if the contract was aborted? -- because if we follow what I assume Andy is presenting to us here, they will be paid up to date on all of this before we decide to do anything."

Attorney Miller said, "I am not sure that is right. That abandonment could occur much prior to the awarding of any construction contract. Or it could occur because a construction contract is not awarded for any one of several reasons, and that is why the engineer asked for that assurance. It is possible that he could do a substantial amount of work without being paid on an every 30-day or 60-day basis and the project then be aborted. And that is why the language was inserted."

Mrs. Cox said, "Well, the way the contract reads, they are supposed to be completed with this project within sixty (60) calendar days. So what if next month we get a bill and we pay them up to that point? And they don't fulfill the total design of the project within sixty (60) calendar days?"

Attorney Miller said, "I don't think that is what that means, Shirley. What it means is that, assuming the project goes forward, he will not expect to be paid except on the terms of one-half when the project is let for bid and one-half....."

Mrs. Cox interjected, "Well, Mr. Easley explained it to the County Council (and correct me if I heard you wrong, Andy, but this is what I heard you tell them) that they come in for up-to-date payments on their work done to a point."

Attorney Miller said, "Well, sometimes they do; but they don't have a contract like this one. If the project is going forward in the normal course and if there is not a vote of abandonment by this Commission, he should not expect to be paid anything until the contract is let -- and he should then expect to be paid one-half and one-half at the subsequent point set forth in the contract. It is only if the project is aborted at some point that we have agreed to pay him within sixty (60) days a certain amount of money."

Mrs. Cox said "I have no problem with that."

Attorney Miller continued, "That is the way the contract reads and that is the way it is going to work."

Commissioner Willner entertained a motion for approval.

Mrs. Cox asked, "Andy, do you understand what this \$20,000 is in there for?"

Mr. Easley responded, "Yes; I had forgotten the fine print in the contract -- and when I made the request, I was talking to Jim Lindenschmidt and said we should make arrangements if possible to get some front money to pay bills on this Barrett Law sewer and I just assumed that the engineer would want to be paid every month. Again, there will be advertising fees for public hearings coming up, etc. It is more of a suggestion....."

Mrs. Cox said, "With the understanding that this \$20,000 is to be requested of Council from the County General Fund for operating expenses to be incurred for the Caranza Drive Sewer Project, I will move for approval of this amount."

Mr. Willner provided a second. So ordered. He said that any blue claim needs to come before the Commission anyhow."

Mrs. Cox said "I am just glad we have an understanding up front before we even get into this of what it actually was -- and if this had been brought to our Board prior to presenting it to Council, we wouldn't have had all of this."

Commissioner Willner said, "Yes, correct. Andy, do you want to continue while you are on your feet?"

Selection of Geotechnical Investigation Service re North Green River Road: Mr. Easley said that a couple of weeks ago there was discussion concerning the selection of a geotechnical investigation service for North Green River Road. Our consultant had written a letter suggesting a firm (Alt & Wetzig Engineering) who has a number in the Evansville Telephone Directory, but who does not, in fact, have a local office. STS Consultants (I think Mrs. Cox asked me who did the work on the Boonville-New Harmony Road) did, in fact, do the geotechnical investigation and here is a copy of their report. I think they had a very good report and they do have a staff in an Evansville office. So that is the answer to your question.

Mrs. Cox asked, "Where did the name Alt & Wetzig come from?"

Mr. Easley said "It was in a letter -- I think I gave the Commissioners a copy."

Mrs. Cox said "Yes, you did; but are they the same as STS?"

Mr. Easley responded, "No, no; it is not the same. It was suggested by United Consultants."

Mrs. Cox asked, "Does United Consultants now want to use STS Consultants?"

Mr. Easley replied, "No; you asked me who did the work on the Boonville-New Harmony Rd. and I am reporting that STS did the work on Boonville-New Harmony Rd. and STS does have an office that is staffed in Evansville. Alt & Wetzig does not have an office that is staffed. If you're inclined to use a local firm, then STS would be the only local firm that is approved by the State Highway Commission -- and I could convey whatever your wishes are to our consultants -- that you prefer to use a local firm -- if that is what you want to do. I think it's a good idea and that would be my recommendation."

The Chair entertained a motion.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, STS Consultants was selected to perform geotechnical services on North Green River Rd. So ordered.

Eastside Industrial Park/Street Plans: Mr. Easley said he placed street plans for Eastside Industrial Park on the Commissioners' desks the latter part of the week (these are single sheets). Morley designed them and Chal Corp. is the sub-divider.

Commissioner Willner asked if Mr. Easley is seeking approval on these plans today?

Mr. Jo Ballard of the Area Plan Commission interjected that they brought their Letter of Credit to the APC this morning and they are ready to record this. This is the only thing holding them up.

Commissioner Willner asked Mrs. Cox if she is prepared to approve these?

Mr. Easley asked Mr. Jeffers, "Were you going to come into the Drainage Board today?"

Mr. Jeffers said the drainage plans have already been approved.

Mr. Easley said the sidewalks were waived (he has an excerpt from the minutes showing this.)

There are two (2) cul-de-sacs (24 ft. wide pavement) that have some shoulders.

Mrs. Cox asked, "Do we have a report or some input from the Surveyor's Office concerning this?"

Commissioner Willner asked Mr. Jeffers if he has any recommendation?

Mr. Jeffers said that Morley & Associates delivered the plans to the Surveyor's Office the same day they delivered them to the County Engineer's Office (or a copy of them) and they reflect exactly what they described in the drainage plans. If the Board will recall, The Surveyor's Office recommended that the drainage plans with the shoulders, because there is no on-street parking that would prevent delivery truck from bumping up over a curb.

Mr. Willner asked, "All county standards are being met?"

Mr. Jeffers responded, "Yes sir; it has gone well so far. The previous portion of the subdivision, aside from the fact that some of the owners have built the storage swales -- but that doesn't have anything to do with the shoulders."

Mr. Willner asked, "Then your recommendation is for approval?"

Mr. Jeffers replied, "Our recommendation was to approve the drainage plan and these plans reflect what the drainage plan called for."

Mrs. Cox asked Mr. Easley for his comments.

Mr. Easley said they had a couple of minor things to be corrected and they agreed to do that.

Mrs. Cox asked, "But, are they through?"

Mr. Easley said they were to put some Trevera fabric under the rip-rap like we did out on Nisbet Station -- that filter cloth to prevent the soil from eroding when water sloshes over the rip-rap. That is about the only thing I had. They seem to be quite complete.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, the street plans for Eastside Industrial Park Replat of Lots #32, #33, #34 and #35 be approved, as submitted. So ordered.

RE: <sup>APPROVAL</sup> ~~ACCEPTANCE~~ OF STREET IN MCCULLOUGH SUBDIVISION, SEC. "C" <sup>IMPROVEMENT PLANS</sup>

Mr. Easley said he realizes the Commissioners have not had an opportunity to go out and check this out, but they may wish to do so. He and Bill Bethel looked at it a couple of weeks ago. It was constructed around 1986 and has gone through a winter. Mrs. Cox may be familiar with this -- it is off Dieffenbach Rd. The McCulloughs have that small subdivision. They do not have any financial guarantees up, so the Board is under no pressure to accept it today -- but he would ask that they try to look at it in the next couple of weeks.

The next item is not on the agenda. He had a phone call from the McCulloughs and they would like to have their street improvement plans considered today.

Mrs. Cox said, "Andy, I think we did those last week. And there was a question re the request for waiving sidewalks, curbs, and gutters, etc. I had no problem with the sidewalks; I did have a concern about the curb and gutter aspect, but the waiver of curbs and gutters was approved."

Mr. Harry McCullough, owner of the subdivision, said the waiver of sidewalks, curbs and gutters was granted. However, he was surprised when this came up in today's agenda, because he remembers talking about two different items. He believes Mr. Easley is talking about a street that was paved probably two or three years ago."

Mrs. Cox said "No, these are new plans."

Mr. McCullough said, "These will come again to the Drainage Board. The curbs and gutters were waived because they were in the other part of the subdivision. Are you bringing up about..."

Mr. Willner said Mr. Easley is going to give them a couple of weeks to go out and take a physical look at it.

Mr. McCulloch said this is fine.

RE: ACCEPTANCE OF EASEMENT - NISBET STATION ROAD

Mr. Easley said he has an easement that the County obtained on the Nisbet Station Rd. for the drainage ditch that was done on the north side of the road. He and Lee Stuckey negotiated this and it does need to be accepted. It is a temporary easement. We have another 300 ft. of ditch to dig and then the land (the ownership) remains with the farmer. In other words, we're just scooting the ditch over and enlarging it. It is a 60 ft. strip next to the 30 ft. road right-of-way (30 ft. from the centerline). Mr. Easley said he recommends approval.

Mr. Willner said, "Part of the ditch has already been done -- and we are going to extend it. I thought we were going to extend it all the way up to Pond Flat Main. We are not? We're going to a field drain, right?"

Mr. Easley responded "He (the farmer) has enlarged the area and taken the jog out. He apparently contacted Lee Stuckey -- he was pleased enough with what we did to the culvert that he would like to see that roadway ditch extended to the East another 300 ft."

Mr. Willner asked, "And this document is a temporary construction easement to dig the ditch along his property and he does retain ownership? And this is at no cost to the County?"

Mr. Easley said that is right. When we negotiated this last fall -- we are paying him \$1,000, because we are taking several rows of corn -- and it is in the...."

Mr. Willner asked, "And that's in the ditch we did for the bridge? Not this one?"

Mr. Easley said that is correct.

Mr. Willner said, "And this continuation does not cost us a thing -- except we are to do the work?"

Mr. Easley responded that this is correct.

Mrs. Cox asked, "Shouldn't this come before the Drainage Board?"

Commissioner Willner replied, "No, it is County Commissioners roadside drainage."

Mr. Easley said, "The Commissioners accept the easement. I understand that during the last rain the water got under Nisbet Station Rd. very well. It was quite a culvert."

Mr. Willner said "Yes; it is a great improvement."

Mrs. Cox asked Attorney David Miller if he has seen the easement?

Mr. Miller said he has not.

Mr. Easley interjected, "It uses the same format that we use on every other easement we've taken, but he perhaps should scan it before we record it."

Upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, the temporary construction easement between Vanderburgh County and Genell Debes and Glenda Lacer be approved, subject to the forms being approved by the County Attorney. So ordered. (Mrs. Cox said that perhaps Attorney Miller can give the Commissioners a report before the meeting adjourns..)

Peach Blossom Lane: In response to query from Commissioner Cox concerning progress on Peach Blossom Lane, Mr. Easley reported that, because of the rain and some other things, they did not get that pavement painted -- but they will try very hard to get this done this week. He thinks the painting will take a whole afternoon, He is going to try to paint the pavement that has to be repaired out there and it is very extensive cracking. They will then get estimates on what the repair will cost and they will debate whether or not they want to make those repairs; or whether they want to overlay the surface of the road. I had a conference with Earl Williams at Union Federal and we will work with them. After we reach our conclusion we will bring it to you. If you're out on Fuquay Rd. (Peach Blossom runs East off Fuquay just south of Covert) you may want to look at that so we can discuss it.

Mr. Bethel said he would like for the Commissioners to look at it. Personally, he thinks it should be re-paved.

Commissioner Willner asked, "They don't want it re-paved though, do they?"

Mr. Easley said they want to do it at the least expense to their financial institution -- and he doesn't blame them for that.

Commissioner Willner said he will take a look at it.

RE: OLD BUSINESS

The Chair entertained other matters of old business for discussion. There being none, the meeting continued.

RE: TELEPHONE REQUEST - SHERIFF'S DEPARTMENT

Commissioner Willner said he has a request from Sheriff Clarence Shepard for the desk telephone presently located on the counter (Telephone #5762) be relocated. For the security of the jail, they find it necessary to move this telephone to the wall next to the elevator. This will enable the jail officers to view the caller on the security camera before allowing the caller to enter the elevator. It should be a wall telephone.

Mr. Willner asked Mr. Lindenschmidt if he wants to speak to that?

Mr. Lindenschmidt said he contacted KLF to obtain a cost figure. A wall telephone is \$56.57 and the installation charge will not exceed \$85.00 -- for a total of \$141.57.

Mr. Willner asked if we'll have an extra telephone then?

Mr. Lindenschmidt said, "We'll have an extra phone."

Mrs. Cox commented, "The Problem is we don't have any more slots to fit those telephones. We're about to fill those slots up aren't we, Mr. Lindenschmidt?"

Mr. Lindenschmidt said we're getting very close.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, the request was approved.

RE: ACCEPTANCE OF CHECKS

Southwest Indiana Mental Health: Check #2118 in the amount of \$300.10 presented to cover final payment on the contract that covered Carolyn Kirby's services at Hillcrest.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, the check was accepted and endorsed for deposit into the County General Fund. So ordered.

Auditor/State of Indiana: Check #10316 in the amount of \$11,503.92 was presented to pay rent for the Department of Public Welfare.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, the check was accepted and endorsed for deposit into the County General Fund. So ordered.

RE: REVISION OF BID FORMS

Notice has been received from the State Board of Accounts concerning revision of bid forms No. 95 and No. 96 (Sale or Lease of Materials and Contractors Bid for Public Works, respectively).

General Form No. 96A (Standard Questionnaire and Financial Statement for Bidders) has been deleted from the list of prescribed forms. This information has been consolidated into the General Form No. 96.

General Form No. 95 is to be 8-1/2" x 14" and printed two sides per copy (no longer a four-page folded form).

General Form No. 96 is to remain a four-page, tent-fold form per copy.

The foregoing changes took effect January 1, 1988.

Commissioner Willner entertained motion that the record so show that this form was approved by this Board on this date.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, the revised forms were approved and instructions given that notification be sent to the proper authorities (Purchasing Department, County Attorneys, County Surveyor, County Engineer, etc.).

Commissioner Willner requested that either Mr. Lindenschmidt or the secretary see that the aforementioned receive subject notification and copies of the revised forms.



RE: ALEXANDER AMBULANCE SERVICE, INC.

A Statement of Revenue & Expenses from Alexander Ambulance Service for period ending December, 1987 was submitted  
.....report received and filed.

RE: COUNTY TREASURER - INTEREST REPORT

Mr. Willner presented an Interest Report through February 1, 1988, which had been submitted by the County Treasurer.....report received and filed.

RE: CERTIFICATES OF INSURANCE

The following Insurance Certificates were received and filed:

James L. Will Ins. Agency, Inc.: Certificate covering Caranza Drive & Kembell Drive Sanitary Sewer Project (Veach, Nicholson, Griggs Associates). In response to query from Commissioner Willner, Attorney Miller said he had asked that we be assured that they have coverage (comprehensive, premises, contractual, property damage, etc. -- pursuant to agreement, which will remain in effect until the termination of subject agreement).

Holmes, Murphy & Assoc., Inc.: Vendor's Appreciation Party to be held at the Vanderburgh Auditorium on February 2, 1988.

RE: STAR CABLEVISION GROUP - RATE ADJUSTMENTS

The following letter was read into the record:

January 21, 1988

Ms. Margie Meeks, Executive Secretary  
Vanderburgh County Courthouse  
Evansville IN 47712

Dear Ms. Meeks:

We are committed to our customers and the communities we serve, and our pledge for 1988 is to continue to provide good service to our customers in every way possible.

In order for us to keep up with the cost of operating this system and to make improvements, we will be adjusting the rates for some of our services effective March 1, 1988.

The monthly rate for The Disney Channel, Cinemax, and the Movie Channel will each be reduced by \$1.05, from \$10.00 to \$8.95. HBO will go from \$10.00 to \$9.95 a month.

Additional outlets for additional cable TV sets will be \$2.25. The monthly charge for basic service becomes \$16.5.

These rate adjustments will be reflected on customer billing for the month of March.

Should you or any municipal official have any questions, please give me a call here at our Evansville regional office.

Sincerely,

/s/ Chris Kozlowski, System Manager  
3814 Morgan Avenue  
Evansville, IN 47708  
1-800-457-5700

It was noted that this was formerly Community Cable T. V., so there was a change in franchise (this covers the Eickhoff area, etc.).

RE: SCHEDULED MEETINGS

Wed.	February 3	2:30 p.m.	County Council Mtg.
Wed.	February 3	6:00 p.m.	Area Plan Commission

RE: EMPLOYMENT CHANGES

County Prosecutor (Releases)

Michael J. Danks	Dep. Pros.	\$21,946/Yr.	Eff: 2/1/88
Douglas Brown	Dep. Pros.	\$19,760/Yr.	Eff: 2/1/88
James W. Ethridge	Dep. Pros.	\$22,500/Yr.	Eff: 2/1/88

County Prosecutor (Appointments)

Porter Dillon	Dep. Pros.	\$20,000/Yr.	Eff: 2/1/88
Douglas Brown	Dep. Pros.	\$20,800/Yr.	Eff: 2/1/88
James W. Ethridge	Dep. Pros.	\$23,500/Yr.	Eff: 2/1/88
Michael J. Danks	Dep. Pros.	\$22,922/Yr.	Eff: 2/1/88

RE: TEMPORARY CONSTRUCTION EASEMENT

President Willner asked if Attorney Miller has an opinion re the Temporary Construction Easement re Nisbet Station Rd.?

Attorney Miller said the easement is fine -- for its purpose. He has told Mr. Easley and he is going to use (because the ditch is being slightly relocated in the course of this maintenance project) another form that the County customarily uses to get a grant or a permanent easement for the new ditch location, in order to avoid what we ran into in the Hirsch Ditch case many years ago. You will recall that we did a nice job and made the Hirsch's water run a lot better and they said, 'Thank you, and now you owe us some money for the land you took.' -- and we're not going to do that anymore.

Commissioner Willner asked, "Then it is ready for our signatures?"

Attorney Miller responded in the affirmative.

Commissioner Willner said the balance of today's agenda requires the presence of the third Commissioner and there will be a ten (10) minute recess pending Mr. Borries' arrival.

The meeting resumed at 4:30 p.m., upon Mr. Borries arrival. He apologized for his lateness and thanked the audience for their indulgence.

RE: APPROVAL OF MINUTES

President Borries said there are minutes from two (2) meetings on January 11th, and meetings on January 19th and 25th which require approval. He asked if there are corrections to be noted?

Commissioner Willner said he has none to make.

Commissioner Cox said she would like to go on record (and she has talked to Joanne about this -- she had quite an undertaking to record these minutes without full capacity of the electronic media -- she had her shorthand notes and a small recorder) -- since she did not see it in the minutes anywhere -- about her concerns and opposition to the traffic signal for St. Joe and Allen Rd. (This would be on Page 8 of the January 25th minutes.)

Mr. Jeffers directed the Board's attention to the minutes of January 25th, Page 7, 1st Paragraph...where it says, "They took dirt from the dam and sodded the ditch etc.....these comments were attributed to him. Someone else made those

comments...perhaps those two sentences should be attributed to someone else (who was also present) -- since Mr. Bivins also said he did not make these comments.

Mrs. Cox said that also on Page 7 -- along that same line -- what she has is correct. But she thought the motion was to grant waiver of sidewalks, rolled curbs, and gutters -- all in one motion. I guess that is because I said I could not support the waiver of curb and gutter.

Commissioner Borries asked if there should be any addition at that point -- other than "comments made by the developer"? Mr. McCullough was here at the time.

Mr. Borries said Mr. Jeffers said everything then, as recorded, up to "They took the dirt?" He said he will simply delete this. He then asked for any other corrections? There being none, a motion was entertained.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, the minutes of both meetings held on January 11th, and meeting held on January 25th, were approved as corrected and the reading of same waived. So ordered.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, the minutes of January 19th were approved as engrossed by the County Auditor and the reading of same waived. So ordered.

RE: BUILDING COMMISSION - ROGER LEHMAN

Architect/Engineer for Document Preparation for Auditorium: Mr. Lehman said the Commissioners have his memo of February 1 1988, in front of them and, briefly, he will go over that:

" After several weeks of investigation and communication with four (40 architectural/engineering firms who have submitted qualifications and price estimates for document preparation and bid/construction administration, I have come to the following conclusions:

- 1) all four firms are among the best in the area and are well equipped to handle a project of this nature
- 2) all four firms have shown extreme interest in doing this project
- 3) the only differences of note are the familiarity with the project-favoring KGUS and the estimated costs of document preparation and bid/construction administration-favoring WSC Associates
- 4) the 1982 and 1987 Master Plan Studies done by KGUS and Biagi Assoc. are public information and have been provided to those firms who have requested them
- 5) the total estimated fees are as follows:

KGUS - Design/Constr.	\$23,625
Bidding/Constr. Admin.	7,875
Max. Reimbursable Expenses	1,500
Total	\$33,000

Kramer Group - Design/Constr. Doc.	
(includes Arch.) 4.5% x 369,000	\$16,600
Bid. Admins.	
1.0% x 369,000	3,690
Constr. Admin.	
1.2% x 369,000	4,428
Total	\$24,718

Midwestern Engineering (includes Arch.) Constr. Admn.	\$22,000
WSC Associates - Design thru Bid (includes Arch.) Constr. Admin.	\$16,500
	3,800
Total	\$20,300

As all firms meet the qualification criteria, I would recommend we utilize the qualifying firm offering the required services at the least cost - WSC Associates.

Commissioner Borries asked whether the Board has questions of Mr. Lehman regarding this matter? There being none, he continued, "I know there was some variation in relation to the proposals. However, as Roger has pointed out, I guess my concern had been that as we get into requirements and these kinds of invitational bids for services, it does become a bit difficult to make sure we're not getting into a situation here in which we later on have to get back into the change order mode. But, Roger, according to what you feel at this time, the architectural services that the firms indicated through their written proposals and upon your review you feel that all can capably do those thing -- and as far as you can see, these prices are firm in relation to what they intend to do?"

Mr. Lehman said, : "Right; relative to the scope of the project which was advertised, which was basically a 5-part project. In line with your last statement, I would also recommend that the Commissioners meet with Mr. Clements as early as possible (even later this week, if possible) to discuss the scope of the project as each of the Commissioners sees it and as I view it, to be sure there are no questions. I have discussed it with Mr. Clements and there is no question in his mind that he has everything covered. But I do think it important that the Commissioners and I meet with him and discuss it (at least on an informal basis) to be sure that everything is covered."

Mr. Borries asked, "For the record, Mr. Clements is who?"

Mr. Lehman responded, "He is WSC Associates."

Mr. Borries asked, "And that price was?"

Mr. Lehman said, "\$20,300."

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, WSC Associates was selected. So ordered.

RE: FORMER KAY'S HEALTH CLUB

Mr. Lehman reported that he went by this property on his lunch hour to check to see if the barricades were up. They had barricaded one of the drives off Highway 57 with a piece of 1 inch re-bar across it and it had been knocked down -- or stretched down -- the cable was laying on the ground and the one pole was bent in. Obviously, someone has already driven over it. So, the effort had been made by the owner. He intended to call him again this afternoon when he got back to check on the status of the deed and that type thing -- but he hasn't reached him yet.

Another matter, he checked with Staub and they said they would tear it down at the same price they quoted us last June (which was kind of surprising) if we decide to go that route. But only one of the entrances off Highway 57 had been barricaded and it was down. They barricaded the one off Old Petersburg Rd. (which is basically impassable anyway, because of the piles of dirt and gravel) but they did put the cable across it. They did not, however, barricade the third entry which was off of Highway 57. So we're kind of at Square one and a half, because he did make an effort."

Mrs. Cox said, "That cable has been up for quite a while, Roger. Is the ownership finalized at this time?"

Mr. Lehman said that is what he was going to try to verify today. His last conversation with him (about three weeks ago now) was that there was someone who was a signatory on the original deed or the deed being transferred to him -- and they could not find that person to release the deed. He doesn't know whether they've located the individual or not at this point. I did ask him to keep in touch with me and let me know as soon as it happened -- and he has not contacted me at all."

Mrs. Cox said, "Because of this technicality, he cannot get clear deed to the property and then it goes back to the original owners. We certainly have done business with them before and I would say that I don't think they are going to do anything about it. Legally, if we can go ahead and proceed, I would move that we clear the area as per the original agreement with Staub."

Mr. Lehman said the amount quoted by Staub was \$1,495.00. Do the Commissioners want him to make that contingent upon whether or not the deed has changed hands or is not going to change hands -- or just period?

Commissioner Willner asked "Did the new owner not say that upon completion of the deed matter he was going to tear down the property?"

Mr. Lehman said, "That is what he has said all along."

Commissioner Willner said, "If you change that motion to reflect the deed change, I will second it."

Mrs. Cox said, "Bob, we have waited around for I don't know how long on this. I know I read in the minutes that you didn't really foresee it as a big problem. But we'll be approaching the spring of the year (in fact, it seems like it is upon us today) where everything is going to be growing up out there -- and I would like to see that done. And, in fact, promises have been made that it was going to be done long before now. How long are we going to wait around for a deed change? That may be six (6) months from now before it is cleaned up. Even if they file a Quit Claim or Quiet Title or whatever they do, that still is going to take more time. So the owner of the property right now or the gentlemen who came up here before our Board previously agreed to have something done -- and then they didn't -- and then they were going to sell it. So if they still own it, they are going to get the bill for the \$1,400. Right, Roger?"

Mr. Lehman said, "It will be placed on the property taxes. Since it hasn't changed hands, I would assume it would."

Mrs. Cox said "Really, I think we're doing the owner a favor. I don't think he could go out and get a bid to have it done that cheaply. So we may be saving him some money. I'm sorry, but I cannot change my motion."

Commissioner Borries said "One thing is for sure, if there's a lawsuit, no one will know who is supposed to pay, will they?" It seems we just keep piecing things together. I will second the motion. Do we want a roll call vote at this point? I think it needs to come down; we have waited long enough. Whoever the bill is going to go to -- let the chips fall where they may."

Mrs. Cox said, "I will ask for a roll call vote."

Commissioner Willner asked, "Before we do, is there money available?"

After checking the budget, it was determined that Mr. Lehman has money available in the contractual services account (just about that amount for the year). In the past, the Commissioners have set up a fund of some sort. He doesn't know if that was set up again this year.

Further investigation revealed that \$2,000 had been requested for "Demolition" -- but Council zeroed this out -- so there is no money in the Commissioners account for this.

Mrs. Cox said, "Roger, first come, first served. Is that how much you have in your budget? Can you go ahead and do that and then we can ask for an appropriation to put that money back in there."

Mr. Lehman said he'd have no problem in doing that, as long as he knows for certain he is going to be reimbursed -- because this is his annual budget for typewriter repair, etc., and he couldn't do without it.

In response to comment from Mrs. Cox, Mr. Lehman explained that the City has a revolving fund. But we don't yet have that in the County -- although it would be a good idea - for weeds, cleaning up, etc.

Mr. Lindenschmidt said that in 1986 we had \$2,000 for demolition, but it was not approved in 1987 -- Council zeroed it out.

Commissioner Borries asked that the group refresh his memory. How long has it been since that building has been used for any purpose at all?

Mr. Lehman said he would guess from 3 to 5 years; the Building Commission has been dealing with the matter since May 1, 1987.

Commissioner Borries said if the motion can be amended to include "subject to availability of funds" -- if we can use the funds from Mr. Lehman's account, fine. If not, we'll have to get on Council call by February 15th.

Mrs. Cox said she will amend her motion to include that. A second to the motion was provided by Commissioner Willner. So ordered.

Mrs. Cox said she will also move that the Commissioners go on Council Call for \$2,000 appropriation for demolition. A second to the motion was provided by Commissioner Willner. So ordered.

Mr. Lehman asked if the Commissioners will set a date -- so he can get with them and Mr. Clements -- because we need to get on this quickly in order to get demolition under way.

RE: CHAMBER OF COMMERCE - GRANT AGREEMENT

The meeting continued with discussion concerning the \$75,000 appropriation approved by Council and the Commissioners for economic development funds for the Chamber of Commerce. Mr. Willner had asked Attorney Miller to determine the legality of the appropriation of public funds for economic development by a local non-governmental, not-for-profit body (Metropolitan Evansville Chamber of Commerce). Commissioner Borries asked if Attorney Miller would want to summarize his findings?

Attorney Miller said, "I explained earlier that the State Board of Accounts has requested a letter from the Council for the County, giving an opinion as to the legal authority for the County Commission to grant \$75,000. I have some question (as has been raised by Mr. Humphrey, Mr. Willner, and others) as why they're asking this year if they didn't ask last year. But they are asking and the Indiana State Board of Accounts has, in fact, held



up the certification of that line item to the State Board of Tax Commissioners for final approval of our budget until they receive a letter of opinion from me -- I suppose, providing a statement that there is statutory authority. I do believe there is statutory authority and I have cited it in the proposed letter dated January 28, 1988, which is addressed to Sam Humphrey and the Indiana State Board of Accounts, of which I have provided a copy to you. The statute that I believe authorizes this is IC 36-7-2-7. Mr. Willner questions the result I have reached (as is his due prerogative) and he has asked me to draft a letter requesting an opinion of the Indiana Attorney General -- asking the Attorney General for his opinion on this matter. I have therefore drafted a second letter addressed to Linley Pearson, Attorney General of Indiana, and that letter is dated January 29, 1988, and I have provided a copy of that letter to each of you. I will be guided by your direction as to whether I should execute and deliver the letter addressed to Mr. Humphrey and the Indiana State Board of Accounts, or the letter to Mr. Pearson, or both of the letters -- or whether I should do something else to resolve this matter. So, I ask you for your guidance today and I will then proceed accordingly."

County Auditor Sam Humphrey interjected, "I did not originate this, David, I merely reflected to you the concerns of the State Board of Accounts and the State Board of Tax Commissioners."

Attorney Miller said "I didn't mean to imply that you did. I don't know who originated it; I just know I got the word from you that somebody was requesting the letter."

Commissioner Willner, "You asked the question as to why last year \$25,000 was not questioned and this year \$75,000 is? As I said, last year I went before Council and asked for the \$25,000 and it was part of a 5-point program to deal with economic development. It was my intention at that time that the dollars were to go to help businesses either located in this vicinity or not located in this vicinity. I'm not sure how the \$25,000 was used, but evidently this year they are talking about computers, computer programs, and corridor studies, etc., and I don't believe that is part of economic development -- but that is neither here nor there. If this Board makes a determination, I will abide by it."

Mrs. Cox said, "Mr. Willner, I think -- taking your voice concerns in regard about where this money is going and why we can't basically see the results of it, I think that is what led to the development of a contract with the Evansville Chamber of Commerce to spell out exactly what we would like to see in the way of reporting to us where that money has gone. I think we have received that contract and have accepted it -- and I think it is the responsibility of this Commission to promote economic development. As I said before Mr. Borries got here, I see that this is one way of contracting for this very necessary service that we need in our County. Based on that, and without further discussion (unless Mr. Borries wants to comment further on it) I would move that the letter dated January 28, 1988 to Sam Humphrey and the Indiana State Board of Accounts from our County Attorney be signed and forwarded to those two agencies."

A second to the motion was provided by Commissioner Willner.

Commissioner Borries said that, "Before I say 'so ordered, I guess I'd like to explain part of my concerns here -- at least I don't think Bob has made any complaints as to raising this issue. I have not received anything written -- other than what Sam had said in relation to the State Board of Accounts questioning this particular appropriation. But be that as it may, the concerns we have had in terms of the use of the money, the Open Door meetings -- the aspect of broadening the base here is something that was addressed in this contract. We can all debate this economic development, but it is vital for all the

communities. And I had felt this was worth a try in this initial stage -- if this particular idea would work. So I will say so ordered at this point and take it by consent that these letters be sent forward -- to Messrs. Humphrey and Pearson. Is that correct?

Commissioner Willner said, "The motion is for the one letter to the State Board. Now, I am going to make a motion that the other letter that David referred be sent to the State Board and to Indiana Attorney General Linley Pearson. You're not going to get off that easy -- you're going to have to make a decision."

County Auditor Sam Humphrey said, "President Borries, there seems to be some confusion as to how this arose. I believe this originated in the January Council Call (although it could have been in December). At any rate, the Tax Commissioners had been into my office three times to review the appropriation at that point. After the second time, I asked why they had not approved any of the appropriations. At that time they agreed to send all of them except this one, and ask for any Attorney's opinion. That was most unusual. Those usually come in and we have the hearing and they approve or recommend disapproval -- but they have not taken any action on that particular appropriation."

Mrs. Cox said, "Bob, as I said before, I really don't see any need for an Attorney General's opinion on this question. I agree with what our County Attorney has said. Had I not agreed with it, I would have been the one that would ask for the Attorney General's opinion for clarification -- and I can see what your concern may be here -- that you don't feel....Do you feel that it is just not right or that we don't have the statutory authority to do it?"

Commissioner Willner said, "I think I will probably lose, but I surely want the opportunity to do that. And I've got another question. Along with the five point program last year, we had \$20,000 for our own economic development. Do any of the Commissioners know where that money went? Sam knows where it went -- I know that."

County Auditor Sam Humphrey said, "The \$20,000 from last year was encumbered and you have another \$20,000 this year -- so you have a total of \$40,000. It was encumbered for a loan by the Metro Small Business -- and they are completing a deal (probably in January) to loan that money -- and that is to be returned into a revolving fund and be repaid --"

Commissioner Willner said "And that money went directly to a company that is going to locate at the Airport Industrial Park (across from Sunbeam Plastic) as a new business. That is what economic development is all about."

Mrs. Cox asked, "Who got that business to come here?"

Commissioner Willner said "I don't know."

Mr. Humphrey said, "That is a deal that DMD has been working on for some time -- and it should have been completed in 1987 -- but because of the work involved with the Federal Government they could not complete it that quickly -- but it is being completed now."

Commissioner Borries said, "I certainly would respect Attorney David Miller's opinion here but, in fairness to Bob, I would second the motion. I would say that if, for any reason this appropriation has to be refunded, the Chamber of Commerce would refund the money."

Mr. Humphrey said, "They haven't been given any money yet -- and they won't be given that money until I get approval from the State Board of Tax Commissioners."

Mrs. Cox asked, "Is this letter what you need?"

Mr. Humphrey responded, " That is what they asked for; they asked for the Attorney's opinion, along with a copy of the contract. That is what they are requesting."

President Borries said, "That should suffice then; I think we should be able to resolve that portion. Again, if it takes Attorney General Pearson longer to determine what has to be done, then if he decides that this money has to be refunded at some point, then I think that is what happens. We will assume that our Attorney's opinion would stand at this point. We'll see what happens. I will ask for a roll call vote; I think we agree on the first letter to be sent. The second letter -- there is some discussion to that effect."

Commissioner Cox, no; Commissioner Willner, yes; Commissioner Borries, yes.

RE: HILLCREST-WASHINGTON HOME - ASBESTOS INSTALLATION

It was noted by Commissioner Borries that there has been some discussion concerning problems with asbestos installation at Hillcrest-Washington Home.

Commissioner Willner said, "Mr. President, I did some work and I had several phone calls from companies throughout the State of Indiana and, I believe, some from other states interested in this problem. I did ask Charlie Ogg and Phyllis V. Ogg, consultants in asbestos abatement (who are here in the audience today) to at least take a visual look at the two properties and give us a long-range guesstimate of what we're talking about. I met Mr. Ogg there Friday morning and he did do a very good job on inspecting the properties on Saturday. Some of the findings are a little shocking -- maybe pleasantly so. As for Washington Home, the basement has about 1,250 lineal feet of pipe which has asbestos on it. Of that length of pipe, there is only about 100 feet that needs to be removed and something done with it. Regardless of whether we decide to do either, this needs to be done. The boiler in the Washington Home is a brand new boiler -- it is a new boiler in relation to the other one anyhow. There are also some hot water handlers, laundry equipment, etc., etc., in this basement. Really, it needs very little attention -- but it does need some. Cleaning is something else that needs to be done.

Mrs. Cox asked, "Is the boiler asbestos or not asbestos?"

Mr. Willner responded that the boiler is not asbestos. We're talking about pipe. But the boiler is not asbestos-wrapped (in the Washington Home.)

Mrs. Cox asked "So, in the Washington Home, all we have at this time is approximately 100 feet of pipe that is asbestos-wrapped that need to be removed?"

Mr. Willner, "It needs to be removed, sealed or something done with it. We have two water heaters in the same vicinity and they are fiberglass insulation. The point I am trying to make is that you cannot remove the boiler by sealing it up and forgetting about it, because the hot water heaters and everything else are in the room."

Mrs. Cox said, "We don't need to anyway; as long as it doesn't have asbestos around it, it is not a problem. Right?"

Mr. Willner said, "The boiler isn't a problem. The pipe is a problem; no matter what you do with the heating system you need to take care of this situation."

In the Hillcrest Home, there are 6,500 feet of pipe.

Mr. Charles Ogg interjected that this is an error, because he gave Mr. Willner the incorrect figure. He was then recognized by the Chair and asked to approach the podium.

Mr. Ogg said, "First of all, I would like to say that I did give Mr. Willner my credentials on Friday (that I had been to the University of Illinois in Chicago to take asbestos courses and also at Georgia Tech University). In the Hillcrest Home, on the boiler itself, there are about 680 sq. ft. of asbestos that something has to be done with. I found some asbestos on the floor. Insofar as pipe in there, there is about 120 ft. of pipe connected with the boiler that probably has to have something done with it. Also in that facility you have a laundry. In that laundry there were 444 lineal feet of pipe that something should be done with. There is evidence of some water damage; it is loose, etc. You have a high degree of assessability in that room, which you do not have in the other boiler rooms. Consequently, that should be addressed somewhere along the line. Probably the best solution would be removal; there could be incapsulation and other things. I could probably work up a better assessment for you if I had more time.

I should probably tell you that at this time there is no law in the United States that says you have to remove asbestos. You can have an operation and maintenance program that can take care of it."

President Borries said "So, based upon that comment, in your professional opinion, can another heating-ventilation-air conditioning system be installed?"

Mr. Ogg replied. "I'm not a heating-air conditioning man."

Mr. Borries said, "In other words, you are saying that the removal and incapsulation are alternatives, but they are not really related then to the aspect of any heating-air conditioning as you see it?"

Mr. Ogg said, "Not as far as I am concerned."

Commissioner Willner said "The kicker was that I asked for an approximate guesstimate of what we're talking about, and we're only talking about \$10,000 to \$20,000 range -- so I guess that is the point I needed to make."

Mr. Borries asked, "You mean for removal?"

Mr. Willner said, "I think that would cover removal -- but you don't need to remove it all."

Mr. Borries said, "In other words, you're talking about what Mr. Ogg is referring to what in technical language Mr. Ogg calls an 'Operating and Maintenance Program'?"

Mrs. Cox asked, "What does that mean?"

Mr. Ogg said, "First of all, it means that in an Operations and Maintenance Program -- you would first go through and make an assessment to it and then you would get priority for every kind of damage and everything and things you would have in there. You may have to remove and replace some of the pipe. You may want to incapsulate other pipe. On other pipe, there may be places that have been damaged and you would want to repair the damaged part. So there are many different options. A 'for instance' is that in your steam tunnel, you may want to just enclose that by itself and wait until later on to take it out. There are many different options. While I am here, I would suggest that you may want to look at what the schools are doing. They are going to go through

and have an inspection of all their buildings and they are going to come up with an Operations and Maintenance Program. Then if down the line somebody comes in and wants to make a renovation or demolish the place -- you have information on hand to tell you what to do. Before they ever get in there and start doing it -- you will know the extent of your asbestos and what has to be done with it. And you will not be in the situation where you are -- on hindsight -- having to take care of something. But an Operations and Maintenance Program is basically taking care of it. It is a risk management thing -- where you have it there and there may be a health problem and you have to decide what to do with it."

The Chair entertained further questions.

Mrs. Cox asked, "This \$10,000 to \$20,000 -- is that for the Operations and Maintenance Program, and the removal or encapsulating?"

Mr. Ogg said, "Yes, removal would be in that. The more you initially remove, the higher the initial price would be. I have figures here. If you were going in and remove all asbestos that I talked about in the three rooms, it would run you approximately ....."

Mr. Willner interjected, "Charlie, you might not want to give your price -- especially in an open meeting -- because somewhere down the line we might want to bid for it."

Mrs. Cox asked, "Charlie, are you in the removal business?"

Mr. Ogg replied, "I am in the removal business; I am also in the inspection and management planning business. I really don't mind giving a price. (In response to query from Commissioner Cox, Mr. Ogg stated he is located in the Evansville vicinity.) I took my classes from the Midwest Asbestos Institute with the University of Chicago and they have a listing of prices that are taken from contracts -- so I don't mind giving you a price here. It would be around \$18,500. But I would say that you do not need to remove all of it at this time."

Commissioner Borries expressed thanks to Mr. Ogg and to Mr. Willner, for all of his work on the matter. Now that these concerns have been addressed, as I understand it we may have to go back and ask for another appropriation if this Board sees that this is within the scope of the responsibility of the County in order to enact the agreement with the Southwestern Indiana Mental Health Foundation. In other words, our contractual agreement is to finish out our portion of that with the heating and air conditioning and the roof at Washington Home. So I guess we'd have to decide at some point whether or not it would be a responsibility of the lessees to remove this at their expense or whether the County will do that. Is there any discussion on that?"

Mr. Willner said, "To get the ball rolling -- and I might be odd man out -- but, again, I am impressed with the heating system at Washington-Hillcrest Home. We have two boilers that are doing a beautiful job -- fairly new -- and I do not wish to replace the heating system. I know that comes as a blow -- and I am sorry. But that is the way I feel about it and I don't wish to compromise my feelings. If you want to air condition the building, I think it is a very good idea. I think it can be done very economically -- with the heat staying just like it is. We'll have two furnaces to contend with instead of sixteen -- and I am just appalled at that. I'm sorry, but that is the way I feel about it. But you can go ahead. I don't wish to hold it up or be adverse -- but that is exactly the way I feel about it."



Commissioner Borries said, "I respect everyone's opinion here. We try and it is difficult to move and get a consensus here on everything. But we're dealing with some aging buildings and the chance to start some programs there to serve the changing needs of children in this year of 1988 and beyond. The schools don't operate this way -- if the schools operate year around, we're going to have to find something to address the Southern Indiana heat -- but that is another whole matter. Most of us at this point require or look at air conditioning as one of those modern kinds of conveniences that we use in our homes, where we shop, in our restaurants where we eat, etc. And we're looking at a long-term modernization program -- and I respect your wishes. But it just doesn't seem that those boilers and the condition of that whole heating system is going to get any better. And I don't know what the County's financial position will be in the future; but I know that there are some plans to try and renovate the facility by the other Board. And should those things be done it just doesn't seem to me to have all that take place without addressing this major need. That is why I think we've come this far and I just feel that I'd like to see all of that move along."

Mr. Lindenschmidt said, "I talked with John Browning at Southwestern Mental Health today. They took air samples last week and had an inspector in there on their own -- who has worked for them before. They do not the report back on the air samples, but will have them tomorrow. He told me they might know where they stand when they get the air samples back. But all they have at this point is the report such as you have here in regard as to how much asbestos there is."

Mr. Borries said, "I think their report is a positive one, and that is why I do think at some point if it is the expense again of the group providing services out there, then so be it. That is why I've asked Mr. Ogg for some kind of determination -- if we could reach a decision on this portion without delaying that in relation to the asbestos issue."

Mr. Ogg said "With regard to air samples, the EPA does not recommend air samples to determine whether you are going to remove asbestos, because an air sample is going to give you one shot information as to what it was on that particular day. EPA recommends that you do a physical surveillance of the place. So I caution that you do not base your decision upon air samples, because the EPA does not recommend that you base that decision on air samples. Physical surveillance of the property and things like that are more important."

Mrs. Cox said, "I appreciate Mr. Willner's austerity as far as funds are concerned. I don't know what shape the boilers are in -- but my big concern is the shape of the infrastructure -- or the surrounding structure of the boilers -- the pipes and the condition of the heating system in the area. I think that we do have a commitment as a County to replace this system. My concern was that we not in any way disturb or create an unhealthy situation due to the presence of asbestos on some of those systems. As far as determining what we are going to do and when we're going to do it I do not feel as a member of this Board that I could make the proper decision, since the operation of that facility and the plans for renovation and use of that facility have been contracted out. I think I have been assured here today that the installation of the new heating and air conditioning system will in no way adversely affect or be disturbing in any way to the present system that we have out there; so I have no reservations about going ahead and awarding the contract for the heating and air conditioning -- It has been advertised -- and to let Mental Health then deal with the concerns of the asbestos problems as they renovate in accordance with their plans for the utilization of the building. If this can be done safely (and according to Mr. Ogg it can be phased in at certain stages) then they would be able to know when they want to phase this in. I



would certainly be amenable to the County paying a share of the cost for the removal of the asbestos or the valuation of the condition. I did meet with the County Council at their Finance Meeting and made them aware of the problem and they were, I think, supportive in the County's role in addressing a solution to this problem and knowing what we were going to do before we let a contract for the heating and air conditioning. I would ask that we now proceed with the recommendation for the heating and air conditioning system at the Hillcrest-Washington Home.

A second to the motion was provided by Commissioner Borries.

President Borries proceeded to ask for a roll call vote: Commissioner Cox, yes; Commissioner Willner, no; Commissioner Borries, yes. So ordered. Commissioner Borries said the contract will be awarded to the low bidder, Schmidt Refrigeration, Inc.


Mrs. Cox said she does look forward to hearing the report next week from the Mental Health Foundation and then the Board can deal with that problem -- concern as far as the dangers to which the children and the workers in that facility would be subjected.

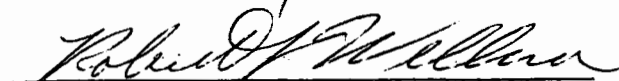
Mr. Borries said, "I think that as Mr. Ogg has pointed out, the schools have not yet formulated that plan and unless they plan to do so when the students are not there, someone is still going to have to be there -- so that, too, is a major problem. Let's ask Jim Lindenschmidt to give us a report based on what he has heard from the Mental Health Foundation.

There being no further business to come before the Board, the meeting was adjourned at 5:30 p.m., with an announcement that the Drainage Board will meet immediately subsequent to the Drainage Board.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R. J. Borries	Sam Humphrey	David V. Miller
	R. L. Willner		
	S. J. Cox		
	<u>COUNTY HIGHWAY</u>	<u>COUNTY ENGINEER</u>	<u>COUNTY CORONER</u>
	Bill Bethel	Andy Easley	Charles Althaus
	<u>BUILDING COMMISSION</u>	<u>COUNTY SURVEYOR</u>	
	Roger Lehman	Bill Jeffers	
	<u>OTHER</u>		
	Wm. Bivins		
	H. McCullough		
	Charles & Phyllis Ogg		
	News Media		

SECRETARY: Joanne A. Matthews

  
Richard J. Borries, President

  
Robert L. Willner, Vice President

  
Shirley J. Cox, Member

MINUTES  
COUNTY COMMISSIONERS MEETING  
FEBRUARY 8, 1988

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, February 8, 1988, in the Commissioners Hearing Room, with President Rick Borries presiding.

The meeting was called to order by President Borries, who subsequently entertained a motion concerning approval of the minutes of the meeting held February 1st. It was determined that none of the Commissioners had yet had an opportunity to read the minutes in their entirety, so approval will be deferred until next week.

RE: COUNTY ATTORNEY - CURT JOHN

Indemnification Agreement/GTE North, Inc.: Attorney John said he received an Indemnification Agreement today from Attorney Miller's Office -- between the County Commissioners and GTE Telecon, Inc. He is not sure as to whether the Commissioners are familiar with this agreement. It relates to some storage, digging and indemnification of the County by GTE for the issuance of those permits. Supposedly, it was to have been entered into some time ago; as a matter of fact, he believes work began by GTE in mid-January. Attorney Miller said he has reviewed the agreement and it seems to be in order, and he requests that the Commissioners execute said agreement.

Mrs. Cox asked whether this is an extension of an existing agreement? Do we have the initial agreement?

Mr. John responded that he does not know; he just received this about noon today.

Mrs. Cox said if memory serves her correctly, several years ago when GTE and Sprint came to the area we had to sign an agreement and that agreement has probably run out. She doesn't recall the matter being discussed at a recent meeting.

Commissioner Borries advised that it is a continuation of a previous agreement. Why we're re-doing this, he can't say.

Attorney John said, "If that is the case, I would assume the initial agreement has expired.

Upon motion made by Commissioner Willner and seconded by Commissioner Cox, the agreement was approved and executed. So ordered.

Agreement with County Coroner's Office: Attorney John said there was discussion at last week's meeting concerning agreements between the Coroner's Office and Reference Pathology Laboratories, Inc., Deaconess Hospital and St. Mary's Hospital. He has a revised version of the agreement with Reference Pathology Laboratories, Inc., which he assumes should be forwarded to Mr. Althaus. Attorney Miller has advised Attorney John that he is revising the other two agreements with the hospitals and should have them finished this week. Possibly Attorney Miller will be here next Tuesday.

RE: EUTS - ROSE ZIGENFUS

Corridor Location/Eickhoff-Koressel Rd. Project: Mrs. Zigenfus said she has the Corridor Location on the Eickhoff-Koressel Rd. project prepared by the Consultant. Given that the Commissioners had decided to acquire enough right-of-way for four lanes and in light of the project taking that turn, if they were to keep the project on the existing alignment, they said there would be thirty-seven (37) residences that would need to be relocated in order to acquire enough right-of-way to at some time make that a four-lane facility. What they are suggesting is that we move the alignment due west, and they prepared a corridor location which she wants to share with the Commissioners today and get their thoughts on it. If they approve, then we have to proceed with Notice to Proceed to the Consultant to begin the design.

Mrs. Zigenfus then shared the Corridor Location with the Commissioners. Mrs. Zigenfus pointed out it will provide for a nice intersection in designated area; whether there is an interchange built independent of this project, it will be built to line up with that interchange.

Mrs. Cox interjected, "And we recently gave permission for a subdivision in designated area; is that still east of this road?"

Mrs. Zigenfus said she thinks it is. At the time that was being rezoned, we asked for right-of-way to allow for the interchange ramp that we were suspecting might be in designated area.

By realigning, we avoid the historic property and line up with the USI Interchange. Mrs. Zigenfus continued by pointing out the initial route and the proposed shifted route. The initial route would have meant the relocation of 37 residences. The shifted route will only require the relocation of seven (7) residences. There are several outbuildings (18) and two (2) silos which will also have to be removed.

Mrs. Zigenfus said they are looking for a grade separation at the railroad tracks, where traffic would not be stopped due to the railroad crossing. Mrs. Zigenfus offered other comments, but they were inaudible since she was at the Commissioners' table rather than the podium.

Following further brief comments, a motion was entertained.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the proposed Corridor Location was approved, subject to a Town Hall Meeting. So ordered.

In response to query from Mrs. Cox, Mrs. Zigenfus also said that USI has agreed to relocate the Wild Life Refuge.

Mrs. Cox asked, "This isn't going to cost us any more money to this point?"

Mrs. Zigenfus said this is correct. (Again, she offered further comments, but they were inaudible.

Mrs. Zigenfus said she has drafted a letter to the State asking them to extend the Accel/Decel lane.

It was announced by Commissioner Borries that the meeting with Mr. Stan Yoder of the IDOH has been rescheduled for Wednesday, February 17th at 2:00 p.m. in Room 307. This date will be a more appropriate date for some of the State Officials who want to attend the subject meeting, since it is also the same date of the Southwest District Meeting of the Association of County Commissioners.

Mrs. Cox asked Mrs. Zigenfus who the members of the EUTS Policy Committee are?

Mrs. Zigenfus responded: Jack Corn, Rick Borries, Richard McKain, Mae Mason, Russell Sights, and Sonny Laughlin

Mrs. Cox asked if County Council should also be made aware of this meeting also?

Mrs. Zigenfus said they have a list of those invited to participate in this meeting (County Council, Shirley James of the West Side Improvement Association, etc., etc.)

In conclusion, Commissioner Borries expressed appreciation to Mrs. Zigenfus for her report.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Work Report/County Garage: Mr. Bethel submitted copies of the Weekly Work Report for Employees at the County Garage for period February 1 thru February 5, 1988.....report received and filed.

Gradall: Kansas Rd., Outer Broadway, Heinlein Rd., Boonville-New Harmony Rd., and Nisbet Station

Grader: Cort, Bridgeview, Nisbet Station, Goebel, Motz Rd., Motz Lane, Huebner, Hornby, Sensmeier, Nuebling Rd.

Patch Crew: St. George Rd. and Oak Hill Rd.

Trash Crew: Mill Rd., Wimberg, St. Joe Ave., Newman Rd., Garage, Green River Rd., Lynn Rd., and Mesker Park Drive

Tree Crew: Mill Rd., Mesker Park Drive, Hillview Drive, and Denzer Rd.

Rocked: Maasberg, Huebner and Upper Mt. Vernon

Cut bleeders in ~~the~~ Eastern, Western and Northern Sections of the County

Washed and repaired snow equipment and paver.

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

- Repaired broken pipe on Bixler Rd.
- Repaired drain pipe going into ditch; also rip-rapped and spread #53's on culvert pipe at Mill Rd. and St. Joe
- Removed limbs from bridge on Volkman Rd.
- Back-hoe operator worked on Mesker Park Drive & Darmstadt Rd. and repaired guard rail.
- Tree Crew worked on Barton Rd. and cut limbs around culverts
- Cut trees on bridge wall on Mesker Park Drive
- Back-hoe cleaned out pipe on Denzer Rd.
- Worked on drain on Melody Hills
- Removed tree from bridge on Mesker Park Drive
- Repaired washout at culvert on Green River Rd.

- Back-hoe worked with yard crew to install Diesel Tank
- Made cut to replace culvert on Green River Rd.
- Made cut on Hillsdale Rd. to replace culvert

Weekly Absentee Report: Also submitted for the same period were the Weekly Work Reports for Employees at the County Garage and the Bridge Crew.

The Chair entertained questions of Mr. Bethel. There were none.

RE: COUNTY ENGINEER - ANDY EASLEY

Acceptance of Streets/McCullough Sub/Sections B & C: Mr. Easley said that under "Old Business", we have acceptance of streets in McCullough Subdivision. Did the Commissioners have a chance to get out and look at those?

Mrs. Cox asked whether a report has been received from the Surveyor's Office? Or, has a report been requested?

Mr. Easley said he provided the Surveyor's Office with a copy of his Acceptance Letter -- so he considers that a request.

Mr. Borries said he believes some of their comments on Part B were covered when both the drainage and street plans were considered.

Mr. Easley said he and Mr. Bethel looked at this and it is well constructed. They checked the base thickness before the asphalt was put down, but it might be nice for the Commissioners to look at it if they have time.

Following brief comments, it was the consensus that approval will be deferred until such time as the Commissioners have had an opportunity to review the subject areas.

Acceptance of Streets/Audubon Estates - Section A: Mr. Easley also provided the Commissioners with a copy of an Acceptance Letter re streets in Audubon Estates - Section A for their consideration. He said if the Commissioners can get out to look at this area within the next couple of weeks, he'd ask that they do so in order that these streets can be accepted. They are just like any other 29 ft. wide concrete street; there wasn't very much silt on it the last time he saw it -- but he thinks that was probably before the big rain. In response to query from Commissioner Cox, he said the streets have rolled curbs and gutters.

Commissioner Borries said he noted they have a sign that says Audubon Estates, but no structures have been built yet.

Mrs. Cox requested that the Board request the Surveyor's Office to provide them with a report concerning confirmation that this has been built according to the drainage plan.

Street Improvement Plans/McCullough Sub, Part "C": Mr. Easley said he had given the Commissioners copies of the street plans for McCullough Sub, Part "C". He believes they were discussed at the Drainage Board last week.

Mrs. Cox said she believes the reason they weren't approved previously was that there wasn't going to be enough area on the one side of the street to put the required shoulder width and ditch -- and they reported last week that they were bringing fill from one lot to the lot in question -- and that the street plans would show the ordinance required side ditches. The Board approved the drainage plan (which showed side ditches) -- were these not approved then?

Mr. Easley said he doesn't believe they were signed. He believes they want to put up a financial guarantee on those, so they do need to be approved either this week or next week. The sidewalks and curb and gutter have been waived.

Mrs. Cox raised a question and Mr. Easley said the approval of street plans in McCullough Sub, Section "C" is what is being discussed. Mrs. Cox said that on Page 13 of the minutes of February 1st, it should say "Acceptance of Street Improvement Plans", not "Acceptance of Streets". The secretary said the minutes will be amended, as requested by Commissioner Borries.

Mrs. Cox asked, "Well, do we want to approve the Street Improvement Plans for McCullough Sub, Part "C" -- because the Drainage Board did accept the drainage plans in last week's meeting?"

Mr. Easley explained that this is a 600 ft. cul-de-sac that has about 3-1/2% grade. He recalls that Bill Jeffers wanted a small pipe replaced with a 15" reinforced concrete pipe and it is on the developer's plans -- so the plans do reflect what Mr. Jeffers required. The fill required is also on the plans. There apparently is a little swale that needs to be filled.

Mrs. Cox noted he also said they were removing the plastic pipes and changing that.

Mr. Easley said the plans are completed and the developer wants the plans approved so he can give us an estimate and arrange for his financial guarantee.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the street improvement plans for McCullough Sub Section "C" were approved. So ordered.

Mrs. Cox said, "As Mr. Jeffers said, though, the street plans call for side ditches to be along both sides of the road and it is up to us to make sure that it is built according to the plans."

Mr. Easley asked that the Commissioners also sign as the Drainage Board, because they did not sign last week, even though the drainage plans were approved.

RE: EXCERPTS FROM APPRAISAL REPORT FOR RIGHT-OF-WAY PARCELS  
ON BOONVILL-NEW HARMONY RD. EAST OF GREEN RIVER RD.

Mr. Easley said he has given the Commissioners excerpts from the Appraisal Report for Right-of-Way Parcels on Boonville-New Harmony Rd. East of Green River Rd. There are 11 of them. The Commissioners may want to thumb through them at their convenience. The agricultural land was valued at under \$3,000 per acre. There is one parcel that was of a commercial nature that belonged to a trucking company -- they placed value of \$11,000 on what we're taking there. He would like the Board's permission to give these to the Review Appraiser. He believes the Board previously appointed Mr. Bob Goff as the Review Appraiser.

Mr. Easley said Mr. Funke was the Appraiser and he believes he spent a considerable amount of time going out there and meeting with the people and making certain he understood where the land was located that was being taken.

The Chair entertained comments. There being none, a motion was entertained

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the appraisal reports were approved for forwarding to the Review Appraiser. So ordered.



Claim: Mr. Easley presented a claim in the amount of \$2,750.00 to Mr. Victor Funke for services of 11 appraisals for New Harmony Rd. RS-7682 (Boonville-New Harmony Project). (He charges \$250.00 per parcel).

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the claim was approved for payment. So ordered.

RE: BRIDGES AT INTERSECTION OF BOONVILLE-NEW HARMONY & I-164:

Mr. Willner said there are two (2) bridges at the intersection of Boonville-New Harmony and I-164 to, he guesses, have access to a farmer's field. He knows one of the bridges can be eliminated and, with a little work, he would hope we could eliminate the second bridge. He'd like to have a meeting with Mr. Easley at his convenience at that intersection and, perhaps a little later on, with the rest of the Commissioners. But he needs to get with Mr. Easley and make some contact with the owners to see what can be done.

Mr. Easley confirmed that there are two bridges east of I-164 and south of the new Boonville-New Harmony Rd. He would suggest that he and Mr. Willner meet with Bill Bethel and Lee Stuckey and then maybe Lee Stuckey could relay our decision and get the property owners' comments. Mr. Easley said he will provide Commissioner Willner with a list of the property owners (they will be on the State Highway Plans).

Mrs. Cox asked which bridges these are?

Mr. Willner said he doesn't know -- but one is brand new and the other needs to be torn down now. As soon as we can talk with the property owners for two or three minutes, we can find out what can be done.

Commissioner Borries said he knows that Mr. Easley was out with the Consultants, several State Highway Officials and Mr. Lee Gallivan in some pretty bitter weather last week field checking the plans on North Green River Rd. This is proceeding smoothly with no problems?

Mr. Easley said they learned a few things and made some decisions that kind of go with the field check -- but there are no problems.

RE: PEACH BLOSSOM LANE

Mrs. Cox asked, "Since you were busy with that, I guess you didn't have time to find out anything about Peach Blossom Lane?"

Mr. Easley said he did not. There was some very bad weather the first part of the week and he had a severe head cold and he was just getting over that. He was out on Thursday and Friday, however.

RE: 911 EMERGENCY SYSTEM

Commissioner Borries said we were notified on Friday of last week that the 911 System is now in effect for all parts of the County save the very small portions identified by Mr. Willner earlier. It is in effect and a few days ahead of schedule for those residents in the McCutchanville, St. Phillips, St. Joseph, and Darmstadt areas (in the 867, 963 and 985 prefixes).

Mr. Lindenschmidt said he received a call at 3:50 p.m. on Friday indicating all 911 is in and working on all three of these exchanges. He received a call from KLF last Wednesday stating that they were just informed that these are coming into the

Sheriff's Department and they needed some equipment installed in there or they would not work. He took it upon himself to tell them to go ahead with the installation, because the 911 wouldn't work without it. They completed the work, brought him the completed statements on it on Friday and said it will probably run in the neighborhood of \$2,000. Thus, he wanted to inform the Commissioners that there wasn't time to call a meeting or make any calls. If they were going to get it done they had to get going with it, so he authorized it. He hopes that is in accordance with the Commissioners' wishes.

Commissioner Borries said, "Yes; I think we had approved that -- that was for equipment in this building. I take it the Commissioners can take a look at the budget to see where we can get this money. Or, do we need to go on Council Call?"

Mr. Lindenschmidt said, "I don't know as of now. We need to get some of these bills and then we can determine where we stand on that. There was a little bit of money encumbered in the telephone bill account; whether there was enough or not, I don't know at this time."

President Borries expressed appreciation to Mr. Lindenschmidt for his work on this. He said he has had several comments from residents who are very glad to see that this is in effect. He does not know the status of the bill (the one that passed the House -- the one that would provide for some of the expanded 911 system) -- so we'll wait and see what the General Assembly does.

Mr. Lindenschmidt said the County Council can vote to put that on the telephone bills of the County residents -- for Enhanced 911 Service.

RE: ACCEPTANCE OF CHECK

Evansville Dance Theatre, Inc.: A Check was presented in the amount of \$100.00 (3rd Payment) on Promissory Note re Vanderburgh Auditorium Rental.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the check was accepted and endorsed for deposit into the County General Fund. So ordered.

Evansville Cable T. V.: A check was presented in the amount of \$24,114.21 for 4th Quarter 1987 Franchise Fees.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the check was accepted and endorsed for deposit into the County General Fund. So ordered.

RE: HOLIDAY CLOSING

It was announced by President Borries that all County Offices will be closed on Monday, February 15th, in observance of Presidents' Day. The Commissioners will meet on Tuesday Evening, February 15th at 7:30 p.m.

RE: NAME CHANGE - EICKHOFF RD.

The following letter from Mrs. Barbara Cunningham of the Area Plan Commission (together with list of recipients of said letter) concerning Eickhoff Rd. was read into the minutes:

February 3, 1988

To Whom It May Concern:

The Vanderburgh County Board of County Commissioners, on November 15, 1987, voted to change the spelling of the name "Eichoff" in Eichoff Rd. The new spelling will be

"EICKHOFF". It is requested that this be reflected on your maps and on any correspondence regarding this road. We appreciate your cooperation on this matter.

/s/Barbara L. Cunningham  
Executive Director"

RE: SCHEDULED MEETINGS

Tues.	Feb. 9	10:00 a.m.	County Council Mtg. w/Dept. Heads re Job Study
Tues.	Feb. 9	1:00 p.m.	City-County Computer Demo (Room 303)
Thurs.	Feb. 11	1:30 p.m.	Township Assessors & Manatron (Room 307)
Wed.	Feb. 17	2:00 p.m.	EUTS Policy Committee (Room 307)
Wed.	Feb. 17	5:00 p.m.	Southwestern District/Assoc. of County Commissioners (Sheraton Inn (5:00 p.m. Social Hour; Dinner @ 6:00 p.m.))

RE: CLAIMS

David L. Jones: Claim presented in the amount of \$18.00 for contractual litigation services re condemnation and foreclosure cases (Graulich & Sirkle).

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the claim was approved for payment. So ordered.

RE: EMPLOYMENT CHANGES

Knight Township Assessor (Appointments)

Leah Douthitt	Deputy	\$35.00/Day	Eff: 2/5/88
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Circuit Court (Appointments)

Paul Aarstad	P.T. Intern	\$5.00/Hr.	Eff: 2/1/88
Debra Hayden	P.T. Intern	\$5.00/Hr.	Eff: 2/1/88
Robert Howerton	P.T. Intern	\$5.00/Hr.	Eff: 2/1/88
Darren Newman	W. R. Off.	\$16,380/Yr.	Eff: 2/1/88
Anthony Sullivan	P.T. Intern	\$3.35/Hr.	Eff: 2/1/88
John Wiseman	P.T. Intern	\$3.35/Hr.	Eff: 2/1/88
Michael Kummer	P.T. Intern	\$3.35/Hr.	Eff: 2/1/88
Janet Hamer	P.T. Intern	\$3.35/Hr.	Eff: 2/1/88
Mary Lloyd	P.T. Intern	\$5.00/Hr.	Eff: 2/1/88
Rachael Maasberg	P.T. Bkkpr.	\$5.00/Hr.	Eff: 2/1/88
Laura Pate	P.T. Intern	\$4.00/Hr.	Eff: 2/1/88
Kathleen Payne	P.T. Intern	\$3.35/Hr.	Eff: 2/1/88

Circuit Court (Releases)

Jeffrey Shoulders	P.T. Intern	\$5.00/Hr.	Eff: 1/8/88
Russell Sumner	P.T. Intern	\$5.00/Hr.	Eff: 1/6/88
Anthony Sullivan	P.T. Intern	\$3.35/Hr.	Eff: 1/2/88
John Wiseman	P.T. Intern	\$4.00/Hr.	Eff: 1/29/88
Michael Kummer	P.T. Intern	\$3.35/Hr.	Eff: 1/29/88
Janet Hamer	P.T. Intern	\$3.35/Hr.	Eff: 1/29/88
Mary Lloyd	P.T. Intern	\$5.00/Hr.	Eff: 1/29/88
Rachael Maasberg	P.T. Bkkpr.	\$5.00/Hr.	Eff: 1/29/88
Laura Pate	P.T. Intern	\$4.00/Hr.	Eff: 1/29/88
Kathleen Payne	P.T. Intern	\$3.35/Hr.	Eff: 1/29/88

Pigeon Township Re-Assessment (Appointments)

Thomas J. Mooney Co-Ordinator \$13,978/Yr. Eff: 2/1/88

Election Office (Appointments)

Sandie Deig	Supv.	\$6.00/Hr.	Eff: 2/1/88
Carol J. Primm	Asst. Supv.	\$5.70/Hr.	Eff: 2/1/88
R. W. Thompson	Bal. Assem.	\$5.70/Hr.	Eff: 2/3/88

Land Commission (Releases)

Ruth E. Lawrence	Clerk	\$35.00/Day	Eff: 1/5/88
Virginia M. Wallace	Clerk	\$35.00/Day	Eff: 1/5/88
Victor Funke	Bd. Member	\$45.00/Day	Eff: 1/5/88
Raymond Schmidt	"	\$45.00/Day	Eff: 1/5/88
Ralph E. Koressel	"	\$45.00/Day	Eff: 1/5/88
Danny M. Spindler	"	\$45.00/Day	Eff: 1/5/88
Jewell L. Merritt	"	\$45.00/Day	Eff: 1/5/88

Clerk of Circuit & Superior Courts (Appointments)

SDusan Jean Heberer	S.C.D.	\$558.04/Pay	Eff: 2/1/88
Raenna Kaye Hendricks	Dep. Clk.	\$535.55/Pay	Eff: 2/1/88

Clerk of Circuit & Superior Courts (Releases)

Raenna K. Hendricks	Dep. Clk.	\$535.55/Pay	Eff: 2/1/88
Susan J. Heberer	Dep. Clk.	\$558.04/Pay	Eff: 2/1/88

President Borries recognized Richard Lythgoe (who was in the audience) and asked him if he wished to speak?

Mr. Lythgoe said he is just taking a Civics Lesson today -- which he likes to do periodically.

There being no further business to come before the Board at this time, President Borries declared the meeting adjourned at 3:40 p.m.

PRESENT:      COMMISSIONERS      COUNTY AUDITOR      COUNTY ATTORNEY

R. J. Borries	Sam Humphrey	Curt John
R. L. Willner		
S. J. Cox		

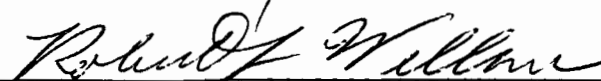
<u>COUNTY HIGHWAY</u>	<u>COUNTY ENGINEER</u>	<u>EUTS</u>
Bill Bethel	Andy Easley	Rose Zigenfus

OTHER

James Lindenschmidt  
Richard Lythgoe  
News Media

SECRETARY:      Joanne A. Matthews

  
Richard J. Borries, President

  
Robert L. Willner, Vice President

  
Shirley Jean Cox, Member

MINUTES  
COUNTY COMMISSIONERS MEETING  
FEBRUARY 16, 1988

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MINUTES  
COUNTY COMMISSIONERS MEETING  
FEBRUARY 16, 1988

The Vanderburgh County Board of Commissioners met in session at 7:30 p.m. on Tuesday, February 16, 1988 in the Commissioners Hearing Room, with President Rick Borries presiding.

RE: REZONING PETITION VC-3-88/MICHAEL WEIMER

President Borries said he will deviate from tonight's agenda by first recognizing Attorney Steve Bohleber. Attorney Bohleber said, "Today, after much reflection and conversation with a variety of people, my client decided that since the opposition to his rezoning was building by the day, there may be some merit to sitting down and carefully reflecting upon the needs of everyone (the Commissioners, Operation City Beautiful, my client, and the community at large). Thus, I earlier in the day requested the Commissioners in writing that it continue this matter for one month. Again, the purpose for doing that is so we can sit down and see if we can come up with a thoughtful compromise that will meet everyone's needs and my client is certainly willing to do that. We'll be getting with folks in the next few days to see if we can work toward something that is agreeable to everyone. So we do ask the Commission to continue this matter for one month (until the March 21, 1988 meeting). Thank you very much."

President Borries said, "Commissioners, I take it that it is by consent that we would continue this matter." Turning to the audience, he announced that Rezoning VC-3-88, Petitioner/Michael W. Weimer will not be heard this evening. We thank you very much for your attendance."

Attorney Bohleber interjected, "I perceived that many of these people here are from Operation City Beautiful. I think Mr. Schopmeyer will verify that I called him today to tell him that this was going to happen -- so I apologize for any inconvenience this last minute change may have caused anyone. I guess Mike couldn't get in touch with everyone."

Commissioner Willner said, "Mr. President, before they leave I'd like to ask whether any individuals in attendance have any thoughts, ideas, or solution to the problem. You do know that although this zoning is very important to all of us there is one right across Weinbach Avenue to the west that has the same problem and he is zoned properly. Also, Mr. Weimer has two (2) acres that are properly zoned. So you see, even though this rezoning is approved or not approved we still have a problem -- do we not? So, we need your input. If any of you have a solution now is the time to start on it."

A spokesman for the group said, "We're looking for solutions; we're not just here to oppose Mr. Weimer. He is providing a service for the community and I think we'd all like to come up with a solution that would benefit everyone, including the long-range future of Evansville."

Commissioner Willner said, "We need your help -- that is what I am saying."

President Borries thanked the individuals for their attendance. He said the Special Use Permit also will not be heard on Thursday evening (before the Board of Zoning Appeals).



Approximately 35 individuals exited the meeting.

RE: APPROVAL OF MINUTES

The Chair entertained a motion concerning approval of the minutes of February 1st and February 8th.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the minutes of February 1st and February 8th were approved as engrossed by the County Auditor, with the exception that the word "thru" was eliminated on Page 3 under County Highway Department. So ordered.

RE: SPECIFICATIONS FOR APPROVAL & REQUEST TO ADVERTISE FOR  
COMPUTER SYSTEMS

The Chair recognized Mr. Phil Lieberman. He stated he is Consultant for the City-County Data Processing Board and the Board has asked him to give them ideas on what the City-County should do with their system, since the Pulse contract expires at the end of this year. He suggested that we ask hardware and software vendors for ideas and the Board agreed. He developed the specifications for bids and proposals for hardware and software facilities management. During the past couple of weeks he has talked with each Commissioner individually and has given the drafts of the hardware requests for bid and the software and facilities management request for proposals. He presented the documents with some modifications to the Data Processing Board today. They approved them with the modifications and the documents have been looked at by the City Attorney and the County Attorney is also involved. On behalf of the City-County Data Processing Board he is recommending to the Commissioners that they accept the specifications (with the modifications outlined today) and advertise them for bid on this coming Friday and have a bid opening on March 21st at 9:00 (a joint opening with the Board of Public Works). He will be in a meeting with the Board of Public Works tomorrow morning and will also ask them to jointly advertise this coming Friday.

The Chair entertained questions.

Commissioner Cox queried Mr. Lieberman concerning the modifications.

Mr. Lieberman said most of the modifications were technical and minor. A major modification was that in the document he sent to the Commissioners (and perhaps in the cover letter) he mentioned that the people who would win the facilities management contract would not be allowed to win the hardware contract and the software contract. They have changed their minds and one company can now win all three contracts.

Mrs. Cox said, "With regard to the manager and who he/she reports to in the Facilities Contract, since it is for City and County services, who is the liaison from the County for the County for this project manager? Who is the spokesman representing the County?"

Mr. Lieberman asked, "For the Data Processing Board?"

Mrs. Cox said, "No."

Mr. Lieberman asked, "You mean for this purpose?"

Mrs. Cox responded in the affirmative.

Mr. Lieberman said, "I don't know; I would think the process would be handled the same way it is now -- with the same liaisons for the City and the County."

Mrs. Cox asked, "In other words, each individual officeholder if they had a problem or a request or an alteration -- they could go directly?"

Mr. Lieberman said, "Certainly; the Data Processing Board will also take an active role in the management along with the Facilities Manager -- they will provide input across the board."

Commissioner Borries asked, "Phil, when you were referring to the County Attorney, were you referring to Curt John or David Miller? Do you know if either have had the opportunity to review this?"

Attorney John said, "I have not reviewed this; I have discussed the matter with Kevin Winterheimer and it deviates a little bit from my discussion with Kevin in that the Facilities Management Contract can now, you say, go to the successful bidder of the hardware and the software?"

Mr. Lieberman responded, "Yes; that was one major item of change."

Mr. John said, "When I discussed it with Kevin it was my understanding that it would not be allowed to go to the same individual."

Mr. Lieberman said, "That is right; but we have changed that."

Attorney John said, "I have not seen the specs or anything else involved."

Mr. Lieberman said there was one other change (which took place before the Commissioners received their documents) and this was that we were going to have a bid for the software and the hardware and a proposal for Facilities Management..."And we have changed the bid for software to a proposal for software services -- but that was before I met with any of you."

Commissioner Borries said, "For the record -- and to make sure that modification is in place, and I think considering the County's share of Data Processing as per the last contract and we have built in some modifications to where we reflect a portion every year --(ask the current vendor for a formula that reflects what the County's share is) does this contract provide for a difference of opinion between these units of government? In other words, as we will request these proposals and move forward here with the modifications you have suggested, we could take these under advisement. But for the record I want to make sure that we have the explanation here that this contract or any contract with any future vendor is not contingent upon one unit of government saying that they want it and the other unit of government perhaps still having some questions. Am I correct about that? Is it contingent upon both parties agreeing? I guess that is my bottom line."

Mr. Lieberman said, "I have broken the building down into three parts: the Courts, Law Enforcement and Administrative. The Courts is all County, the Law Enforcement is City-County and the Administration is City-County. I guess there would have to be some agreement on the Administrative side if they were to share a computer. If they didn't agree -- or couldn't agree -- on the type of software and, in particular, the hardware vendor, then I guess what will happen if they won't listen to my recommendation when I make it then you can decide what to do. But I am going for a unified effort. My feeling is that the different parties will come to a joint conclusion."

Commissioner Cox said, "I think Mr. Borries has probably asked some of the same questions that I had about the chain of command or the line of command between the County and the Facilities

Manager and the City and the Facilities Manager. If the City were completely satisfied but the County wasn't, was there one person who was designated from the area of government to work with the Facilities Manager? Or was it a two-pronged responsibility?"

Mr. Lieberman said, "I think there was not one person. I think if the Facilities Manager had a problem, then he would go to the Data Processing Board and try to have it resolved within the Board."

Mr. Borries said, "I guess for the record of this meeting, the final say is whether or not the contract would be accepted would rest with the Board. But because of the many elected offices in County government (all of whom have elected authority to do their jobs) in the past we have acted as the central authority in relation to approving per se the hardware. The various requests, I think since this last contract, have generally been reviewed by either this Board or the Data Processing Board as new applications have been added."

Mr. Lieberman said, "I should say that we may pick a hardware winner and a software winner, but there may be a governmental unit such as the Treasurer who chooses not to use the software provided by the software winner, but to have his software converted. So there could be disagreement on his part as to what the best software is and he could choose to carry his software over."

County Auditor Sam Humphrey said, "Mr. President, I don't think that takes the priority, because we have part of our office that we want to roll over. The reason for that is that we have an excellent program. It is simply a little cumbersome because it was built block-by-block instead of being encased in a software program that would be easily modifiable. That is our only requirement -- and I think we could probably get that. On the other part of this (the County's portion) we want to go to a completely different program and an accrual accounting system where much of our paperwork is diminished and we can get figures easily rather than being very cumbersome. I am curious about one thing -- What is the difference between a bid and a proposal for software?"

Mr. Lieberman said, "It is my understanding that the difference lies in the way we have to evaluate the bid and the proposal. We're handling the proposal as a request for professional services, as opposed to specifying hardware which is a tangible item and we can look at numbers and books and make comparisons that are easy. In software (just as in any professional service) it is not easy to make those judgments. So we are using a proposal form so we can gather ideas during this decision process and we are not able to gather ideas during a bid process."

The Chair entertained further questions.

Mrs. Cox said, "The way the contract reads is that the City and the County must agree; there is no alternate. It doesn't say that the final decision lies with one Board or the other Board. Is that what you were getting at, Rick, when you said we pay 75%?"

Commissioner Borries said, "I think the revised formula is 66%."

Mr. Lieberman said, "First of all, this is a request for a proposal, it is not the final contract. And if we get down to the point where we are trying to negotiate contracts and trying to get the different departments to agree and they don't agree, I don't know what will happen. However, I don't foresee that happening."

Commissioner Borries said, "In the past there has been some cooperation, but I cannot predict the future with this. That is why I raised the question -- to clarify that particular point."

Mr. Lieberman said, "Here is the bottom line -- if some City and County governments cannot agree, much of the process we have gone through will not be wasted. We will have done the fact-finding, fact-gathering, the decision process, etc -- and instead of allocating money to spend on one computer, you may have to buy two computers. But we will save the time that we would have to spend if we didn't go through this process. The Pulse contract expires at the end of this year and we need to start making some decisions. If they can't decide together in a few months from now we haven't lost too much time. We can take the information we have and make it available to you and the Board so a decision can be made."

Commissioner Willner said, "I am in perfect agreement. As long as everybody concerned can bid and put in a proposal, that is the American way. I understand with computers and software we might have to bend a proposal here and there (that is why we call it a proposal). But with a bid you cannot do that (as you say). When you bid, you cannot change it unless you re-bid. But a proposal -- some company might have the same way of doing the same thing to fit their material or equipment -- and I see nothing wrong with that."

Upon motion duly made by Commissioner Willner and seconded by Mrs. Cox, authorization was given to advertise on Friday, February 19th for bids and proposals, with opening date scheduled at 9:00 a.m. in Room 301 on Monday, March 21, 1988. So ordered.

(In response to query, Mr. Lieberman said the Commissioners and the Board of Public Works will have a joint opening.)

Ms. Cox noted that March 21st will be a night Commissioners meeting -- so it will be another long day.

RE: REZONING PETITIONS

VC-5-88/Petitioner, Old National Bank: Common known address is 4701 Old Cynthiana Road. (Mr. Borries noted that petitioner is Old National Bank in Evansville, rather than Land Trust as listed on the agenda.)

The Chair entertained comments. There being none, a motion was entertained.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, VC-5-88 was approved on First Reading for forwarding to the Area Plan Commission, where it will be heard on Wednesday, March 2nd.

VC-6-88/Petitioner, Land Trust, Citizen's National Bank: Common known address is 19600 Highway 41 North. Property is currently zoned Agricultural and requested zoning is C-4.

The Chair entertained comments or questions.

Commissioner Willner said he is wondering about the C-4 zoning. Do we know what they are putting in? He is sure this will be brought out in the APC meeting.

Commissioner Borries said it looks as though it is an extension on an existing C-4, but there is no description given other than general business. This is located directly behind what used to be a Standard gas station (which is vacant at this time).

With regard to listing only "general business". Commissioner Cox said, "I don't think they have to say. This Board granted Mr. Spurling a great big area out off Green River Rd. and didn't ask him what he was going to put in there.

Commissioner Willner said he is sure they don't have to say if they don't want to -- but maybe they will.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, VC-6-88 was approved on First Reading for forwarding to the Area Plan Commission. So ordered.

The meeting proceeded with Commissioner Borries stating the Board will now hear Third Readings. Again, VC-3-88/Petitioner, Michael W. Weimer, has been continued and will not be heard tonight.

VC-2-88/Petitioner, J. H. Rudolph & Co., Inc., has also been continued and will not be heard this evening.

VC-1-88/Petitioners, Larry & Carol J. Watson: Requested zoning is from Agricultural to C-1.

The Chair recognized Attorney Ron Freson. He stated he is a practicing attorney in Evansville and has been here for almost eighteen (18) years. Mr. & Mrs. Watson, the property owners, have asked him to represent them and speak for them this evening. Mr. & Mrs. Watson and their two sons are present this evening (the latter for their Civics lesson). Mr. & Mrs. Watson have lived here all of their lives. Larry Watson is employed at K-Mart and has been for fifteen (15) years and the last six (6) years he has been the Assistant Manager of the Newburgh store.

Carol Watson is a homemaker and also paints ceramics. She is epileptic and that hasn't hurt at all in her being a homemaker or painting ceramics. But it makes it so she probably cannot obtain employment. She operates a small business known as "Carol's Country Arts & Craft" and her business is primarily painting ceramics and selling those ceramics. She presently sells those from a small building located at Burkhardt Rd. and Old Boonville Highway (which was a gas station built around 1928) and she also sells at the various art and craft shows and has estimated to him that probably 85% of what she sells is sold at these art and craft shows around town at the Y, or the Old Court House Building, or wherever she might go in that regard. She paints these ceramics in her home. The request he has at this time is to rezone property on North Burkhardt Rd. midway between Division and Morgan (for location purposes that is commonly known as 724 N. Burkhardt Rd.). If you would face on Burkhardt toward the West and the malls and all, you would probably be looking across farm ground and seeing Tri-State Racquet or some of the adjoining apartments right there next to Tri-State Racquet. The lot, as shown on the Site Plan is 140 ft. wide and 235 ft. deep. There is no idea to place anymore improvements than you see on the Site Plan. The rezoning is requested so she can conduct the business that she has from that location. The surrounding land is all zoned agricultural. The owners of the adjoining lands have been notified and they haven't made any objections; in fact, he believes they are supportive of this request. The land bounded by Green River Rd., Burkhardt, Division and Morgan Avenue has agricultural use, industrial use, commercial use and multi-family (primarily in that area) and the Comprehensive Plan, as he understands it, indicates that this should be mixed commercial and residential. So they think the request being made is consistent with all of the guidelines and would be a good use for the real estate and it would be good for Mr. and Mrs. Watson. Therefore, they would ask the Commissioners' approval. They will be glad to answer any questions the Commissioners might have.

Commissioner Willner asked if the Watsons are giving the right-of-way for extension?



Attorney Freson said, "Commissioner Willner, we had this problem. There was a willingness for Mr. and Mrs. Watson to work and cooperate. The willingness that I expressed at the APC meeting (and they did approve this by a vote of 7 to 4) was that they had a 10 ft. strip of land that they would be willing to give to help on that. They have a structure there and do not believe that they can give a 30 ft. strip. The adjoining property owner to the immediate north owns approximately 54 acres and we did, in fact contact that property owner (or the relatives) -- I think that probably the record property owners are deceased and their children are the property owners at this time. They were not willing to participate at this time and make it possible to get any of their land in that plan. We would think that with the small piece of property that they have with only 140 ft. of width that 10 ft. is about all they could reasonably give and they are willing to do that -- and we think it would likewise be reasonable to secure the remaining right-of-way from the adjoining owner who has 54 plus acres. It is my understanding that Columbia is maybe third priority and whether it will ever happen or not might be highly speculative. But my understanding is that Vogel is first priority on east-west, Virginia second priority, and this would be third priority and there is some question as to whether or not it would ever happen that way. But they would cooperate to that extent -- and I think when EUTS when they set right-of-way they used the words "if possible" or "if available", and we do believe there is 10 ft. available there that they would get."

Commissioner Borries read the following into the record:

TO: Mrs. Barbara Cunningham, Executive Director  
Area Plan Commission

The proposed property is located in a study area bordered by Burkhardt Rd., Green River Rd., and Morgan Avenue and the Lloyd Expressway. 724 N. Burkhardt Rd. orders the proposed extension of Columbia Street. The County Highway Engineer recommends that the Petitioner grant a 30 ft. right-of-way for the future extension of Columbia Street and at that time that access be provided off Columbia.

/s/ Andy Easley  
County Highway Engineer

Commissioner Borries said there is a note underneath Mr. Easley's signature that EUTS concurs with the County Engineer and that is signed by Rose Zigenfus on 2/3/88.

Commissioner Cox said she has a couple of questions. Is the present Ceramic & Gift Shop operating out of the white building?

Mr. Freson said he does not believe it is.

Mrs. Cox said there is already an attached garage -- to the house?

Mr. Freson said there is an attached garage and one that is unattached. There is one at the front of the house -- but it is hard to tell it, because it looks like it is part of the house. But on the front part there is a garage.

Commissioner Borries asked, "When you were obtaining a permit for the unattached structure, what was the purpose stated at the time for that structure?"

Mr. Watson said he uses it mostly for storage; he has a garage full of molds, etc., which he needed to store someplace -- so he could get his cars into the garage to keep them out of the weather.



Mr. Borries asked, "So the use you said you wanted that particular structure for has changed since that petition was filed?"

Mr. Watson said "Yes sir, it has; we lost the lease on the other building."

Commissioner Borries asked, "Does this rezoning also include the entire residence in which you live?"

Commissioner Willner said, "I think it includes the entire lot."

Commissioner Borries asked, "Based on the letter Mr. Easley wrote, do you have any comment then or any reaction to what his suggestion is? Or what EUTS mentions?"

Attorney Freson said, "I do, Mr. Borries, and I guess basically it is this (and I discussed it with Mr. Watson) that they think this is good zoning and they are willing to give what they think is reasonable -- which would be a 10 ft. strip. We don't think that it is reasonable with only the 140 ft. they have to give 30 ft. there, which really is for the development of all the other ground, the adjoining 54 acres, all the land between there and Tri-State Racquet Club. They are willing to give the 10 ft., but the other would require movement of the structure -- and it would make it so they couldn't really use this for what they want to use it for later down the road (which they don't know at this time). We think it much more fair for some of the other people to help on this, other than just the Watsons. They do have the 10 ft. right up to the building -- and they would give that. A road would be put in there. They have curb and gutter on Green River and they would use that. But the report says it is a low traffic generator.

Mrs. Cox asked, "Is the entrance on Green River or Burkhardt?"

Mr. Freson said it is on Burkhardt (if he said Green River, he is in error and he apologizes).

Mrs. Cox said, "I have no problem with the request; I think if we look at the overall transportation plan and development and the commercial development going on in the area and when the Comprehensive Plan also calls for the mixed kinds of businesses in this area -- I have no problem with seeing something of this nature in a C-1 zoning. The problem that I have is that when you have a lot of commercial development or a lot of business-like development going on in an area you also need a transportation plan -- and we have a transportation plan which has been before the Board and been accepted -- and to use as a guideline -- and it does show the extension of Columbia at some future time (when, we do not know). There is not enough right-of-way with the present building there to dedicate the 30 ft., but if we would move that over 20 ft. it would throw the alignment off all the way down the line of the proposed extension of Columbia Street. I just talked to Area Plan and they said residences are one thing they look at when buildings are set back -- but outbuildings they do not consider when looking at the overall permits that are issued -- and that is how a residential garage was allowed without any one thing about a right-of-way. I think it would definitely improve the value of that property in the future for this zoning to be granted, but I just do not feel I can support the request unless there is agreement to dedicate this 30 ft. right-of-way and go ahead and continue to operate as long as you want to operate there until the street is accepted.

Attorney Freson said, "The only problem I see with that, Mrs. Cox, not to be argumentative, but here is what we're really saying, as I understand it. We have a rezoning request that is a good and valid zoning request. And we have these folks that own just

a little bit of land (it's not an acre -- it's something less). And we're asking them to give the frontage and to give their land to develop all of this great big area of land back there. That doesn't exactly seem like a fair thing when you ask for that. I said they'll give the 10 ft. They have that there to give and it won't hurt them too badly -- and they'll give that. But it doesn't really seem right to ask them to give all of that to make sure that everybody else is going to be o.k."

Commissioner Cox said, "Well, I don't think we're asking them to give it -- I think we're asking for dedication."

Attorney Freson said, "As I understand it, they are being asked to give this 30 ft. of land so everybody back here can develop. They are willing to give the 10 ft.; but it doesn't seem fair to ask them -- they don't have that much to start with -- "

Mrs. Cox interjected, "You've made that point very clear and I really am concerned because because they have lost their lease for their present operation. I have no further questions."

Commissioner Willner said, "I agree that you make a very strong case and I guess you'll have to agree that we need a good transportation plan. Obviously, we need some common ground. Is there for sale at a reasonable price another 20 ft. then?"

Attorney Freson said, "They're not looking for money from people, Mr. Willner. We're not up here saying give us some money. Government can at any time take their land and they can say 'we want to take this and this is what we'll give you' -- and that is always available and they would always cooperate. But, you know, they are not looking for money here. They've got a building sitting there and to tear it down -- it's gone -- so I presume -- if you want to speak with Mr. Watson..."

Commissioner Willner said, "Let me ask you -- do you know if there is a compromise available? Do you know one where we can both reach our goals and be amenable?"

Attorney Freson stated, "Mr. Watson says this, Mr. Willner, and I don't think this is possible or that it can be done (I may be wrong, so it may need someone else's advice here) but he says he's not looking to develop this land. He is not looking to do anything other than what he has said here and he would be willing for any use other than that which he has proposed here to come back before you in regard to this dedication condition. The way I understand zoning, you can't do that. But he is willing to do that. Evidently he feels probably that if this road would be in he would probably have to sell the property or do something different. But you can see there is a drive and 30 ft. would be fairly close to that -- the house structure. But they will cooperate in any way they can. I think we're somewhat strapped in what we can do, yet I don't know whether you can make conditional zoning or do things like that."

Commissioner Cox said, "That is one of the points I was thinking down the line here that this ceramic business may be so tremendously great by the time that they get ready to put the Columbia Extension in and there is other business -- this may not be an ideal location where they would want to live -- and they would want to convert the entire area into some kind of total business."

Attorney Freson asked Mrs. Watson how long she has operated that business, and she indicated some seven or eight (7-8) years. He said he doesn't think this is designed to be a flourishing, big-time business that she has. It is a business they've described where most of the sales (and, again, she thinks 85% of the sales) are at craft shows. I go to those and I presume that

everybody goes and probably knows how these are -- which they don't have any substantial business going on here, but she does need this zoning to be able to carry on the business.

After brief consultation, it was the consensus of the Commissioners that this matter needs to be continued. Commissioner Borries said the Board has some concerns that he is not sure can be resolved at this time.

Attorney Freson said, "I understand -- and it gets down to a situation of what is fair."

Commissioner Borries asked if there is anyone present who wishes to speak concerning this matter? There being no response, a motion was entertained.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, VC-1-88 was continued for a period of one (1) week. So ordered. Commissioner Willner suggested that in the interim County Attorney Curt John and County Engineer Andy Easley get together to see if we can work out a common denominator on this one.

Commissioner Cox asked, "Attorney Freson, are the Watson youngsters here for classroom study?"

Attorney Freson responded, "No, they wanted to see government in action. He is sure they learned something. I had my son in Area Plan last Wednesday (he's in the 5th Grade) and thought he knew nothing about rezoning. He said they studied that in Social Studies (and that was the book he had with him.) Sure enough, they had; he looked back in the glossary and it defined zoning (probably better than I could)."

VC-4-88/Petitioner, Cyril Gertiesen: Common known address is 5900 W. St. Joseph Avenue. Property is currently zoned Agricultural and R-1 and requested zoning is R-3.

Attorney Les Shively was recognized by the Chair. He said he represents the petitioners. He proceeded to distribute copies of a proposed ordinance and make brief comments. This particular property used to be the old Aragon Dance Hall many years ago. Back some forty (40) years ago this building had a 3,000 sq. ft. dance hall with two (2) apartment units in the building. In 1975 (sometime after the dance hall use had been abandoned) Mr. Gerteisen (his family has owned this for many many years) took that 3,000 sq. ft. former dance hall area and converted it to residential living quarters for he and his family. This left the building with approximately 3,000 sq. ft. area for one family and two other living areas (a 1,400 sq. ft. 2-bedroom apartment and a 1,300 sq. ft. 2-bedroom apartment). In 1975, Mr. Gerteisen commenced an ambitious remodeling program for this particular property which culminated in its completion in 1977. As can be seen from the staff photos, this particular building is very aesthetically appealing -- and if you would go drive out in the area of St. Joe Rd. and St. Wendel, you would drive by it and not know that it was, in fact, more than a one-family residential structure.

The next door neighbors, Mr. & Mrs. Luker (who initially were concerned about the development of this property at the time they bought into this area in 1975 -- and he would note that they bought their home and their land from Mr. Gerteisen) were concerned with the proliferation of more multi-family. Except for the commercial up at the corner, we can see it is mostly a single-family area. What we sought to do to resolve this situation was to add to this particular proposed ordinance a Section 4 (which I discussed on the telephone with Mr. Luker, and then presented a copy to Mr. and Mrs. Luker in my office this afternoon). I'm not going to read the ordinance in its entirety

-- I'll just hit the highlights -- but it is in three parts. The first part limits the multi-family use of the subject property to what we commonly refer to as the main building and also states that there will be no other living units commenced, erected, or what have you on the subject property. That includes the conversion of any existing buildings that might be there; i.e., garages, etc.

The second part (Part B) tries to define the units that are presently in the main building and states that the Petitioner cannot expand beyond what is already there.

Paragraph "C" recognizes a situation that currently exists whereby Mr. Gerteisen is utilizing a portion of the 3,000 sq. ft. apartment as a studio-type apartment and the Lukers have no problem with his continuing to use it as such so he can be there to maintain the premises. However, he would be prevented from treating this 800 sq. ft. area of the 3,000 sq. ft. area as a separate unit available for rent to the general public. He would be prohibited from doing that by that part of the Section 4.

Any changes from Section 4 (A thru C) would have to be done by the initiation of a new Petition (just like a rezoning) and when this ordinance is recorded it will then have greater effect than a covenant because it allows these provisions as a provision of the rezoning to be enforceable by the public bodies and have the force of law.

Mr. Luker informs me that my second attempt to get the legal description correct also has an error. (In eight years of doing this I've never had this much trouble.) Apparently what has occurred -- we've had some reconveyances back and forth among the family and there apparently is a little strip there overlapping -- and Mr. Luker has already kind of pencilled it out. We'll get that straightened out this week and give the correct legal to you -- that Mr. Luker agrees with, Mr. Gerteisen agrees with, and Mrs. Cunningham agrees with, etc. In any event, in a nutshell that is what we have here. We do have some residents in the area who are in favor of this petition who are neighbors and the Lukers are also here. I'd be more than happy to answer any questions -- and I guess Mr. Luker might have some additional questions."

The Chair entertained questions.

Mrs. Cox queried Mr. Shively about the corrected legal description.

Messrs. Luker and Shively approached the Commissioners' table to point out the affected overlapping area.

Mrs. Cox asked, "And Mr. Gerteisen has no question over that part of it?"

Attorney Shively replied, "His intent is only to rezone what he owns. If he doesn't own it, we don't want it. We don't want to create any additional problems. We'll get a corrected legal to the Area Plan Commission before it is recorded. But it doesn't affect your ability to vote on it this evening. We will pledge to you that we will not record an inappropriate or inaccurate legal description."

The Chair entertained further questions.

Commissioner Willner asked, "The current zoning is Agricultural and R-1 and the new zoning is now R-2?"

Attorney Shively said, "The correct use is actually R-3; it's been R-3 for two of the units for at least some 40 odd years. The 3-unit concept only occurred back in 1975 when the old dance hall was converted to Mr. Gerteisen's residence for his family.

Technically, he had a 3-family unit; but they created a 3,000 sq. ft. area at that time for their residence and had the two additional apartments -- that is how they treated it -- and it has been that way since about 1975. We did check the records of the Building Commissioner's Office and we did find records of improvements done to the main building. This is a project they started in 1975 and concluded in 1977. This is why it wasn't on the tax rolls in 1978; but Mr. Gerteisen did maintain good contact with the German Township Assessor's Office and they properly assessed it when it was completed -- and he was taxed for those additional improvements. So I don't think there has been any gap in the taxation aspect. I guess the only gap is that it had been a non-conforming use for a period of time."

Commissioner Borries asked if there are others who wish to speak to this particular rezoning petition -- VC-4-88?

Mr. Jim Luker of 5840 St. Joe Rd. was recognized by the Chair. He said, "I'm not real happy with our compromise here, but I have no desire to lose Mr. Gerteisen as a neighbor; he's been a good neighbor for twelve years. I'd rather this was grandfathered in some way. I couldn't get to my attorney tonight after I talked with Mr. Shively, because he had left to go somewhere else. We were objecting to R-3 rezoning, but as I understand it, with the correction of the legal on it, it would clarify that -- and it looks to me in reading -- and I would ask this Board -- that he cannot build additional buildings on this property at this particular time. And that is what has worried my wife and I and other neighbors. If this be true, then we have no objection to this. And I have to defer to the APC or to you people."

Commissioner Borries said, "I think we can get a definite answer here. Mr. Gerteisen, there were some concerns raised at the Area Plan Commission, so apparently Mr. Luker has stated some of his concerns and is willing to compromise. By adding the Section 4, which stipulates exactly how this area will be used (and it cannot be used for anything else) then I think in order to address what Mr. Luker has pointed out, you can just answer yes or no. Is this exactly what you are going to do and nothing else?"

Mr. Gerteisen said, "That is right."

Mr. Luker said, "That satisfies me."

Mr. Gerteisen commented, "I have great respect for all of my neighbors and I want to live by them."

Mrs. Cox said, "Mr. President, I think that if we do grant this rezoning with this Section 4 included in it, that he must do what this says. He doesn't have any choice."

Commissioner Borries said, "I just didn't want any confusion on that point. I think there has been confusion with several aspects and I think Mr. Luker needed to hear that."

The meeting continued with the Chair entertaining further questions or comments. There being none, a motion was entertained.

Upon motion duly made and seconded by Commissioners Willner and Cox, respectively, VC-4-88 was approved on Third Reading, with the stipulation that the Section 4 be included, and the amended legal provided to the APC prior to recording the ordinance.

The Chair asked for a roll call vote. Commissioner Cox, yes; Commissioner Willner, no; Commissioner Borries, yes, with the stipulation that Mr. Luker has entered into the record. So ordered.

RE: BURDETTE PARK

President Borries said that Item #1 under #5 on the Agenda should read "Specifications submitted for approval and Request for Swimming Pool Filtration System (rather than Computer System). This was also done last year. There are no changes to the specs that go for the maintenance on this swimming pool filtration system, so Mr. Tuley has sent that along for the Board's approval.

Also submitted by Mr. Tuley was the Year End Financial Report and the January Financial Report, as well as a letter regarding representation of Burdette Park in the Tri-State Boat & Sport Show to be held at Roberts Stadium.

The Chair entertained questions concerning the foregoing.

Commissioner Cox asked if the Specifications have been approved as to form by the County Attorney?

Commissioner Borries responded that they have.

Mrs. Cox asked, "And when will the bids be submitted?"

Mr. Borries said they will be submitted at the Commissioners meeting at 2:30 p.m. on March 7th. The package includes instructions to bidders, bid proposal, equal opportunity requirements, etc. A motion was entertained.

Upon motion duly made by Commissioner Willner and seconded by Cox, the Notice to Bidders and Specifications were approved. So ordered.

RE: COUNTY ATTORNEY - CURT JOHN

President Borries called upon County Attorney Curt John for a report, and he replied that he has nothing to report at this time.

RE: COUNTY COUNCIL - REQUEST FOR DIVISION OF POWER & REQUEST FOR OFFICE FOR EXECUTIVE SECRETARY

The Chair recognized County Councilman Harold Elliott, who had asked to be placed on the agenda.

Councilman Elliott said that Councilman Taylor was in the meeting but had exited for a brief period. Councilman Taylor entered the room and Councilman Elliott suggested that he speak first.

Councilman Taylor said, "The County Council has an Executive Secretary and they have acquired an office for her and in that particular office there is a wall that we need to move; first of all so we can get her desk in there -- because she has a Word Processor and it takes a particular kind of desk and credenza for that. The cost for moving that is \$602.00. We were hoping we could take those monies out of the budget of the Superintendent of the County Buildings, but it is an administrative decision as far as doing any kind of remodeling in the building.

The rent, which is going to be approximately \$1,216.78, the majority of the Council is in favor of appropriating those additional funds, because we understand the funds you have in your rent account have been allocated for other offices. That is basically it. We would appreciate the Commissioners' giving approval to the Building Authority and the Superintendent of the County Buildings to take care of this."

Commissioner Cox asked where the office is located?



Mr. Taylor said that it is just outside the Conference Room. It used to be the Code Enforcement office. Because they are a part of DMD they moved down to that area.

Mrs. Cox asked, "And the amount of rent, is that an annual cost?"

Mr. Taylor said, "Yes."

Mr. Lindenschmidt interjected that it is not.

Mr. Taylor asked, "No, it isn't. This is a monthly fee?"

Mr. Lindenschmidt explained and Mr. Taylor said the figure he quoted was a reimbursement because the City had prepaid this amount to the Building Authority and this is a reimbursement back to them.

Commissioner Borries asked, "The \$1,162.00?"

Mr. Taylor responded, "Right."

Commissioner Borries asked, "What is the cost then to the County? Is it a monthly charge?"

Mr. Taylor said, "Our annual fee would be that."

Mr. Lindenschmidt interjected, "The annual fee is \$3,012.88 and the City has already paid the first six months and a pro-rated part for those six months is \$1,216.78. So we need that and for the last six months of the year a total of \$2,723.22."

The Chair entertained further questions.

Commissioner Cox said "It is perfectly agreeable with the City to release this space for the County's use?"

Mr. Taylor responded, "Yes."

Mrs. Cox asked, "And the funds are coming from where?"

Mr. Taylor said there will be an appropriation. The funds for the rent will be a special appropriation and it is on the agenda -- I've been assured by a majority of the Council that that appropriation will be approved.

Upon motion made by Commissioner Willner and seconded by Commissioner Cox, the request was approved.

Commissioner Borries requested that Mr. Taylor provide the Commissioners with some kind of letter from the City for the records.

Mr. Taylor said he will see that it is sent to the Commissioners.

Mrs. Cox asked, "What is this person's title? You referred to her as an Executive Secretary."

Mr. Taylor said, "She is the Vanderburgh County Council's Administrative Assistant. Here is an invoice from the City, would that be appropriate?"

Mr. Lindenschmidt said he was told by the Building Authority that he needed a letter from the City -- they want it in writing that they are giving that space to the County.

Commissioner Borries said, "That is right -- and that way it straightens out the billing for next year."

The meeting proceeded with the Chair recognizing Councilman Elliott.

Mr. Elliott said, "Thank you for the new office. I told you previously that I would surely be back to you on this ordinance concerning the division of powers. The Council Attorney has prepared an ordinance on this division of powers. This ordinance was based on division of powers in Article 2, Chapter 3.5 of Title 36 of the Indiana Code. Copies of this statute have previously been furnished to the Commission (in September 1986) and I just gave your secretary another copy today.

This ordinance was passed by the Vanderburgh County Council on December 30, 1986, and sent to the Commissioners for consideration of passage. On the possibility that you may not have copies readily at hand, I have brought additional copies to you tonight.

Currently, Lake County and St. Joe County have this division of powers under 36-2-3.5, which was passed specifically for these two counties. Marion County has the same division under consolidated government. In 1981, a Home Rule Amendment (Section 1, Paragraph 2) was added to this statute allowing the other 89 counties to have the same division of powers, provided the other County Executive and County Fiscal Bodies adopt identical ordinances providing for the County to be governed by this Chapter beginning on a specified effective date. The ordinance drafted provides for it to be in effect from the date of its passage. However, realizing the concerns of the Commission, I would suggest that the effective date be January 1, 1989. This would give the two bodies ten (10) months to meet and iron out any difficulties and differences of opinion in effecting final implementation.

In December 1986, I received a phone call from St. Joseph County Commissioner Richard Jasinski, who told me the system was working well. He said it frees the Commissioners more time to spend on Administrative duties and when the Commission desires specific ordinances, a request is presented to the Council. He emphasized that the two bodies have a very good working relationship.

I also received a letter from the St. Joe County Council President, Phillip Barkley, in which he stated that the present system under which they operate is much superior to the old one. I quote the last paragraph of his letter:

"I am not sure that the State Statutes that enable your County to reorganize, but from the point of view of one who has had experience with both the old and the new, I would recommend separate administrative and legislative functions. It is logical; it is present at the national and state levels; it should be at the local levels."

I have given your secretary a copy of that letter.

The Lake County Council President, Richard Galombos, told me personally that the system is also working well in Lake County.

After my previous presentation to the Commissioners I heard such comments as, "The Council has enough power already, because it has final authority over all budgets;" or "It might be a good idea, but now is not the time." The third comment was, "I wouldn't think of such a thing without a referendum."

Regarding the fiscal power of the Council, if you check every other level of government, you will find that every fiscal body has all legislative functions, including appropriations. I think the people of this country would be appalled if Congress relinquished its legislative functions other than fiscal to the President. The same would hold true if the State Legislature relinquished its power to the Governor or the City Council to the Mayor. This ordinance does give veto power to the Commission and

it would take a two-thirds vote or five (5) members of the Council to override. To those who say that now is not the time, I say they are absolutely right. It should have been done a hundred years ago. Now is the time to correct the oversight. To those who say they wouldn't vote for the ordinance without a referendum, I say that the Constitutional principle of checks and balances in government is so basic that it doesn't require a referendum. We have an enabling statute and common sense dictates that we owe our County residents the kind of government they deserve. The only practical way I can see to have a referendum on an issue like this since we do have a State Statute is for two candidates of opposing views to run from the same Commission District and the vote would be the referendum. Now I realize there have been some personality clashes in the past; but this should not influence your decision.

A few weeks ago as I was out at Burdette Park going over a list of recommended improvements and repairs, on one of the buildings was a plaque that listed the names of the Commissioners and Council Members in office when it was built. Not a single one of them is in government now -- and you surely can't judge the ones who will be in office fifty years from now and who will be working within a framework of this ordinance. I think you should overlook any personality differences you have with anybody in government and consider these principles. I urge the Commissioners to disregard these personalities in their decision and base their votes on the Constitutional concept of checks and balances in government. I invite your comments."

Mr. Borries thanked Mr. Elliott for his comments.

Commissioner Cox asked, "Harold, this is the same ordinance that Council passed previously?"

Mr. Elliott said, "It is the same ordinance we passed in December 1986 and sent it to you for passage."

Mrs. Cox said, "I was going to ask you -- but I see on the back page that it was passed by the four people who signed it. Was it a 4-3 vote?"

Mr. Elliott said, "Yes, Councilmen Wortman, Lutz, and Hermann voted against it. They may have had a change of heart by now."

Mrs. Cox continued, "I really see it as a major structural change in County Government -- and I guess when you referred to the person who said they'd like to see it on a referendum, I feel I haven't changed my mind concerning this. I feel that it is a major structural change and even though we were all elected by the voters, we were elected knowing what our specific duties were -- and to change those duties without taking it back to the people is, I think, definitely usurping some of the input that they should have in that at this time. Thank you for letting me share my feelings."

Mr. Elliott said, "You can have an election with two opposing candidates with opposite views and go to the voters and say this is what we need. We did have this statute passed in 1981 so you and the Council could amend our government and like I say (and have said many times) the basic principle was so basic a constitutional delineation of powers between the Executive and the Legislative that I don't think it requires a local referendum. I think it is our duty to make that decision."

Commissioner Cox said, "That is where you and I differ."

Mr. Elliott said, "I know -- that is why I brought it up."

Commissioner Willner said, "I think I can appreciate that."

Commissioner Borries said, "Harold, I feel the same. I have no comment at this time other than I certainly respect your rights and would expect the same with mine. I do not agree with what you are saying. I would share the feelings that we would move forward at this point. If a referendum would be appropriate, then I certainly think that would be something to look at. I respect your viewpoint. But just as the membership of your body does not agree completely with this ordinance, I would say that the majority of this Commission would also not agree."

Mr. Elliott said, "Let me ask you this, Rick. I understand you were a teacher of government at Central High School. If a student asks you if one body should have legislative and executive functions, how would you answer him?"

Commissioner Borries replied, "I would say that if it has legislative and executive functions and there are appropriate checks over that particular body then as the County Commission and County Government were set forth in the year 1818 when the first Commission was set up -- and the Council was then enacted in 1889 as a check on that -- and if those checks are currently appropriate and County government is working (and I think it is working well) there seems to be at this point no serious financial problems according to reports I've read -- you are to be commended. I think this Board should be commended for responsible leadership in those areas. You do have the final say on the budget and there are appropriate checks there. You have some strong feelings which I respect, and I differ."

Mr. Elliott asked, "Do you believe that at the State, the National and Municipal level they should have all legislative functions -- but not at the County level?"

Commissioner Borries responded, "I think there should be checks and balances and there are certain checks, because the Council has a check -- and perhaps in many cases the final check. I would say that in view of the changes in this County, when some 6,600 people have just been included within the City there would certainly be more profound changes and we might want to look ahead in the future, rather than at this point to tinker around with the current structure of government that is already in place -- and something again that is certainly an issue to you and perhaps to the members of the Council who share with you -- but I don't see it as a major issue in relation to the functioning of this County."

Mr. Elliott asked, "In other words, you are saying it is all right for the County Council not to have all legislative functions, even though the other three levels do? Is that what you are saying?"

Commissioner Borries said, "No, I'm saying that I think that County Government at this time as it is functioning in this County is working well and that there are appropriate checks and balances in place."

Mr. Elliott said "Thank you."

Mr. John Blair was recognized by the Chair. He introduced himself and said, "I am running for the County Commission this year and one of the reasons I decided to run for the Third District Commission was because of the checks and balances that are involved. As you mentioned, Commissioners, I think it would really be inappropriate at this time to make any fundamental changes, because the County Commission has certain delegated powers that should stay intact. As you said, it works well. And I'd just like to go on record saying that I think things are working well and there is no reason to change them. It makes sense that we should carry on like this. I hate to disagree with Mr. Elliott, but it seems like it's just a power grab."

Commissioner Borries thanked Mr. Blair for his comments and also thanked Mr. Elliott for attending tonight's meeting.

Commissioner Cox said, "Mr. Elliott, you know where ~~he~~<sup>we</sup> stand, now you need to go out and....."

Mr. Elliott interjected, "I still think the Constitution ...(inaudible)"

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Work Report/County Garage: Mr. Bethel submitted copies of the Weekly Work Report for the County Garage for period of February 8 thru February 12, 1988.....report received and filed.

Gradall: St. Joe Avenue, Kansas Rd., Boonville-New Harmony, Green River Rd., Mt. Pleasant Rd. and Booker Rd.

Patch Crew: Oak Hill Rd., Aspen Drive, St. Joe Avenue, Meier Rd., Schutte, Boonville-New Harmony, Petersburg Rd., #3 School Rd., and Red Bank Rd.

Tree Crew: Denzer Rd.

Graded & Rocked: Lynn Rd., Calf Lane, Green River Rd., Oak Grove Rd., Mann Rd., Armstrong, Lemay, Roesner and Lyle Rd.

Crews worked on snow removal on Thursday and Friday. (Mr. Bethel said they were lucky, and they managed to keep the roads open so the school buses could run.)

Weekly Work Report/Bridge Crew: Also submitted was the Weekly Work Report for the Bridge Crew, as follows:

- Repaired guard rail on Bridge #88 on Mt. Pleasant Rd.
- Painted guard rail on Mesker Park Drive
- Repaired barricade for road closing on Green River Rd.
- Installed culvert on Green River Rd.
- Cleaned up Green River Road and salted bridges
- Cleaned up old pipe and concrete on Green River Rd.
- Salted and sanded bridges in all sections of the County

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

Request To Go on Council Call: Mr. Bethel said he would like to go on Council Call to ask for \$500,000 for bituminous material for the County and \$150,000 for contractual services, for a total of \$2 million for the road paving program.

Commissioner Borries said, "In the Spring, we set a Public Hearing to listen to the concerns of those residents who wish to speak to various roads and this is done before we draw up a final list of roads to be resurfaced this year. Is there a specific time the Board would want to set a date for this hearing?"

Commissioner Willner said, "What about the date of our next regular evening meeting -- that would be a month?"

Commissioner Borries said, "My only comment is that that might be a rather lengthy meeting unless we would want to move the starting time for the meeting for the Public perhaps to 6:30 p.m. -- if that would be appropriate and agreeable with this Commission. Would that be all right?"

Commissioner Willner voiced his agreement.

Commissioner Borries said the Public Hearing on roads will be held at 6:30 p.m. on Monday March 21st.

RE: COUNTY ENGINEER - ANDY EASLEY

Request for Acceptance of Street Improvements in McCullough Subdivision and Audubon Estates: Mr. Easley said the only two items he has for the Commissioners' attention are the two items continued from last week re the acceptance of street improvements in McCullough Subdivision and Audubon Estates. If the Commissioners haven't had time to look at those streets because of the inclement weather last week, then those items can be continued.

Mrs. Cox asked, "Do we have a report from the Surveyor's Office, Andy?"

Commissioner Borries said he hasn't seen one yet.

Commissioner Borries requested that Mr. Easley check with the Surveyor's Office regarding the reports on McCullough Subdivision and Audubon Estates. It was the consensus that this matter will be continued for the time being.

Peach Blossom Lane: With regard to the Peach Blossom Lane matter, Mr. Easley reported that last Thursday he used five cans of spray paint to mark those streets and he felt like he'd done five hours of deep-knee bends by the time he finished. In the morning he is going to meet with Union Federal's contractor to go over that area.

RE: COUNTY TREASURER - MONTHLY REPORT

President Borries presented the Monthly Report from the County Treasurer for period ending January 29, 1988.....report received and filed.

RE: CLERK OF THE CIRCUIT COURT - MONTHLY REPORT

Also presented was the Monthly Report from the Clerk of the Circuit Court for January, 1988.....report received and filed.

RE: 9TH ANNUAL CITIZENS-USI RUN

The meeting continued with Commissioner Borries reading the following request letter from the University of Southern Indiana:

February 12, 1988

Board of Commissioners  
of the County of Vanderburgh  
305 Administration Building  
Civic Center Complex  
Evansville, IN 47708

Gentlemen:

I am writing to request permission to use county roads for a road race that USI is planning for March 19, 1988.

The race is the 9th 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,

/s/ Bill Stegemoller  
Cross Country Coach

A motion was entertained.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the request was approved, provided the flow of traffic is not impeded. So ordered.

RE: OLD BUSINESS

Contract To Be Awarded for Hot Mix: Commissioner Willner said we have not let the bids for hot mix yet this year, although the Purchasing Director has taken bids and the City Board of Works has let their portion of the bids to Jerry David. It is customary for us to let the bids to all three bidders (Rogers Group in the Northern part of the County, J. H. Rudolph in the Eastern portion, and Jerry David in the Western section) because of haul time. Thus, he move that all three bids be accepted.

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

Commissioner Willner said all of the bid prices were fairly close.

RE: SCHEDULED MEETINGS

Wed. Feb. 17 2:00 p.m. EUTS Policy Meeting  
(Commissioner Borries noted that Mr. Stan Yoder of the IDOH will be speaking to the EUTS Board at 2:00 p.m. tomorrow and, certainly, the Commissioners and County Council will be invited to attend. That is included with the special EUTS Policy Meeting at 2:00 p.m. in Room 307.)

Thurs. Feb. 18 4:00 p.m. Board of Zoning Appeals  
(Room 301)

RE: CLAIMS

Bernardin, Lochmueller & Assoc., Inc.: Claim dated January 21st in the amount of \$18,206.97 for Lynch Rd. Extension project. This includes percentage of work on field survey, roadway design and bridge design. The claim has been checked and signed by County Engineer Andy Easley.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the claim was approved for payment. So ordered.

Bernardin, Lochmueller & Assoc., Inc.: Claim dated February 2nd in the amount of \$12,558.97 for Lynch Rd. Extension project. Includes percentage of field survey, roadway design and bridge design. The claim has been checked and signed by County Engineer Andy Easley.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the claim was approved for payment. So ordered.

Metro Small Business: Claim in the amount of \$15,000 for reimbursement for long term loan to Tricon, Inc. The Chair entertained a motion.

Motion was made by Commissioner Willner that the claim be approved.

Commissioner Cox asked, "That was for some kind of equipment? What kind of business are they in?"

Commissioner Borries said it was and the firm installs underground cable. They are under contract with Indiana Bell.

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

Commissioner Willner commented that this is still part of the \$20,000 that was set aside for economic development last year, that was encumbered this year. There is now a business that is requesting some extra dollars and DMD said they would put a program together and present it at next week's Commissioners meeting.

Mrs. Cox asked, "For Tricon, Inc.?"

Mr. Willner said, "No, for another business."

Commissioner Cox asked, "Who made the decision to award this? I hate to back up -- but who made the decision to give this \$15,000 to Tricon, Inc.?"

Mr. Willner responded, "DMD."

Mrs. Cox asked, "In other words, our \$20,000 -- we leave it up to DMD to decide how to use it for economic development?"

Commissioner Willner said, "We did in 1987 -- that is correct. Well, let me back up -- that might also have been a decision in part by the Small Business Administration, too. I'm not sure."

Commissioner Borries said, "It is a revolving fund and I think that firm is located in the County."

Commissioner Willner said, "I really think that both had to agree."

Commissioner Cox asked, "Is it our County money?"

Commissioner Willner said, "Yes, Ma'am."

Mrs. Cox asked if Mr. Borries knows Mr. James Olsen, the president?"

Mr. Borries said he does not.

Commissioner Cox said, "For the record, Mr. Borries, Mr. Lindenschmidt has indicated that Tricon, Inc. is located in the current telephone directory as doing business at 6200 Maxwell Avenue. This is just for equipment only -- this is not for anymore jobs or anything?"

Commissioner Borries said, "Yes."

Bowers, Harrison, Kent & Miller: Claim in the amount of \$2,916.65 was presented for general representation by David Miller in several cases. A detailed breakdown is attached to the claim.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the claim was approved for payment. So ordered.

Philip Lieberman & Assoc., Inc.: Claim presented in the amount of \$1,753.04 for consulting services to City-County Data Processing Review Board. He has telephone, delivery bills and itemized services attached.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the claim was approved. So ordered.

RE: EMPLOYMENT CHANGES

Center Assessor (Appointments)

Andrea Marie Engler Deputy \$35.00/Day Eff: 2/16/88

German Assessor (Appointments)

Ronald Pride Fieldman \$35.00/Day Eff: 2/9/88

Prosecutor (Appointments)

Porter S. Dillon Dep. Pros. \$20,500/Yr. Eff: 2/1/88

Prosecutor (Releases)

Porter S. Dillon Dep. Pros. \$20,000/Yr. Eff: 2/1/88

Burdette Park (Releases)

Wm. Englehardt, Jr. PTGC \$4.35/Hr. Eff: 2/8/88

Voters Registration (Appointments)

Genevieve A. Lloyd Dep. Reg. \$13,978/Yr. Eff: 2/15/88

Voters Registration (Releases)

Travis Rayburn Dep. Reg. \$13,978/Yr. Eff: 2/12/88

Commissioner Borries said this completes tonight's agenda. He does want to thank everyone for attending this evening. There are two other persons in the audience. Would either like to speak? The two ladies stated they were here simply to observe county government at work.

RE: NEW BUSINESS

Commissioner Cox said she has an item of new business. She has just been contacted by some people on Boehne Camp Road concerning the excessive speed of cars along the strip from Highway 62 to Hogue Road -- and it is rather hilly in that area. There are residences along there, plus the new Convalescent Home under construction in that area. Seven school buses travel that route in the morning and seven in the evening. She would like for the Board to ask EUTS to take a look at the traffic on the road and the projected traffic and perhaps this Board think in terms of posting a 30 mile speed limit along that area -- because at the corner of Boehne Camp and Hogue is where Perry Heights School is located. It apparently is getting to be a very, very busy strip.

Commissioner Borries asked that Bill Bethel relay this concern to Andy Easley and he will also mention this to EUTS in the meeting tomorrow. Perhaps we can run a traffic study here -- and we may want to enlist the services of the Sheriff, too, if there is some speeding in that area -- that might be a concern here that he needs to be aware of.

Mrs. Cox asked, "What is our ordinance, 40 miles per hour?"

Mr. Borries asked, "Isn't it 45 miles per hour in that area?"

Mr. Bethel said, "You can post it whatever you want, as Commissioners", to which Mr. Willner said, "We know that."

Commissioner Borries said, "I think, as Commissioner Cox has pointed out, that our usual procedure is to study that. We might want to look at the existing speeds and if there are some

persons who are traveling at a faster speed than the posted speed, and since it is around a school, it does make sense to take a look to see if we want to lower that speed.

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

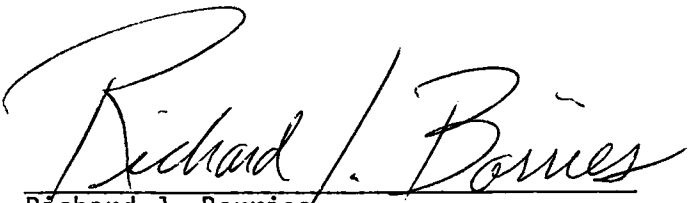
<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R. J. Borries R. L. Willner S. J. Cox	Sam Humphrey	Curt John

<u>COUNTY HIGHWAY</u>	<u>COUNTY ENGINEER</u>	<u>AREA PLAN</u>
Bill Bethel	Andy Easley	B. Cunningham

OTHER

S. Bohleber, Atty.  
Phil Lieberman, Consultant  
Ron Freson, Atty.  
Mr. & Mrs. Larry Watson & (2) Sons  
Les Shively, Atty.  
Cyril Gerteisen  
Jim Luker  
William Taylor, County Councilman  
Harold Elliott, County Councilman  
John Blair  
Richard Lythgoe  
Jim Gager  
Tracy Quinlan  
Carol Dunkel  
Charlene Luker  
Carolyn Georgette  
A. Meyer  
Fred Ketch  
Claudette Brown  
Ralph Georgette  
Bettie Engelbrecht  
Eleanor Schaffer  
Sylvester P. Neil  
Mike Schopmeyer  
Joann Blair  
James Nussmeier  
Richard Schlottman  
Linda Vandever  
News Media & Other Unidentified Individuals

SECRETARY: Joanne A. Matthews

  
Richard J. Borries

  
Robert L. Willner, Vice President

  
Shirley Jean Cox, Member

MINUTES  
COUNTY COMMISSIONERS MEETING  
FEBRUARY 22, 1988

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MINUTES  
COUNTY COMMISSIONERS MEETING  
FEBRUARY 22, 1988

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, February 22, 1988 in the Commissioners Hearing Room, with President Rick Borries presiding.

The meeting was called to order by President Borries, who noted there are no minutes ready for approval today.

RE: VC-1-88/PETITIONERS, LARRY & CAROL WATSON

Commissioner Borries said Attorney Ron Freson, who represents the Petitioners, is present and he would call upon him at this time.

Attorney Freson reported that he has been discussing this matter with County Engineer Andy Easley, and he thinks they have an understanding which would possibly be acceptable to all parties and he would ask that this matter be continued for one (1) week so this understanding can be reduced to written form.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the matter was continued until 2:30 p.m. on Monday, February 29th. So ordered.

RE: PROSECUTOR - UPDATE RE MARY JO KINGON & REQUEST RE SPACE PRESENTLY HOUSING THE WELFARE DEPT.

Request re Mary Jo Kingon/Insurance: County Prosecutor Robert Pigman was recognized by the Chair. He said he believes he came before the Commissioners in October concerning the extension of insurance benefits for Mary Jo Kingon, one of his employees, who was critically ill at that time. She has improved a little bit, but she is never going to be able to come back to work. (This is the employee who worked in the Support Division, who has been a County employee for quite a number of years.) The Commissioners graciously extended her insurance benefits at that time and indicated that they would be willing to review the matter again at the end of six months. The six months won't be up until March, but rather than waiting until the last minute, he thought he should bring it to the Commission's attention now -- so they can think about it and talk about it. She is not in any condition to return to work -- nor will she ever be. She is a little better than when he spoke with the Commissioners in the fall. In fact, at that time the medical opinion was that her death was eminent. That is no longer the prognosis, but she will be lucky to survive a year at the most. She definitely needs to have her insurance benefits continue, and he would like to know whether that is going to be possible for her. If so, as it is currently working the insurance benefits are being continued because her job hasn't been filled and he does need to fill her position. He needs to know how to go about replacing her and not taking away her insurance benefits. He doesn't need a decision on this today, but this is why he came to the meeting today as opposed to waiting until the last minute.

Commissioner Borries said, "That is critical for a number of people and I share your concerns. We'll have to ask our Attorney to do some research. I know that through COBRA (from the Federal level) that there have been some changes where I think some of it has to do with whether the employee (if she is able) -- the way that whole thing is structured for a period of time -- may be able to maintain group insurance if he/she pays a portion of what that group insurance is.



Attorney Miller interjected, "May I ask a question? Is she -- either herself or through her family -- able to pay the portion of the premium that....?"

Mr. Pigman interrupted, "Right now she is paying the employee's share (\$8.00 or \$10.00 or whatever it is) -- she is paying that."

Attorney Miller said, "I just didn't know whether through a spouse or some other means that she..."

Mr. Pigman said, "She doesn't have a spouse and she was recently awarded Social Security Disability (SSI) for her medical condition."

Attorney Miller interjected, "As Jim Lindenschmidt just reminded me -- and it is correct -- through the COBRA Statute she could stay in eighteen (18) months after her departure. But under that provision, as I recall it, she has the right to continue to stay in the group -- but I'll just have to look at it in terms of Vanderburgh County's ordinance on employee policy and see if we can work out something. Obviously, we want to do everything we can for her. I'll get in touch with you or Jim Casey."

Mr. Pigman said, "That is why I brought it to the Board's attention several weeks early."

Request for Space: Mr. Pigman said the other matter he has to bring before the Board concerns office space. He was asked to prepare an estimate of their space requirements. He hopes he is still in the running for the space that is going to be vacated by the Welfare Department. He invites the Commission to come to his office to see the cramped conditions under which they are currently working -- and he believes they will agree that his office needs additional space.

There was also a request made at one time that they try to do a cost analysis. They are working on that, but that is going to be a good deal more difficult than the original plan. He is also attempting to move his Support Division out of the Community Center -- to be brought back under one roof so the entire office can be united in one place. He would appreciate any consideration the Commission would give him on that. He will be glad to meet with the Commissioners at any time -- either individually or collectively -- to discuss the space requirements.

The Chair entertained questions of Mr. Pigman. There were none.

RE: DEPARTMENT OF METROPOLITAN DEVELOPMENT & SMALL BUSINESS ASSOCIATION

President Borries noted that Mary Ann Kolb of DMD and Kay Fuchs of the Small Business Association are present today.

Ms. Kolb said she brought Ms. Fuchs along in case the Commissioners have any questions re the program or the money requested.

Inter-Local Governmental Agreement: Ms. Kolb said the first item is that they would ask the Commissioners' approval of an Inter-Local Governmental Agreement between Vanderburgh County and the City (through the Department of Metropolitan Development). "This agreement would be simply so we can write Grant Applications for you; we can negotiate with State agencies or whoever -- to set up terms of loans, and to follow up and administer the Grants once they are here. The reason we're requesting this is because in prior years, anytime an application is submitted on behalf of the County we have to (on project-by-project basis) get approval from the Commissioners, the County Council, and the City Council. If we had this type of

Inter-Local Agreement we would simply just have to submit the project to get authorization from the Commissioners. We would not have to go through the other two steps, which can be quite lengthy.

We would propose to administer this service for the County at no charge. The only thing we would do is, if we did apply for a Grant where Administrative money would be available through the agency to which we are applying, we could recapture some of our staff costs at that time."

Commissioner Borries said, "I know David Miller has reviewed this Inter Local Governmental Agreement and has no problems. (Attorney Miller confirmed that this is correct.)"

Motion was made by Commissioner Willner that the Inter Local Governmental Agreement be approved.

Commissioner Cox said "I will second the motion and ask for continued discussion. I am concerned -- and maybe this isn't the time to discuss it -- but I think if we're going to enter into an Agreement that it might as well be made a part of that agreement.

We had a Grant Application award on our desk last week. This was the first that the Board was made aware of the Grant Application and the approval of same. In addition to this Inter-Local Governmental Agreement, I think we're also going to request \$100,000 for the loan program and I would like to see us include in this Resolution/Agreement some accountability to this Board -- perhaps on a quarterly basis -- where something could be furnished to us as to how many requests had come before you (not that I want to view the individual requests) -- but jut an update as to the number of requests for assistance you have received."

Ms. Kolb said that with regard to the Inter-Local Agreement, if ever there is a company that we can assist with economic development, we must come to the Commissioners to get authorization prior to submitting any type of grant proposal (and that is under 3(a)."

Mrs. Cox aid, "We're just giving you blank approval."

Ms. Kolb said, "No, you're only giving us approval. Once this agreement is agreed upon by the Commissioners, the County Council and the City Council, the only entity that we will get authorization from again are the County Commissioners. It will eliminate the County Council, and the City Council steps -- and shorten the process considerably. But on each project, we will come back and let you know what is going on. And we do that anyway."

Commissioner Willner said, "If there are some we turn down, she also would like to know -- and maybe I would, too. If there are ever any you do not help for some reason or the other?"

Ms. Kolb asked, "Are you talking about the loans now? What we propose to do on the loans, we have somebody here to bring you up to date. On the \$100,000 that we're requesting, in order to keep you abreast of what is going on, we have prepared (or Kay's staff has prepared) a report that lists to date the loans that have been received in requesting the money. At the time that each loan is requested (or an application is submitted) you will get an update like we're giving you today -- so you will always know what is going on. But insofar as the loan fund goes, we would be glad to submit any kind of quarterly, semi-annual, or annual composite report that you would like to see."

Commissioner Cox said, "What I am wanting to see here Mary Ann, was perhaps a Quarterly Report..."

Ms. Kolb said "We'd be glad to do that."

Mrs. Cox continued, "...and you know I made the statement -- and I feel it was a true statement when I made it -- but \$20,000 was simply a drop in the bucket to assist with economic development or these applications. But up until that came across our desk last week, I didn't know any of that money had been utilized."

Ms. Kolb said, "None of it had been. Last week was the first time that any of that money had been drawn down for a loan. What has happened is that the County Loan Fund Program is now being promoted and as of February 2nd we have these four applications on file right now which, if it is any indication, we're already behind before we're started."

Mrs. Cox said, "You know, we talked about the seed money when the State, I think, reimbursed our account for the loan to Sunbeam Plastics and the amount that was going to be repaid went back into that account. What is the status of that?"

Ms. Kolb replied, "That money from Sunbeam is paid back once per year, which is to again be used as part of the Revolving Loan Fund. And we are counting that money specifically as part of the money that we have available to loan out, which would be included. And we could send you a summary statement (again, we could do this quarterly, semi-annually, or annually -- however you want to see it) to show you what money was taken in from Sunbeam and what has gone out."

Mrs. Cox queried Ms. Kolb concerning the four applicants, asking which came out of the County?

Ms. Kolb said only one has been approved at this point. There are two others that Kay is taking to the Metro Board tomorrow for approval with some papers. The fourth one is still in negotiation stages at this time, but we're getting closer on that one, also.

Mrs. Cox turned to County Attorney Miller and asked, "If we do include something in our agreement like that, where would we state that?"

Attorney Miller said he was giving some advice in the back room when the conversation started and he apologizes but he doesn't know exactly what kind of provision Mrs. Cox is talking about.

Ms. Fuchs interjected, "We already have an agreement with the County on the Revolving Loan Fund and we report to you once a year -- and that is in the papers we signed at the time of Sunbeam's loan. So you did receive a report last July 1st on that fund. But we can send you a Quarterly Statement of what is in the bank, etc., and you can know at any given time what the bank balance is on your loan fund. If you want a Quarterly Report -- that is no problem."

County Auditor Sam Humphrey asked, "Is the Sunbeam loan being revolved back into this 331 account?"

Ms. Kolb responded, "No, it goes directly (according to the State and the way the whole thing is laid out) back to Metro."

Attorney Miller said "From what I understand, the records are accessible at any time."

Ms. Kolb said, "They are; and in there it already says that we will provide an Annual Report. But we will provide a Quarterly Report just upon a letter or request from the Commissioners."

Mr. Humphrey asked, "Now, this \$40,000, it will revolve back into 331 -- is that correct?"

Ms. Kolb said, "No, that goes back to Metro."

Ms. Fuchs offered comments, but they were inaudible because she was not at the podium but speaking from her seat.

Ms. Kolb noted that it is targeted only for County loans.

Mr. Humphrey asked, "The \$40,000 is to be handled like that, too? Is that what you are telling me?"

Attorney Miller said he doesn't see anything in the Inter-Local Agreement (nor does he recall anything) that called for annual reporting. (He is referring to the agreement that is being considered today.)

Ms. Kolb said "Right, there is nothing in that one specifically. What it does say under 3(a) is that "We will, upon authorization of the Board of County Commissioners, for each specific grant proposal -- which, to me, is saying that prior to submitting any Grant we (DMD) must come to the Commissioners to get approval to submit the Grant."

Attorney Miller said, "That is correct."

Ms. Kolb continued, "Now, there is nothing in here that spells out an Annual Report. I am saying that if the Commission would like for us to provide a Quarterly Report, or an Annual Report or whatever -- we will be glad to do that."

Attorney Miller said, "Shirley, essentially at 3(a) the Commission gives up nothing by this agreement. And at 3(a) of this agreement the requirement that DMD come back and obtain authorization for each specific Grant could be used by the Commissioners to ask for a reporting sequence with respect to that particular loan."

Ms. Kolb said, "What we are trying to do is to shorten our time frame. There are many times that when we find out a Grant Application is needed we don't have a lot of time -- or the couple of months that it now takes to go through all the approvals. This will mean that we will only have to come to one body and that is the Commissioners."

Mrs. Cox mentioned Tricon and Ms. Kolb said that is a different matter. That is a different group of money. "You have two things: You have the Inter-Local Agreement and, through the Inter-Local Agreement, DMD can apply the County's name for loans from the Indiana Department of Commerce -- as we did for the Sunbeam project (through the Economic Development Administration, through HUD -- whatever the source may be) you are essentially saying to us that you are giving us the right to do that.."

Request for Additional \$100,000: The second matter we have before you today is a request for an additional \$100,000 to be taken from unobligated Local Option Tax Revenues to be granted to Metro SEAC for the Vanderburgh County Loan Fund. It is the report that I gave you today for the jobs and the client status report. That is the money we'll be using this \$100,000 for -- to make loans to County businesses -- and those are what Kay was saying that she has Quarterly Reports for -- and we would be glad to submit those reports to you so you can see the status of the money. When you approve (as you had to do last week or two weeks ago or whenever it was for Tricon) -- when we send that request to you for consideration for payment, we will also send a description of the company that is applying for the money, the total amount of the loan, the jobs that are being created or retained, what the money is going to be used for -- just like the report you have before you today."

Commissioner Cox said "In order to help us make a good decision on whether we really need this \$100,000 appropriation and, in turn, ask the County Council -- they are going to be asking the same questions that I am asking. We've had \$20,000 in this fund which is a different fund from Sunbeam from the year 1987 -- and didn't even use it until now. But I wonder why we didn't use it."

Ms. Kolb said, "There were no applications for the money."

Ms. Fuchs interjected that there was an applicant, but they did not live up to the stipulations that are required for collateral -- so they did not go through with the loan. There were other applicants -- but they were turned down by the Board. It is not that we haven't had any County applications -- it is that the loans have not been finalized.

Ms. Cox said, "In other words, there were no peoples out there who could have used the \$20,000 that met the requirements. No one was turned down or turned away because there wasn't money available -- if they met the criteria? Am I hearing you correctly?"

Ms. Fuchs said, "One thing you have to keep in mind is that Metro is a gap financing -- and that means that if a company has borrowed from a bank, then we do not lend to them. All of our referrals come from the local banks. They either turn them down or we work in participation with them. The bank may lend them a portion of the loan and we lend them a portion. So we do depend upon the banks for our referrals."

Mrs. Cox queried Ms. Fuchs about a firm on the report. Do you hear what I am saying? County Council is going to say 'Why should we give you \$100,000 when we've given you \$20,000 and you haven't used it all during the year of 1987 and you're just now using it? Why do you need \$100,000?' Do you have a lot of people wanting this money?"

Ms. Kolb said, "Right now we have requests for \$81,550."

Ms. Cox said, "I see that; that is why I was trying to pin down -- is that coming from our fund?"

Ms. Kolb said, "Let me give you a summary of the accounts. In 1987, \$20,000 was allocated from the County for a County Loan Fund. \$20,000 was also received from Sunbeam Plastics (payment). In 1988, \$20,000 was allocated by the County to the County Loan Fund. That is a total of \$60,000. That is all the money we have as a whole right now. Tricon has already used \$15,000 of that money. We then have going to a Board tomorrow for approval \$26,550 worth of requests. Shortly thereafter, as soon as the loan is packaged, we're going to have a request for another \$40,000 from North Star Furniture Company. There will be no money there to give to those people. Thirty-four (34) jobs have been created and 5 construction jobs have been created. But the total amount of money that this \$80,000 will have leveraged is over \$1/2 million."

Mrs. Cox said, "So what you're asking for is an additional \$80,000?"

Ms. Kolb said, "I would settle for \$80,000 if we can't have \$100,000."

Mrs. Cox said, "You already have \$20,000. You want an additional \$100,000?"

Ms. Kolb said, "That was the request. We are only in February."

Commissioner Cox said, "I am certainly glad we're able to help our businesses stay here and flourish and grow and create more jobs -- and I just would like to see some accountability before this Board if we are signing this Resolution -- and you have said that you have no objection to a Quarterly Report."

Ms. Kolb said "No, we'd be glad to do it."

Mrs. Cox said, "Because, until you told me just now that we have \$20,000, plus \$20,000, plus \$20,000 in that fund -- I didn't know what was in that fund."

Ms. Kolb said, "I understand."

Commissioner Willner said, "I think North Star has also put an application in....."

Ms. Kolb said, "They will be; we will have to come back to you then."

Commissioner Willner said, "That will be Federal money that belonged to Vanderburgh County through the State, and will also stay in this County once it is paid."

Ms. Kolb said, "Right; we are going to request additional money from the State for that -- so there is a lot of leverage."

County Auditor Sam Humphrey asked, "If we're going to give this money to Metro SBAC, why are we holding it in our account? Why not just give it to them? Because we had to go through a whole gymnastics circumstance to hold the \$20,000 over last year, because it had not been spent -- in order to keep it the money. If we're going to give it to them, let's give it to them direct and get it out of my hands."

Commissioner Willner said, "I could care less. I think we probably kept it so we could realize the investment possibilities on it until they needed it. I guess that is the only reason."

Auditor Humphrey said, "I'm asking David to include that in the agreement. Give me a mechanism to give it directly to them. Or we can hold the funds and invest it -- I'd just as soon do that and roll it back into the County. I don't want to be an intermediary in there with nothing to do. If we're going to write the checks, let's write them. If we have excess funds we'll invest them. But if we're not going to hold the checks and we're not going to invest it, let's give it to them directly. Let's make it one or the other -- we don't need a seesaw here."

Commissioner Borries queried the Board concerning Auditor Humphrey's comments.

Commissioner Willner said, "You invest your dollars the same as we do ours, right? Which is easier for you, Sam?"

It doesn't make any difference to me. It is kind of awkward now, if you follow me. If we're writing all the checks -- let's write all the checks. If we're not going to write any, let's not write any of them."

Ms. Kolb said, "The way it is now, when a loan has been approved by the Metro Board, a requisition would be made out and Kay would send that to you (as we did the last time on Tricon)."

Mr. Humphrey said, "No, what I am saying is, if this money is to be put in the rolling account and the funds are to be returned to the Metro SBAC, let's just start with the funds there. You don't have to come to us for the check -- because it might slow down the process if you need it quickly."



Ms. Kolb said, "Fine with me."

Commissioner Willner said, "Fine with me, too."

Ms. Kolb asked, "Then we'll just make Quarterly Reports to you?"

Mr. Humphrey said, "No, we don't want it."

Ms. Kolb said "No, the Commissioners want a Quarterly Report."

Commissioner Cox said, "I understand."

Ms. Kolb said, "We'll be glad to accept the money."

Mr. Humphrey said, "We've got \$38,107.41 in that account right now. If they're going to spend it and they are going to get it back -- let's give it to them. If we're going to spend it and we get it back for our investment purposes, then we have another process to go through."

Commissioner Willner said, "We get it back for our investment --- but the money goes to them."

Commissioner Borries said, "We have a motion and a second. Are there any amendments then to that original motion? We had moved and seconded and then there was discussion."

Commissioner Willner asked, "A Quarterly Report is added to my motion?"

Mrs. Cox said, "Yes."

Commissioner Willner so moved, and Mrs. Cox provided a second. So ordered.

Mrs. Cox asked, "And on the Grants that come before us for approval, you will attach a sheet with an update on the number of jobs that this loan is either going to maintain in our community or create in this community?"

Ms. Kolb said, "Right. We will send you in your minutes a summary of the whole project to tell you the financing, what the money will be used for, the agencies who are applying for the funds, jobs created, jobs retained -- it will be a verbal type thing."

Auditor Humphrey said, "For the Commissioners' information, I am trying to evolve an area of direct accountability. If we're going to have the funds, then we have to have a contract and we will have to check them and we have to check the invoices and the submissions. If we're not going to get the funds back and we're not going to be responsible for them, let's get them out of our hands and into the hands of the people who are going to be responsible for them."

Commissioner Willner asked, "You're saying then just omit where it says Commissioners budget?"

Mr. Humphrey replied, "Yes; or create a mechanism in there someplace where we can give it directly to them out of the Commissioners budget. You might want to run it through the Commissioners so you have some control of it. But then have David throw something in the contract that gives me a mechanism to give it directly out of the Commissioners budget as soon as the Council approves it. Then they have the money and the accountability of it."

Commissioner Willner said, "Eventually they do anyhow, so we might as well do it right away."

Commissioner Cox asked, "Could we not do that with a Resolution at the beginning of each year? Just make a Resolution that the money that is in the Commissioners budget under that line item be transferred...?"

Commissioner Willner interjected, "She can do that with a blue claim, which we sign anyhow. So we can leave it there and she can request....."

Auditor Humphrey said, "Now, keep in mind when this keeps elevating itself and gets up to \$1/2 million or \$1 million you are not going to have a lot of income for the County."

Commissioner Willner asked Ms. Kolb, "It still has to be in the County, right?"

Ms. Kolb said, "The jobs are in the County."

Commissioner Cox said, "The jobs are in the building that is located in the County -- the employees do not all come from Vanderburgh County." Turning to Mr. Willner she asked, "And you will amend your motion to include a quarterly report?"

Commissioner Willner amended his motion and Mrs. Cox seconded the motion. Commissioner Borries declared the motion approved.

RE: RESOLUTIONS REQUESTING APPROPRIATION OF FUNDS FOR  
THE VANDERBURGH COUNTY LOAN FUND & FOR GRANT WRITING  
AND ADMINISTRATION

Commissioner Borries said he has for the Board's approval a Resolution Requesting Appropriation of Funds for the Vanderburgh County Loan Fund. He also has one for Grant Writing & Administration.

Ms. Kolb said, "They both concern the same item. One is requesting that \$100,000 be placed on Council Call and the other authorizes DMD to prepare grant applications and administer such grants. (She doesn't know why this appears as separate items on the agenda.)

The Chair entertained discussion.

Motion was made by Commissioner Willner that the Department of Metropolitan Development be placed on Council Call for \$100,000, with a second from Commissioner Cox -- with the understanding that Ms. Kolb appear at the Council Meeting (because she is not sure she could offer an explanation). Ms. Kolb said they would be happy to be there. So ordered.

Ms. Kolb said the other Resolution approves an Inter-Local Governmental Agreement with the City of Evansville concerning joint utilization of the Department of Metropolitan Development for Grant Writing & Administration.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the Resolution re Grant Writing and Administration was approved. So ordered.

RE: PUBLIC HEARING RE BLOCK GRANTS

The meeting continued with Ms. Kolb requesting that the Commissioners set March 14th as a date of Public Hearing to discuss an application DMD submitted to the Indiana Department of Commerce for grant funds.

In response to query from Mrs. Cox, Commissioner Willner said this Resolution is required by the Federal and State Governments for any funds that would come from their source. (Mrs. Cox commented that she understands that.)

Ms. Kolb continued, "We are requesting a Public Hearing date so we can advertise the date of Public Hearing as March 14th -- and on that date we would discuss a Grant that we are going to submit to the State on behalf of the County. However, before we can move forward with it for AmeriQual Foods, we need additional information from the Utility Department."

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the request to hold Public Hearing on March 14th and advertise same was approved.

RE: AREA PLAN COMMISSION - 1987 COMPREHENSIVE PLAN

The Chair recognized Barbara Cunningham, Director of the Area Plan Commission. She said the 1987 Comprehensive Plan for Evansville and Vanderburgh County was adopted by the Area Plan Commission on December 2, 1987 and by City Council on February 8, 1988. The Commissioners have received a draft of the Plan for their review and the draft was also submitted to various officials, department heads, and others for their review and comments. She believes the Commissioners are familiar with the format of the plan, so she will pass that unless the Board wants her to come back to it. She thinks they are probably most interested in the public comment as a result of bringing the Plan to both the Area Plan Commission and City Council. Public comments were received as a result of the APC meeting, City Council, and via circulation of the draft. At the APC hearing it was felt that it was critical that planning begin to find a new site to explore alternatives for solid waste disposal. The current landfill will be filled by the mid 1990's and site location and acquiring State permits is a very lengthy process.

At the APC Hearing there were several comments made relative to sanitary sewers. There was strong feeling that at some point in the near future development is going to be affected by the limitation of the sanitary sewer system, particularly in heavy growth areas on the far east side, as well as some on the west side. It was felt that the sewer system did not have the ability to handle extensive growth in terms of sewer capacity and difficulty in serving prime developable sites. After considerable discussion, the general consensus emerged that a County-wide Sewer Master Plan would prove very beneficial if not essential. Mrs. Cunningham said she might also remark that after the APC Hearing they sent the remarks made at that hearing to the Utility Department and to the Utility Board members and to the consulting group that is working on their Sewer Master Plan. She believes those remarks have been included in this plan and they are working on a County-wide Utility Master Plan.

Other comments made at the APC Hearing were that sewer tap-in fees should be raised to more accurately reflect the true cost of the tap-in and sewer extension construction -- that the Comprehensive Plan oversimplified how easy sewer service could be obtained for various areas likely to experience extensive growth. In addition to this change, it was recommended that a statement should be included in the Plan advising developers to consult with the Utility Department for specific information.

Other comments were whether or not an additional Treatment Plant will be necessary to accommodate the recent and future east side growth and a policy that the Commissioners have been very interested in has been developed over the past several years to have owners of property construct interior roads as development occurs. Virginia Street, Vogel Road and Royal Avenue east of Green River Rd. are examples of that policy. And this policy works well as long as development continues. But if development slows there may be missing links in the network and there are cases where it might be beneficial for the local government to purchase right-of-way and/or construct the missing links to the road network, rather than wait for development to construct the roads in a piecemeal fashion.

The comments received at the APC meeting spoke to the encroachment of commercial activities into residential areas. It was felt that it is a serious problem and it needs continued attention.

Other changes as a result of these meetings were relative to the Covert Avenue Extension area requested that statements in the Land Use Plan show that the area south of Covert Avenue is planned as a residential area. And, at the request of Jack Wade, Cooperative Extension Agent, and John Bittner, President of the Big Creek Drainage Association, a rural and agricultural policy was added on Page 19 and the policy deals with the need to reduce erosion and sedimentation and to minimize the introduction of pollutants into the environmental system.

As a result of the West Side Improvement Association, two changes were made to the Plan. On Page 77, a statement about the Union Township Overpass/Underpass has been added; also, the statement about the Sewer Master Plan has been expanded to include the need to address the existing Treatment Plant and the Sludge Management Program.

A statement in support of the Comprehensive Plan was submitted by the Development Assistance Committee of the Chamber of Commerce.

Any additional change you might wish or that might come out of this meeting can be made to the Comprehensive Plan. From your adoption, it will go the Town Board of Darmstadt.

Mrs. Cox said that on the Second draft she had, she found no inclusion on Page 77 of the Union Township Underpass, nor did she find on the Covert Avenue Extension area any reference to the south side of Covert Avenue.

Mr. Ballard said Mrs. Cox has the Second Draft. When he was preparing the material last week to send to the Commissioners, the printing press broke down -- so she is missing those couple of pages.

On Page 92, Mrs. Cox said she did find a statement about the Eickhoff-Koressel Rd. Also, the rural and agricultural zones --

Mrs. Cunningham said she will leave the second 2nd Draft with the Commissioners -- it has everything.

Commissioner Borries commented, "You're only presenting today -- so you are not asking..."

Mrs. Cunningham interjected, "We're asking if you're in agreement for a Resolution for approval with those changes in it?"

Commissioner Borries asked, "If there have been changes -- could we have a week? Could you, Barbara, or Joe, in order to expedite things, tell us what changes are in here."

*Cunningham*  
Mrs. ~~Cox~~ said, "I just did."

Mrs. Cox said, "I think the minutes should reflect that the changes are not reflected in our Second Draft copies."

Mrs. Cunningham said, "In essence, the changes you're concerned about are that the Overpass/Underpass to Union Township have not been added? They should have been added in that copy -- and they will be added."

Mrs. Cox asked if they could please check about the south side of the Covert Avenue Extension on Page 91?

Mrs. Cunningham said APC will provide Mrs. Cox with a finished copy -- a final copy.

Following further brief comments, the Chair entertained a motion.

The Chair entertained comments or questions concerning the 1987 Comprehensive Plan.

Ms. Kate Reck (who was seated in the audience) was recognized by the Chair and offered the following statement:

"My name is Kate Reck and I live at 1509 Southfield Rd. Commissioner Borries, Commissioner Cox, and Commissioner Willner, I represent the 700 families whose homes are north of the Covert Avenue Extension between Green River Road and Fuquay Road. We applaud and approve of government's careful and studied approach to the development of land uses. We are the same group who met with the Vanderburgh County Commission on February 17, 1987 to remonstrate our strong opposition to rezoning the land along the Covert Avenue Extension from residential to commercial. That evening Mayor Frank McDonald, City Councilman Jim Price, and many others also strongly supported maintaining residential zoning of that area. The County Commission agreed with our position and voted to not allow the rezoning to commercial.

We are encouraged that the 1987 Comprehensive Plan supports residential use of this area and maintaining its residential character. We strongly encourage your approval of this plan. Such approval will also be consistent with City Council's approval of January 25, 1988, and your previous approval of the Covert Avenue Management Report of 1987. Maintaining the residential character of the north and south sides of Covert Avenue Extension is important to us because it preserves a stable and long established neighborhood. Covert Avenue Extension was intended as a limited access road. Commercial development would hinder this purpose. The Covert Avenue Extension will have a high traffic flow once the connection to Newburgh Road is completed. Commercial development would impede the free flow of this traffic.

As previously stated, we applaud your efforts in Land Use Evaluation and support the approval of the 1987 Comprehensive Plan. Thank you."

President Borries asked if there are others in the audience who have comments concerning the 1987 Comprehensive plan.

Mrs. Shirley James of the West Side Improvement Association was recognized by the Chair and commented, as follows:

"Ladies and Gentlemen, I do want to say that we were happy with the Plan, in general, and we did have some comments (that Mrs. Cunningham has pretty well covered). I did want one minor clarification. I was wondering, On Page 92 (Project 8 on Eickhoff-Koressel) -- has anything additional been put in for that at all?"

Mrs. Cunningham and Mr. Ballard said they did not have anything specifically to date.

Mrs. James said, Earlier conversation with the Highway Department today had indicated there might be a two or three month feasibility study coming down. Otherwise, I have no comments. We're just happy to see that there is some consideration being made for neighborhoods and extension of commercial intrusion and we are, of course, happy to see drainage problems addressed. Thank you."

Commissioner Cox directed another question to Mrs. Cunningham: "On Page 92, Project 11 (St. Joe Avenue Corridor) -- will be upgraded to a four-lane arterial between Pennsylvania Street and Diamond Avenue? This project is scheduled for construction in 1990."

Mrs. Cunningham said this came from the TIP Program.

The Chair entertained further discussion. There being none, Commissioner Borries said, "Based on the comments by Mrs. Cunningham, Ms. Reck, and Mrs. James, may I have a motion to approve the Comprehensive Plan that has been outlined today? This is the Second Draft."

Motion to approve the 1987 Comprehensive Plan was made by Commissioner Willner, with a second from Commissioner Cox.

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

RE: TRAVEL REQUEST - AREA PLAN COMMISSION

Mrs. Cunningham said at budget hearing time last summer she requested that money be placed in the budget to allow her to attend one (1) national conference. She is now requesting permission to attend the American National Planning Conference, which is being held April 30 - May 4, 1988 in San Antonio, Texas. She feels it is necessary to keep abreast of current issues in the planning profession and be aware of solutions to these issues. Another important reason for attending is that our Indiana Planning Association (IPAATA Chapter) is receiving a national planning award honoring excellence in planning. She serves as secretary of the IPA Chapter.

Mrs. Cox asked if funds are available?

Mrs. Cunningham said she has funds for this in her budget.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, the request was approved. So ordered.

Mrs. Cunningham said she received a letter just today from the IPA Board and she has a meeting Thursday in Greenwood. She would be taking the County vehicle -- and the only expense she would have would be for that. She is requesting permission to travel to Greenwood for that meeting.

Mrs. Cox asked Mrs. Cunningham if she has money in her budget for this?

Mrs. Cunningham said, "Yes, I have a budget I can take that out of."

Upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, the request was approved. So ordered.

Commissioner Cox expressed appreciation to Mrs. Cunningham for the reports presented to the Board of Commissioners today. She knows that people don't always get credit for all they do -- and please correct her if she is missing something in this report. But, she does not believe she saw anywhere in the report where Mrs. Cunningham reported the number of violations that were reported to her, the number of investigations made, the number of those in compliance, or any Court action or citations.

Mrs. Cunningham said there is information on this included in the report under Zoning Administration, but it does not include the numbers. This is something that could be brought into another report at some time.

Mrs. Cox said, "Right, maybe you would want to include this in your next report."



RE: COUNTY CORONER/AGREEMENTS - CHARLES ALTHAUS

Commissioner Borries recognized County Coroner Charles Althaus, who was present for purposes of obtaining approval of agreement with Reference Pathology Laboratories, Inc.

Mr. Althaus said he has three (3) agreements to be signed, as follows: Reference Pathology Laboratories, Inc., St. Mary's Hospital and Deaconess Hospital. The agreement with Reference Pathology for autopsy work has a 60-day cancellation provision, due to the fact that we need to continue to work on a District Pathologist and a District Morgue. Their fee is \$250.00 per case, which includes the histology, typing of the report, etc.

The second letter of agreement with Deaconess Hospital is for the use of the morgue and refrigeration ; for them doing our drug and alcohol tests in each case -- and they have asked that we pay them \$230.00 per case, where we were paying them \$275.00 per case. (They gave us this change just this past year.)

The third agreement is with St. Mary's Hospital (the same agreement as with Deaconess Hospital). We are dividing our time with pathologist work between Deaconess and St. Mary's. West of Highway 41 we're going to Deaconess and east of Highway 41 we're going to St. Mary's. The County Attorney has reviewed the contracts initially presented and he has approved the version being submitted today for the Commissioners' approval. If the Commissioners will approve the subject agreements and give them to Mrs. Matthews, she, in turn, will give them to Mrs. Utley for approval by County Council.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the three (3) Letters of Agreement were approved and signed. So ordered.

RE: COUNTY ATTORNEY - DAVID MILLER

Alexander Ambulance Service Accounts: Attorney Miller said he forwarded a letter dated February 17, 1988 to the Commissioners relating to a large number of accounts that are unpaid bills for services rendered by Alexander Ambulance Service. That is money directly out of the pockets of the citizens of Vanderburgh County. Since the writing of this letter, he has had the opportunity to review those accounts more thoroughly. In the letter he indicated that the accounts averaged well in excess of \$100.00. That is true; they average much more than \$200 each. There are roughly seventy (70) accounts and just rough addition gave him a total of somewhere between \$14,000 and \$16,000 which is owed to the County. Now, what we have to remember is, when you take an ambulance there is something wrong with you and sometimes you don't make it. So some of those folks are probably gone and are not subject to service of process. Some of them are destitute, undoubtedly, and some of them are deadbeats. The only way we're going to find out who is which is by taking advantage of the facilities of the County Clerk and the County Sheriff that are available to you in attempting to obtain service on these people and determining what their position is. It doesn't cost anything for the County in terms of filing fees to file these cases. He has to believe that 50% of those people are simply trying to take advantage of public monies. It just seems to him that the Commissioners should not let this kind of thing go. We can put the claims on a word processor and bang them out and get them all set for the same time so we don't have to send lawyers over there at all kinds of times and see what happens. Therefore, he recommends that at least in this instance after watching this happen for four or five years since we've had Alexander, that we pursue these and see where it leads us. He is prepared to do this at the Board's direction.

Commissioner Cox said, "David, you said there was no charge for filing these suits. But when a judgment is entered, there are Court costs."

Attorney Miller said, : "Court costs would be imposed on the defendant if the defendant is found to be liable. That is correct. But what I meant was that the County doesn't have to pay a fee to file."

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox County Attorney Miller was authorized to proceed with filing the suits. So ordered.

Claim/L. B. Miller: Attorney Miller said he has been given a claim by Dr. L. B. Miller, who was deposed as an expert witness in the Elizabeth May case which is set for trial in April, and our agreement is that we will share expert witness fees with the insurance company that is defending the case on behalf of several individual defendants. This bill is for \$100.00 and can be handled in one of two ways: either his law firm can pay it and include it on his claim; or, the Commissioners can simply honor the claim and pay Dr. Miller directly. He would ask that the Commissioners approve the claim and just eliminate another piece of paperwork.

Motion was made by Commissioner Willner that the claim be approved, with a second from Commissioner Cox. So ordered.

Lynch Road Corridor: Attorney Miller said, "We have to confront a problem with respect to the Lynch Road Corridor. There is apparently some inclination upon some of the folks who have property in the Lynch Road Corridor to seek permission to improve property which is right in the way of the Lynch Road Extension. There is right now a request pending before the Area Plan Commission for a zoning use permit or something of that sort to permit additional improvements right in the corridor. There are legal authorities or some very recent legal research that has been done in the field of preserving corridors (governmental entities having the ability to reserve corridors under certain circumstances in order to prevent being essentially held up by improvements that people knew were being placed there just for the purpose of tentatively increasing the value of the property during condemnation proceedings. He has had discussion with Mrs. Cunningham, Mr. Easley, and Mrs. Rose Zigenfus with respect to the possibility of creating some sort of a preservation of the Lynch Road corridor either by ordinance that adopts a corridor map, or by the adoption of a subdivision control ordinance that speaks directly to that corridor -- something like that. I intend to engage in some research (Rose has given me a good starting point for that research) and come to you with some sort of a recommendation in the very near future that may even involve a proposed ordinance of some kind that would give protection to the County without unduly infringing on the rights of property owners in that corridor. Of course, when you get into something like this somebody always is going to be unhappy and somebody is going to take the position that you are taking their property without unjust compensation. There are cases all over the place on that particular issue -- and that is what we are going to be looking at -- but I didn't want it to come out of the blue and you not know that we're working on it. It's a substantial question in terms of dollars that might be saved as we proceed on the Lynch Road Extension. That is in the hopper and we will have something for you within thirty (30) days."

Commissioner Willner said, "David, I was under the impression that the State has given us permission for early acquisition of the Lynch Road right-of-way."

Attorney Miller said, "Somebody tells me it is one or two pieces -- is that right?"

Commissioner Borries asked, "Does that not cover the entire right-of-way?"

Mrs. Zigenfus said, "No, no."

Commissioner Willner said, "Then you need to go back and ask for the next parcel as it becomes available and then go ahead and purchase it. We'll let you purchase this now and we will pay the Federal money back when the project goes."

Attorney Miller said, "That may be a parallel solution; but some people won't necessarily be inclined to sell until you file a condemnation action against them and you may not be inclined to file condemnation actions on parcels where someone simply comes in and says 'I want a zoning use permit or a building permit to make this improvement' -- it's going to be right in your way, because you might find yourself doing a lot more condemnation work than would otherwise be necessary and it may well be more simple for you as an alternative to simply adopt a map that says we're going to have a moratorium along this corridor. You can give it thought either way or both ways. I just wanted you to know that we're aware of this and we're going to be making suggestions. But anything where you want any input..."

Commissioner Willner interjected, "We have two cases already out on Lynch Rd. We had one who was here last week on a zoning. How can the ordinance help you? I don't understand that."

Attorney Miller said, "The ordinance can either create set-backs or it can adopt a map. And it can say that this is the map of Lynch Road extended and within the boundaries of this corridor there will be no changes in zoning, there will no building permits given, or "x" amount of time. And "x" amount of time is the amount of time projected for the project to gear up to the point of condemnations actually being in process. That way you don't have to meet problems like you did the other night, because they won't come up. Rezonings in that corridor would be out and they wouldn't even accept applications for them."

Commissioner Willner commented, "Where have you been? They tell us that it is illegal to do that."

Attorney Miller asked, "Who told you that? I didn't tell you that."

Commissioner Willner said, "A lot of attorneys tell me that you can't proposition zoning for the future -- we either know now or forever hold our peace, I guess."

Attorney Miller said, "That is exactly what I am about here and I can tell you that there was a Supreme Court case on a moratorium not more than two years ago that upheld the concept of that kind of a moratorium. So maybe we can. I will be looking into that. If we think that we can get it done, then I am going to suggest that that is the solution -- so we don't have to buy this property twice. We don't mind buying it once -- but we don't want to buy it twice."

Commissioner Cox said, "We have to know where the corridor is going to be though, David."

Attorney Miller responded "Well, that is right. To the extent that we don't have a corridor, we can't do it. But to the extent we do..."

Mrs. Zigenfus said, "On Lynch Road we do have a corridor and it is being designed."

Attorney Miller said, "The farther along it is and the shorter the moratorium, the more dependable the statute."

Mrs. Cox said, "A lady called me who was concerned about the roof on her property that was deteriorating and she was going to have to have something done about it -- and it was a major step. She wanted to know (she lived right next to this Fox Pointe area) but not in the early acquisition stage. She wanted to know whether she should go ahead and put the roof on or how much longer this was going to be -- and I was no help at all to her, other than to suggest that she check with Mr. Funke to make sure that she wasn't in that corridor. But do I understand you to say this will not affect those kinds of repairs?"

Attorney Miller replied "Well, no -- not if she is not in the corridor."

Mrs. Cox said, "She is going to be in the corridor; her house is going to go. But as to just when?"

Attorney Miller said, "But she doesn't need a building permit to put a roof on. You need a building permit to add on. You don't need a building permit to replace a roof. You need a building permit for a building addition -- something that is going to substantially enhance the size."

Commissioner Willner said, "To answer your question, when it comes time to purchase her home, a new roof would be appraised and we would pay more for that property than we would with an old roof."

Commissioner Cox said, "That is what I told her."

Attorney Miller said, "That is right; you can't control things that don't require permits."

Commissioner Cox remarked, "I wholeheartedly support the concept of what you are planning to do."

Attorney Miller said "I will try to have something before you as soon as I can conclude that it is legal."

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Work Report/County Garage: Mr. Bethel submitted copies of the Weekly Work Report for employees at the County Garage for period February 15 - February 19, 1988.....report received and filed.

Gradall: Kansas Rd., Denzer Rd., Heppler, Laubscher and Outer Broadway

Patch Crew: Green River Rd., Hedden, Inglefield, Petersburg Rd., Elmridge, Short Mill, Kremer and Koressel

Tree Crew: Denzer and Smith Diamond (repaired and picked up barricades); washed and polished all snow equipment.

Rocked & Graded: Cypress-Dale, Shore Rd., Wallenmeyer, Maasberg, Sheriff's Drive on Kansas Rd.

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

- Cleaned old culvert on Green River Road
- Ordered and expedited material in preparation for work on Hillsdale Rd.
- Repaired guard rail on Mt. Pleasant Road Bridge
- Installed culvert on Hillsdale Road
- Cleaned out pipe on Booker Road
- Checked pipe and water standing on Kleitz Rd. and Mesker Park Rd.
- Installed retaining wall on Mt. Pleasant Rd.
- Installed pipe extension on Owensville and Baseline

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

RE: EUTS - ROSE ZIGENFUS

Mrs. Zigenfus submitted the following Project Update

- 1) Green River Road North: The field check did take place as planned on Thursday, February 4th and she and Andy Easley have a meeting scheduled this Thursday (March 3rd) with the consultants to go over the preliminary review comments as a result of that meeting.
- 2) Green River Road South: Design of the roadway is proceeding as scheduled.
- 3) 3rd & 5th Street Realignment: The design hearing was held and we should have no problem getting design approval within the next two weeks on that project, which means we can then proceed with appraisals on the right-of-way.
- 4) Boonville-New Harmony Extension: We are about ready to begin making offers on that project. We are ready to make appraisals and the paperwork is about ready and Andy will be doing that.
- 5) Eickhoff-Koressel: Mrs. Zigenfus said she did show the Commissioners the new proposed alignment previously and the County Commissioners will be informed as that proceeds.
- 6) Lynch Rd.: The Board has heard what Attorney Miller said about recent problems. But we are looking at the design of that project and whether or not there ought to be a median. They're discussing that with the Technical & Policy Committee as well as the engineers and looking at the traffic data.
- 7) Fulton Avenue: Mrs. Zigenfus the design is proceeding as scheduled.

Commissioner Cox said she has a question about Item #5 (Boonville-New Harmony Road Extension. Did Mrs. Zigenfus comment on this project?

Mrs. Zigenfus responded, "No; that is a 3-R project. The categorical exclusions have been approved. What we have to do with that is to use some 3-R money or the rural secondary money

to do some upgrading of the road, which would then allow Andy to use the paving money elsewhere. We need to design a cross-section for that particular project."

Mrs. Cox said "We had a number of people disturbed about a year and a half ago out there along these corridors, because I received calls on it -- and then I hadn't heard anything much until now again. Is there going to be extra right-of-way needed, or what is this?"

Mrs. Zigenfus said, "In some areas there will be extra right-of-way (on the curbs and that) but nothing substantial. We're not widening the road at all on either project -- east or west."

Mrs. Cox asked, "And you're not straightening any of the curves?"

Mrs. Zigenfus replied: "We're looking at straightening out some of the curves, but that hasn't yet been determined."

Mrs. Cox asked, "Well, has this been done? You've got 'design initiated' -- is there going to be a public hearing on this or anything?"

Mrs. Zigenfus said, "No, but design is something Federal Highway has said we can do locally with a typical cross-section. So our Transportation Engineer (along with Andy's assistance) will be drawing up a typical cross-section, which doesn't mean we'll be taking a whole lot of right-of-way -- because it is not necessary. Where the dangerous curves are, we'd have to look at additional right-of-way to straighten that out. But this is basically a project to re-pave those roads using Federal money rather than local dollars."

Commissioner Borries asked, "What is the key proponent, Rose, the re-paving or resurfacing of the road?"

Mrs. Zigenfus responded, "Yes, and we're going to be doing it in sections. We're not going to be doing the whole thing."

Commissioner Borries asked, "There is no plan, for example, under a 3-R plan to widen it in any case to a four-lane road?"

Mrs. Zigenfus answered, "No' we can't do that with 3-R money; all we can do is resurface, restore, rehabilitate, but not restructure."

Mrs. Cox asked, "Well, how soon is this going to be done, because we did a portion of Boonville-New Harmony last year on the present paving program and if I recall I think there is a section of it down for consideration (it wasn't done last year and I assume it will be considered for this year) to be re-paved."

Mrs. Zigenfus said, "I think it is our intent to get it to the point where we can have it done this year rather than have local dollars pave it. But we've not been through the 3-R process and I'm not real sure how long it takes to get approval and get the funding approved. So we're going to push to get it done as quickly as we can -- but I don't know (unless you know, Andy). Has Calvin said anything to you about that?"

Mr. Bethel said he has a petition with almost 500 signatures from people who want that paved -- and he thinks we're going to pave it.

Mrs. Cox said, "I have no problem about that. But if we're going to pave it this year and spend our local money to do it (which we've paving it piecemeal up to this point) and supposedly those jobs are to last five, six, and hopefully ten years -- then why come along with these and waste.....it does need to be done; that is why I asked you how soon?"



Mrs. Zigenfus asked, "Are you looking at paving the entire road from County Line to County Line?"

Mrs. Cox asked, "Is that for a certain section around Highway 65?"

Mr. Bethel said "I have that on my paving program from the City Limits of Darmstadt to St. Wendel Rd."

Mr. Easley asked, "What about the availability of money? Are we competing with what funds? Last year we had problems."

Mrs. Zigenfus said, "We're competing for rural secondary funds, which is what we are using on Boonville-New Harmony Rd."

Mr. Easley asked, "Is there enough in the pot to do both of them? That's the big question."

Mrs. Zigenfus said, "That is a big question."

Mr. Easley said, "And we need that question answered."

Mrs. Zigenfus said, "It depends what you want to spend it on -- it's the same old question."

Mr. Easley said "We're committed to doing the Boonville-New Harmony Extension east of Green River."

Mrs. Zigenfus said, "You also used R&S funds for Lynch road or that portion beyond Burkhardt. So we can look at that."

Mr. Easley said, "This 3-R money is essentially 3-inch resurfacing with some shoulders and I think the only bad curve we've identified is the curve that is just west of the Hornet's Nest on the Boonville-New Harmony Rd. (just west of Petersburg Rd.; a sharp curve there that we decided had less radius than it should have -- right before you get to Browning Rd.) If we keep our commitment with the Boonville-New Harmony Extension (we deferred it one year -- maybe the Commissioners might even consider doing it another year if we really think..."

Mr. Bethel interjected, "I wouldn't recommend it."

Mrs. Cox said, "That road is in bad shape and that stretch of Boonville-New Harmony does need attention this season. And I'm only asking -- if this is going to be available this season. If not, I would say forget about this 3-R money and let it go on some other road."

Mrs. Zigenfus said, "O.K. That is your choice. We'll get it to the point where it is ready to go and then if the money is there and you want to spend it -- we'll do it. We don't have to do the section he is talking about; we can do another section. The intent of this project originally was just to have it available if we wanted to use it and to do it in mild pieces -- or so I understood originally."

Commissioner Borries said, "If you hear we can get the money, that will kind of guide our decision. If it looks doubtful this year, then we'll proceed through our local sources."

Mrs. Zigenfus asked, "When is the local paving program scheduled to start?"

Mr. Bethel said as soon as the Commissioners get their appropriation and the good weather gets here -- we can start.

Mrs. Cox said the Commissioners have a Public Hearing on roads scheduled for March 21st to get input from the public. So it should be soon after that.

Mrs. Zigenfus said maybe she'll know something by that time also.

RE: COUNTY ENGINEER - ANDY EASLEY

Easements for Woods Road Bridge: Mr. Easley said he has obtained easements for the Woods Road Bridge from four (4) property owners. These have been signed by the property owners and now need to be accepted by the Commissioners and signed by the County Auditor. He also has claims to go with the easements.

Mrs. Cox asked if these are permanent or temporary easements?

Mr. Easley said they are basically permanent easements, although they are both.

Mrs. Cox asked if there is a dollar amount?

Mr. Easley said we have a permanent 15 ft. on each side of the centerline and we're taking 30 ft. on each side of the centerline to give us the right-of-way. We're acquiring right-of-way from Kenneth Adler and Janet Adler for \$3,000. (Lee Stuckey helped him negotiate this and Mr. Willner did some conciliatory work on this. At first we closed up the file and walked out; then we were able to get back together on this. The right-of-way from the Maurice E. and Sharon Baumgart is \$2,037; we're paying Adolph Blankenberger Farms Inc. \$487.00 and \$1,261 to Elmer A. Schmitt Farms, Inc.. This will be all of the right-of-way we'll need to build the bridge.

The Chair entertained questions.

Mrs. Cox asked, "The dollar cent figure you had from the appraiser, where did that come from, Andy?"

Mr. Easley said it was negotiated with Mr. Adler and the other people sort of indicated they would settle for whatever Mr. Adler agreed to.

Commissioner Willner said, "That is for permanent easements, temporary easements, and crop damage -- all three items."

Mrs. Cox queried Mr. Easley about the acreage shown and he said this was only the permanent acreage. He did not include all the temporary.

Mrs. Cox asked, "And what account will this come out of?"

Mr. Easley said it is Account #397, the Woods Road Bridge Account (that \$260,000 appropriation we got).

The Chair entertained a motion for approval of the easements and the claims.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Cox, the easements and the claims were approved. So ordered.

Acceptance of Street Improvements in McCullough & Audubon Estates Subdivisions: Mr. Easley said he would like to continue the matter of street improvements in Audubon Estates. If the Commissioners have not had an opportunity to look at the street improvements in McCullough Subdivision, this matter can also be continued.

President Borries asked the Board for their comments.

Commissioner Cox asked, "Do we have the report in from the Surveyor's Office for those two subdivisions?"

Mr. Jeffers said if he understood the request correctly, it was to compare the roads as they are built to the drainage plans and the road plans on file. There is no drainage plan or road plan on file for McCullough Subdivision, Part B.

Mrs. Cox asked, "Where is the plan?"

Mr. Jeffers said that McCullough Sub, Part B, came through in 1980 without a drainage plan. There was no drainage plan that went through the Drainage Board -- and he hasn't been able to locate the street or drainage plan which would have been submitted he supposes to Louis Stevens. He hasn't been able to locate that. What he is telling the Board is that he doesn't have any plans to compare it to. He has looked at it casually. He hasn't taken any measurements or shot any grades or anything like that. It is the typical without curb and gutter construction and it does conform as closely to the road and street standards in that respect as do some of the other subdivisions approved in the past. It has close to 6 ft. shoulders throughout the subdivision. The ditches have not been covered up to a large degree and piped or anything like that. There are some areas that had less than 6 ft. shoulders and there are some small areas that lack sodding. But it would be comparable to Chapel Hill or Harmony Woods. These are two subdivisions in the immediate area to which it could be compared. The houses have been there long enough that it doesn't appear as if anyone intends to fill the ditches up. The only real shortcoming he found from casual observation was Lot #12 (an undeveloped lot with no shoulders).

Commissioner Borries asked if there is some way we could get a drainage plan?

Mr. Jeffers said he is not sure; he believes the Board needs to go to the Area Plan Commission. Their file indicates that no drainage plan was presented to the Drainage Board. That is what their file indicates. He couldn't find a street and drainage plan in either the Surveyor's Office or the Highway Office. But the Commissioners need to confer with them, because he is not sure whether the ordinance required them to submit that in 1980. He knows it was the practice of the Drainage Board to ask for one; but he is not sure it was the practice of the Area Plan Commission to absolutely require one (he wasn't here in 1980). He is not familiar with exactly how they handled that.

Commissioner Borries said we should obtain more information, if possible. Did Mr. Jeffers check with the Area Plan Commission?

Mr. Easley said, "I will. It doesn't drain well. It's sort of a hilltop development and really doesn't have any apparent problems; but he will see if they have any information as to what was originally proposed on the drainage."

RE: NOTICE OF CORRECTED MEETING DATES

The meeting proceeded with Commissioner Borries reading the following Notice of Corrected Meeting Dates, which was approved upon motion duly made by Commissioner Willner and seconded by Commissioner Cox.:

February 19, 1988

To Whom It May Concern:

Re: Vanderburgh County  
Commissioners Meeting Dates

In accordance with the Indiana Open Meetings Law (IC 5-14-1.5-1, 5-14-1.5-7, P.L. 57 & P.L. 39), this is to inform you that the regular meetings of the County Commissioners will be held on the First, Second, Fourth

and Fifth Mondays at 2:30 p.m. in Room 307, Civic Center Complex, and on the Third Mondays at 7:30 p.m. at which time all re-zonings will be heard.

If a Monday happens to be a holiday, the Commissioners meeting will be held on the following business day at the same time, as scheduled.

You will be notified if any emergency meetings or Executive sessions are to be held and it wasn't so announced in previous meeting.

Regular Drainage Board Meetings will be held on the Fourth Monday of each month following the regular Commissioners Meeting. If an additional one is to be held and wasn't so announced in previous meeting, you will be notified.

The Board of Commissioner of  
the County of Vanderburgh

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

RE: CERTIFICATE OF INSURANCE

Jan's School of Dance: Certificate of Insurance presented for Recitals to be held at Vanderburgh Auditorium on June 10th and June 12th.....received and filed.

RE: OLD BUSINESS

The Chair entertained matters of Old Business to be discussed.

Commissioner Willner noted that the Road School will be held at Purdue University on March 8, 9 and 10th. There will be six or seven office holders going. Some will need rooms and some won't. He is requesting permission to take County vehicles.

Commissioner Cox asked if these are all people from the County Highway Department?

Commissioner Willner said, "The County Auditor and County Treasurer want to go. He is sure the County Engineer and Dan Hartman always go (although he hasn't yet talked to the latter ). Commissioner Willner, Jim Lindenschmidt and himself also plan to attend. So far, two vehicles will be needed. They may or may not add to that number of scheduled to go.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, permission was granted for County vehicles to be utilized for attending Purdue Road School. So ordered.

RE: OPEN BURNING ORDINANCE

President Borries said that some time ago the Board had a hearing on the Open Burning Ordinance and at that time they asked for comments. The Board will recall that merely approving this ordinance does not mean that we were abandoning burning. What it did mean was that when conditions warranted that the Board could declare a fire emergency and then say with the enforcement of an ordinance that we would not want to have burning in the County at that time. As outlined in the ordinance, if there were any emergencies they would have to go to the Volunteer Fire Department in order to obtain a permit and that the Commissioners would contact agencies such as the U. S. Forest Service, the U. S. Weather Bureau, etc. for verification before imposing the ordinance. This is an item that the Commissioners have discussed previously and he has a re-write drafted by Attorney Miller. He

said he did not hear any serious objections -- so if the Commissioners want to adopt the ordinance they can -- or, it can be deferred for further consideration.

Commissioner Cox asked, "Has it been corrected to incorporate (she had several points noted on the back of her agenda) -- has it been corrected to reflect those suggestions?"

Commissioner Borries said, "This version has not. There is no rush on it. I had just put it in the folder under 'Old Business' and if the Commissioners want to wait a week....."

Attorney Miller said, "I made no changes."

Commissioner Cox said, "Did you give the Attorney your agenda with the notes on the back of it to Curt John?"

Attorney Miller interjected, "No, I was here that night -- you would have given it to me."

Mrs. Cox said, "I'm sure that is what I recall being done -- and we asked that those suggestions be incorporated. The only thing I needed some clarification on (and I will talk with the Union Township farmers) was a point that was brought out by an individual who did not live in Union Township, but who questioned why when they tried to clean their farmland for the spring planting season and after the flooding season to remove the driftwood and everything -- and they start this burning -- that there have been some problems with the Volunteer Fire Department putting out the bonfires. So I don't know that this was during the very dry season or if this is just always done. If the Fire Department gets a call that something is burning, I feel sure they are going to put out the fire. So it might be that we would want to include in the ordinance for the protection of all people -- like burning in an open field -- if there could be some way that the land owner would notify the Volunteer Fire Department that they were going to burn driftwood during such and such a time and get a permit or at least give some notification. First of all, it costs to make the run down there; it endangers the lives of the volunteer firemen who are making the run and other people along the way -- for something that may be totally unnecessary to do. When you have a plowed field that is out in the middle of acres of plowed ground where there wouldn't be the drifting of the embers and the debris blowing from the fire, I see nothing wrong, especially if it is being tended. So we might want to look at that point which was brought up. I will see if I can make contacts and have more to report on that next Monday.

Mr. Jeffers interjected, "One thing you should think of asking when talking with them, Mrs. Cox, is, 'Have any of their fires ever been put out while they were there?' Because you are not supposed to leave a fire unattended. Maybe when they made the run they saw no one was tending the fire and then they put it out."

Mr. Borries commented, "There was one gentleman who complained about that at the hearing. He left the fire going and as soon as he went into the house they came out and put out the fire."

Mr. Jeffers said, "That could have been a coincidence, because you shouldn't leave one unattended regardless."

Commissioner Borries said, "That is right. Well, we'll address any concerns; but I just wanted the Board to know we had this item to resolve yet."

Mr. Jeffers said, "Another question had to do with how they would be notified when the ordinance went into effect."

Commissioner Borries said, "You know, that is a toughie -- other than through this meeting (and I think most of the media has bailed out at this point) -- I don't know what you would do at this point -- unless the radio or someone from the newspaper was present."

Commissioner Willner said, "I was under the impression you had to advertise by way of a legal ad."

Commissioner Borries said, "Maybe we should include that this will be advertised in the media."

Mrs. Cox said, "We discussed handling it in manner similar to the way we handle road closings for culvert installations, etc. Margie has a routine she follows in contacting a number of people -- I don't know why that wouldn't ...."

Commissioner Borries interjected, "Yes, they're very good about saying such and such road is going to be closed because of culvert replacement, etc., etc. That would work -- we can have that."

RE: SCHEDULED MEETINGS

Thurs. Feb. 25 2:00 p.m. County Council (Auditorium)

RE: EMPLOYMENT CHANGES

Center Assessor (Appointments)

Andrea Marie Engle Office Deputy \$35.00/Day Eff: 2/16/88

German Assessor (Releases)

Robert Dezember Fieldman \$35.00/Day Eff: 2/8/87

There being no further business to come before the Board at this time, President Borries declared the meeting adjourned at 4:45 p.m. with the announcement that the Drainage Board will convene immediately subsequent to the Commissioners Meeting.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R. J. Borries	Sam Humphrey	David Miller
	R. L. Willner		
	S. J. Cox		
	<u>COUNTY HIGHWAY</u>	<u>COUNTY ENGINEER</u>	<u>AREA PLAN</u>
	B. Bethel	A. Easley	B. Cunningham
			J. Ballard
			C. Forney
	<u>SURVEYOR</u>	<u>DMD</u>	<u>PROSECUTOR</u>
	Bill Jeffers	Mary Ann Kolb	Robert Pigman
	<u>CORONER</u>	<u>EUTS</u>	<u>OTHER</u>
	C. Althaus	R. Zigenfus	J. Lindenschmied
			Kay Fuchs/SBA
			Kate Reck
			Others
			(Unidentified)
			News Media

SECRETARY: Joanne A. Matthews

*Richard L. Borries*  
*Robert L. Willner*  
*Burley Jean Cox*



MINUTES  
COUNTY COMMISSIONERS MEETING  
FEBRUARY 29, 1988

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MINUTES  
COUNTY COMMISSIONERS MEETING  
FEBRUARY 29, 1988

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, February 29, 1988 in the Commissioners Hearing Room, with President Rick Borries presiding.

RE: APPROVAL OF MINUTES

President Borries entertained a motion concerning approval of the minutes of meeting held on February 16th.

The word "he" having been changed to "we" on Page 18, Line 3, upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, the minutes of February 16th were approved as engrossed by the County Auditor and the reading of same waived. So ordered.

RE: AGREEMENT WITH DAVID M. GRIFFITH & ASSOCIATES FOR CONSULTING SERVICES

President Borries presented an agreeent with David M. Griffith & Associates for approval. This is a standard contract and what it does is monitor and examine our various costs for administration in the State Welfare Program and it has been in effect for some time as a cost saving mechanism. The 1988 fee schedule is outlined in the accompanying letter. The fees remain the same as last year and are based upon County population. This is a renewal of our agreement with this firm.

Commissioner Cox asked if Mr. Humphrey has a breakdown of how much money we received from them last year? She is checking to see if we have adequate amount in our budget to pay for this. What is the cost of this contract? Do they say?

Commissioner Borries said the cost is based on a sliding scale (according to County population). We fall in the 100,000 to 499,000 population category and that fee is \$12,200. Mr. Humphrey entered the meeting and in response to query from Commissioner Borries, he confirmed that this is correct. David M. Griffith provides us with statements concerning recovered monies, but he doesn't have those figures with him. But we get three or four to one back.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, the Board approved and executed the agreement. So ordered.

RE: VC-1-88/Petitioners, Larry & Carol Watson

The meeting proceeded with Commissioner Borries saying VC-1-88 was continued from last week. The Petitioners are Larry and Carol Watson. The requested zoning was from Agricultural to C-1. The matter was continued in order to clarify the situation regarding right-of-ways and land use. He believes Attorney Freson is here to represent the Petitioners and he would ask that Attorney Freson present his report at this time.

Attorney Freson said, "I think I previously gave you all the information as far as the use is concerned and the only issue had to do with the EUTS report in regard to Columbia Street Extension between the area of Green River Rd. and Burkhardt Rd. Following

that he spoke with County Engineer Andy Easley and the offices of County Attorney David Miller re some legal paperwork. As a result, an Option Agreement has been prepared for a 30 ft. strip of land that is being requested to be rezoned and it is agreeable with the Watsons to enter into that agreement if that property is rezoned. He thinks Attorney John has the original of the subject agreement. He doesn't know whether everyone has had an opportunity to review the subject agreement. Basically, as they understand it and he understands it, the County would pay \$100.00 for the option and it would be for 15 years. If they elected to exercise the option they would have the 30 ft. strip of land for the extension of the street and they would do the things set forth under exercise of option -- and that would be all that they would do insofar as the Watsons are concerned."

Attorney John said, "As a matter of interpretation, it is your understanding and your clients' understanding that the consideration paid for that easement if the County exercises their option would be the items as set out in B(1) thru (6) -- in other words, the relocation of the garage -- and that would be the total consideration due for that easement?"

Attorney Freson said, "Well, up in #3 there is indication to make it a binding agreement of \$100.00 for the option and insofar as the exercise I think that is all that is required to be done."

Attorney John asked, "So that would be the sole consideration?"

Attorney Freson said, "If you're asking me if they are asking for anymore cash money, the answer is that no they are not -- they don't think that they are going to get any more money." Turning to the Watsons, he asked, "Isn't that right?"

Mr. & Mrs. Watson confirmed this by a nodding of their heads in agreement.

Commissioner Cox said this is the first time she has had an opportunity to view the agreement and she wants to make certain she understands what we are doing here. We are agreeing to enter into an agreement with the Watsons which would grant us the 30 ft. necessary strip to extend Columbia for a 15 year period. If we need it before that time, then in addition to the \$100.00 we pay them, we also are liable to move the foundation, concrete floor and the building there at that time and to relocate an existing parking lot?"

Attorney Freson said, "Yes, if necessary. Basically, what I think the agreement says is to move that building and all 30 ft. to the south and give them access in parking -- whatever they have there right now or would have."

Mrs. Cox asked, "Does it say in here too that there will be no other buildings built in this 30 ft. easement? According to Area Plan at the last meeting, whenever someone comes up to get a permit, they don't look at outbuildings; they look at residences. So, is that covered?"

Attorney Freson responded, "It does not say there that they cannot build anything else in that 30 ft. strip until the easement is exercised. However, it doesn't likewise say that the County would remove them. So, realistically, they are not going to spend a lot of money building something there that they would lose. But if you're asking me does it say that in the agreement, I don't believe it does. The building to be identified is described in "A" -- and the County Attorney did that."

Mrs. Cox said, "That is all the questions I have. I am ready for the vote, please."

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, VC-1-88 was approved with the signing of the Option Agreement.

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

RE: VANDEBURGH AUDITORIUM - REQUEST TO GO ON COUNCIL CALL

Commissioner Borries then recognized Mrs. Gy Rhoads. She said she would like to request that some items be brought up to the original budget request amount, as well as new item (Sonitrol security system). She thinks we seriously need to consider the security system. So far we've been lucky -- but with the public building in the downtown area, she thinks we need to consider protecting the equipment as well as the structure and the people.

Commissioner Borries asked, "We do not have a security system at this time?"

Mrs. Rhoads said, "We have nothing; we have chains on the front door and I'm finding that is not quite adequate for the building. I think it probably would be good for us to look into that and consider it seriously. The cost is much less than I thought it would be. If you will look at the second sheet I gave you, you will see a copy of what Sonitrol is proposing and it is a really thorough system of sound and movement. I went over our needs carefully with Sonitrol and we came up with this proposal. I think the monthly charge is about \$79.00 This would give us mikes in fifteen (15) areas and movement alarm on some of the areas and a different control for the boiler room (which really wouldn't work on our building system, because of the coming and going there)." Mrs. Rhoads then entertained questions.

Commissioner Borries asked, "SWIRCA (South Western Indiana Regional Council on Aging) said they would give \$1,000.00 toward the purchase of a new battery for the forklift?"

Mrs. Rhoads replied, "Well, no; the new battery cost -- when I found out we needed a new battery I said we'd put one in -- then when I called I found out it would cost \$2,195.00 to put a new battery in the old forklift. The problem with the old forklift is that it doesn't reach to the second level in the Gold Room which, of course, is half its purpose -- to use it in the Gold Room to lift tables, etc. Because it wasn't really adaptable to our needs, etc., we looked into a re-built one. We found a Black & Decker forklift that has just been re-built. I think if you buy them new it cost about \$13,000. This one is in good shape and it does reach to the second level of the Gold Room (you can lift things up without having to take the rail off to put a Trade Show up there.) Every month SWIRCA brings in their food supplies, etc. During the time our forklift has been down they paid from \$150.00 to \$180.00 per month to rent a forklift. Because of that they are willing to contribute \$1,000.00 on this one. And they are agreeing to give us \$500.00 trade-in on the old one. This would make it cost about what the battery would cost to fix the one we presently have.

Also, please note the 'Other Supplies' that I am requesting. We had requested \$300.00 in the budget and were granted \$200.00. But I find that there are supplies we need. We are trying to repair and purchase and bring the Auditorium up to a certain standard right now. In order to do that, we need the budgeted amount of money that we weren't able to get in our budget originally. We have a lot of equipment. When I went in there I found it difficult to do any kind of inventory, because a lot of the things were not repaired and usable. That is why I am asking for \$6,000.00 additional -- for equipment. We have several things we do need to use, one being the outside sprinkler which has been almost inoperable. The motor has to be replaced on the lawnmower -- that is \$1,500. We have several motors on some

other equipment that hasn't been used for some time which should be put back. In order to put things in good repair it is going to take a good bit of this \$6,000.

The Chair entertained questions.

Commissioner Cox asked if Mrs. Rhoads brought these recommendations to the Auditorium Advisory Board? Are they aware of them?

Mrs. Rhoads said she talked to them today. She talked to Betty Hermann specifically; she tried to reach Jo Merrill and couldn't. She had talked to Sharon Rudolph previously about some of the things in general, and she advised that we get the Auditorium equipment in good repair and get our maintenance department in order. "We have just built an enclosed maintenance department in the lower level, which hasn't been done before. We put in shelves and everything is now inventoried and we're finishing the inventory on supplies -- so we're continuing to do a reorganization on everything. But we have to borrow a lot of equipment when we start to do something. I think probably if we get our own equipment in good shape and keep track of it, we'll not have to take time to go borrow from someone else."

Mrs. Cox said that really the only thing new on the list is the request for the additional \$4,242.00 for the Sonitrol. The other ones were line items, but cut?

Mrs. Rhoads said this is correct.

Commissioner Borries said, "Well, I like the idea. There is a lot of traffic, etc., and we do need to be security-conscious and I think this would help in that direction."

Mrs. Rhoads said there are hundreds of places for persons to hide over in the Auditorium. There are times when they have 3,000 people there. Although they check the areas when closing the building, there are so many areas where somebody could hide if they wanted to, and they could destroy the sound or light equipment or anything else in a matter of thirty minutes -- and the Auditorium could be shut down for months. Not only that, but for the safety of their people.

Mrs. Cox said she notes the installation cost for the Sonitrol system is \$4,242.00 and the monitoring service is \$79.00 per month. How is she going to take care of the monthly fee?

Mrs. Rhoads said, "I believe that is added onto the telephone bill -- and that would be an added cost. I'm sorry I did not put that on the list -- that would be an added cost per year."

Mrs. Cox asked, "Do you have adequate money in the budget to cover the telephone?"

Mrs. Rhoads said "No, I don't. Well, yes I think we will have. We had some left over from last year. I'm sorry I missed that -- I brought that up, but didn't write it down."

County Auditor Sam Humphrey asked if she encumbered the amount that was left from last year?

Mrs. Rhoads responded in the affirmative.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, authorization was given for Mrs. Rhoads to go on Council Call for the month of April for appropriations as listed. So ordered.

The appropriation request was, as follows:

<u>Account</u>	<u>Line Item</u>	<u>Amount</u>
144-260	Office Supplies	\$ 200.00
144-270	Other Supplies	1,000.00
144-272	Sanitary Supplies & Lights	500.00
144-352	Equipment Repairs	6,000.00
144-355	Building & Structure	5,000.00
144-355	Sonitrol	4,242.00
144-428	Maintenance Equipment	2,500.00
	Total	\$19,442.00

RE: COUNTY ATTORNEY - CURT JOHN

The Chair recognized County Attorney Curt John. He said that while Mrs. Rhoads is here, she received another check in the amount of \$100.00 from the Evansville Dance Theater to be applied toward their outstanding bill. She will inform the Commissioners as she receives these on a monthly basis, so they can keep track of them also?

Joint Communications System: Attorney John said he was contacted by Inspector Kleeman regarding the proposed Joint Communications System between the County and the City. He is requesting that Attorney John work with him and the City Attorney regarding the establishment of either a Board or some group to organize and oversee the operations of this. He has requested that I meet with him on Thursday. With the Commissioners' approval, he will attend the meeting on Thursday to see what their ideas on this matter are.

The Board authorized Mr. John to attend the subject meeting.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Work Report/County Garages: Mr. Bethel submitted the Weekly Work Report for employees at the County Garage for period of February 22 thru February 26, 1988....report received and filed.

Gradall: Peacock Lane, Outer Broadway, Laubscher, Outer Broadway, Darmstadt Rd., Schlensker and Young Rd.

Patch Crew: Oak Hill, Magnolia, West Haven, Old 460, Elmridge, Green River Rd., Millersburg Rd., Oak Terrace, Boonville-New Harmony, Outer St. Joe, Owensville, Pollack, and Short Mill Rd.

Grader: Kemper Drive and Green River Rd.

Tree Crew: Denzer Rd., Smith-Diamond and Nurrenbern Rd.

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

- Replaced guard rail on Nisbet Station Rd.
- Rip-rapped culvert on Mesker Park Rd. and Kremer Rd.
- Installed guard rails by new bridge on Rollett Lane
- Repaired drop box on Rose Avenue
- Unstopped culvert on Booker Rd.
- Cut and cleaned brush and limbs on Trapp Rd. Bridge #21
- Repaired pipe on Booker and Young Rd. on the North side



- Removed bad culvert and moved to new location on Young Rd.
- Rocked and rip-rapped St. George Rd.

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

RE: COUNTY ENGINEER - ANDY EASLEY

Polo Run Storm Sewer: Mr. Easley presented the Commissioners with copies of the following letter from Morley & Associates concerning Polo Run Storm Sewer System:

Vanderburgh County Commissioners  
c/o Mr. R. Andrew Easley  
Room 325 - Civic Center Complex  
Evansville, IN 47708

Re: Polo Run P.U.D.  
Our Project #86-1367-4

Enclosed is a "Record Drawing" copy of the Polo Run storm sewer system. Jagoe Homes, Inc. is requesting inspection and acceptance of the storm sewer systems which lie within the boundary of Polo Run Subdivision of Indian Woods P.U.D.

The storm sewer system that lies within public utility easements and common areas of the development is as follows:

12" R.C.P.	-	450 LF
15" R.C.P.	-	15 LF
18" R.C.P.	-	<u>95 LF</u>
Total		560 LF

Jagoe Homes, Inc. is requesting County maintenance of the storm sewer system and a check for \$280.00 will be forwarded as soon as we are notified of inspection approval.

Sincerely,

/s/ James Q. Morley, PE., L.S.

Encl: "Record Drawing", Storm Sewers  
Plat of Polo Run Subdivision

cc: Mr. Bill Jagoe

Mr. Easley said this is part of Indian Woods Subdivision, right off Shoshoni Lane. Do the Commissioners want the Surveyor's Office to inspect this and submit a report? He has the plans which were submitted.

Mr. Easley said he has never seen any street plans on Polo Run. We've had Wind Song.

Commissioner Borries said Mr. Easley may be right. We have accepted a portion of Shoshoni; but Polo Run goes off Shoshoni.

Mr. Easley said we accepted the north end of Shoshoni (where it runs out to Covert Avenue) and then we found out that the southerly end was in the City. And we've accepted the street improvements in Wind Song. He doesn't recall their asking for any inspection on these storm sewers and he is not familiar with them.

Following brief discussion among the Commissioners, Commissioner Borries requested that Mr. Easley contact Jim Morley re this.

In response to query from Commissioner Borries, Commissioner Cox said, "I just assume that this is a request notifying this Board that they expect us to accept those areas of maintenance for their sewers that lie within our easement."

Commissioner Borries said he is not sure there are going to be streets in Polo Run.

Commissioner Cox pointed out that this is the Polo Run storm sewer system -- it isn't necessarily the streets.

Following further brief comments, Commissioner Cox moved that the Board refer this to the Surveyor's Office for inspection of the drainage between now and the next Drainage Board Meeting and that the Surveyor submit a report at that time. A second to the motion was provided by Commissioner Willner. So ordered.

RE: OLD BUSINESS

Open Burning Ordinance: Commissioner Cox said she owes a report to this Commission, because she said she would follow through with some of the information that came out of the Public Hearing concerning the farmers who voiced concern at the hearing regarding their driftwood fires and fence row fires being arbitrarily put out by the Volunteer Fire Department. Since mention was made that this was happening in Union Township, she did talk with several farmers in Union Township and the Volunteer Fire Department in Union Township and the relationship between the farmers and the Volunteer Fire Department has been very good and she could find no instance of any dissension concerning the work that the Volunteer Fire Department has been doing for Union Township.

She did get a question concerning our burning ordinance and, evidently, even though we have had some rain and snow in the area and from the record weather reports, we are (I think) ahead of our normal rainfall for the season -- but there has been a rash of grass fires out in our County at the present time. This concern was, How does the U. S. Forest Service declare an emergency if there is a lot of rain above I-70 or I-64 and we're dry down here, will we be included as not being in a dry area? "So I think that point is well taken. I do not know at this time actually what the U. S. Forest Service Guidelines are; I have yet to see a copy of that."

Commissioner Borries said, "I have not yet received those."

Mrs. Cox said, "One other thing. If there is going to be a fine imposed (we hope no one breaks our ordinance) -- but if a fine is imposed for a violation of this ordinance once it is on the books, there was a request that the fine go to the Volunteer Fire Department in the Jurisdictional Area."

With regard to the current weather condition, County Auditor Sam Humphrey said it was listed as very hazardous as of yesterday.

Commissioner Borries asked, "What would be the appropriate local agency for us to contact if this ordinance were to be enacted. Again, without speaking for any other members of the Board (but I think probably reflecting the philosophy of this Board)-- this is not going to be something that is going to be randomly proposed, so the conditions would have to be critical. I think Commissioner Cox is exactly right, we're probably ahead this year in rainfall. But it seems to me that we were seven or more inches below normal last year. So even though we've had this rainfall early in 1988, the conditions are still dry. What would be an appropriate local agency? I think we could use the U. S. Forest Service, but what other agency could we suggest here? I'm writing some notes on this and I think we could send it back to

Attorney Miller and have him add these -- so we can move on and could at least get the ordinance enacted. What about the Soil & Water Conservation Office or the U. S. Weather Bureau?

Mrs. Cox added, "And the Co-Operative Extension Office. They keep good tab on the area. I think anytime the weather is going to be as pretty as what we've had, people are going to be out cleaning and burning to get their yards in top-top shape -- so we're going to be facing that. If it is still too dry out there and we're playing catch-up and the ground needs to soak up the water, then perhaps we should consider putting in something at this time."

Commissioner Borries asked, "Who shall we contact? Jack Wade or Elvis Douglas?"

Commissioner Willner said, "Either."

Mr. Borries asked, "The U. S. Weather Bureau at the Airport?"

Commissioner Willner said, "You can do that. Does the EPA still check the quality of the air? They could probably give you...."

Commissioner Borries interrupted, "They could probably give you the amount of pollutants in the air, but I'm not sure they can gauge the rainfall."

Mrs. Cox said, "Something I don't personally know and something I need to know, how much rain are we going to have to have to catch up to the low amount that we had last year? Are we considered to be in drought conditions, even though our rainfall is above average for these two months? Because it was far below average the last three months of 1987 -- and I do not know the answer. Perhaps the Weather Bureau Meteorologist could tell us. I thought we could call the U. S. Forest Service."

Commissioner Borries said, "I think we can leave the U. S. Forest Service in, I think we need some specific guidelines. But I'm just looking at some other agencies that we could agree upon could help us in this situation. We've talked about the Vanderburgh County Extension Office; and the Soil & Water Conservation Group would certainly be another factor. They would be in touch with farmers daily, wouldn't they?"

Commissioner Willner said, "They surely are."

Mr. Borries asked, "And the U. S. Weather Bureau? We'll certainly try to gain some water level standards (drought conditions). Shirley, are you saying that we don't need to put anything in there about the driftwood, as such -- from what you could see?"

Mrs. Cox said "No, everyone should be put on notice that all of the Volunteer Fire Departments operate under the same rules -- that any unattended-fire is going to be extinguished. If a farmer is burning his driftwood out in the middle of a plowed field and someone sees the smoke and gets a call to go put that fire out because the guidelines say that any unattended fire must be extinguished -- if they are called, they are going to have to put out the fire. Their approach is that they like to work with the farmers."

Mr. Borries asked, "Is that in here?"

Mrs. Cox said, "No, because some of them like to burn daily. They are seed grain operations and the regular types of farming they are in -- they burn on a daily basis."

Commissioner Borries noted, "Any unattended fires will be extinguished."

Commissioner Willner said "Only when we say the ordinance is in effect will this be in effect. It is not in effect all the time."

Mrs. Cox said, "The Volunteer Fire Department told me that any unattended fire would be extinguished."

Commissioner Willner said, "Not under this ordinance. They can extinguish them if they want to, but we're not giving them permission to do that."

Mrs. Cox said, "No, we don't have to address that -- because there is already a rule that the Fire Department has -- and they work with the local farmers."

Commissioner Borries asked, "And the other request was that the fine would go to the Volunteer Fire Department agency affected -- or in that jurisdiction?"

Mrs. Cox said, "That is correct."

Commissioner Borries asked if anything else should be added?

Mrs. Cox asked, "Is there a provision for a fine?"

Commissioner Borries said, "Yes."

Commissioner Willner said, "Any person who violates a provision of this ordinance shall be fined not more than \$500.00 (it doesn't have a less, but it won't be more than \$500.00.) I really doubt whether that money should be given back to the Volunteer Fire Department; you might ask the County Attorney to research this.."

Mrs. Cox said, "Well, you know where fines and forfeitures go on the County level, don't you? I think Curt needs to review that. But I think all forfeitures go into the State School Fund."

Commissioner Willner said, "That is what I had in mind; I doubt that it is legal to give it to the Volunteer Fire Department."

Commissioner Borries said he will make a notation on the ordinance and send it to David Miller, asking if this is legal?

Commissioner Borries said there is also a notation as to who has the final say -- this Board -- the buck stops here.

Mrs. Cox said, "In other words, they were saying if they went to get a permit from their jurisdictional Volunteer Fire Department and they refused to issue them a permit to burn, they would have the right to appeal that decision to this Board?"

Commissioner Borries said he will add that to the Ordinance -- that the appeal must come to the Vanderburgh County Board of Commissioners.

RE: PEACH BLOSSOM LANE

Mrs. Cox asked whether there is an update re Peach Blossom Lane?

Mr. Easley said the contractor chosen by Union Federal said he was going to meet with Union Federal this past week and give them figures. He doesn't know what he has come up with, but believes it will probably be somewhere in the neighborhood of \$15,000 to \$20,000 worth of repair work. This is his guess. They are negotiating. "If they want our opinion as to what they should repair and what they should overlay (if they are going to consider an asphaltic overlay), then we may present that to the

Commissioners. It would be unusual to put an asphalt overlay on a concrete street. But maybe they will have an answer for me this week as to their decision."

Commissioner Borries said, "In an earlier meeting, I think you said you had gone and painted all of the areas with orange. We've done asphalt overlays in certain areas (such as Melody Hills, Evergreen Acres, etc.)."

Mr. Easley said "Yes, we have; and if that would be the least costly to them, we would submit to the Commissioners that they would agree to that."

Mrs. Cox asked, "Would that be just in the areas where it has deteriorated?"

Mr. Easley responded, "What we had in mind was the whole subdivision. I don't see how they could intermittently do it."

Mr. Bethel commented, "There is just no way they can; they'd have to do the whole street."

RE: HONEYSUCKLE DRIVE - REQUEST TO OPEN UP TO WOODLAND LANE

Commissioner Cox said she has a note re the request to open Honeysuckle Drive up to Woodland Lane, which was made October 26th, and the recommendation from the Scott Volunteer Fire Department at the Commissioners Meeting on November 9, 1987.

Mr. Easley asked "That extension to Valley Vista Subdivision?"

Commissioner Borries said, "Yes."

Mr. Bethel said "I know exactly where that is and it could be done very easily."

Mrs. Cox said, "Well, we may want to pull those minutes out and read them. I was under the impression (this was when I was down seeing my new grandchild) they indicated interest in opening this up and wanted an approximate cost, I believe. Before the paving season commences fairly soon, I thought this might be included in the road improvement list. But I will refer you to Page 2 of the November 9, 1987 minutes."

Commissioner Borries said, "I think we had also discussed the feeling of the residents. There may have been one who was opposed, right?"

Commissioner Willner said, "One entire subdivision does want it and the other one doesn't -- it's kind of a neighborhood thing."

Mr. Bethel said, "Yes, that is what is happening out there and that is the reason we have left it up to you."

Commissioner Cox asked, "Now, is that documented? Because, the Chief of the Fire Department indicated there was residential support for this to be done."

Mr. Bethel said, "If you tell me to do it -- I can certainly do it; I can do it this week. All we have to do is cut some trees to get them out of the way, grade it, etc. and there you are."

Commissioner Willner asked, "Did we check to see if it was our property?"

Mrs. Cox said, "That question was asked October 26th and again on November 9th. And Mrs. Cunningham has reported (in the November 9th minutes) that it was."

Mr. Easley asked, "Shall we prepare an estimate? And then perhaps the Commissioners would want to hold a Public Hearing as to whether they want to go ahead with it?"

Commissioner Borries said, "Obviously there was some support...."

Mrs. Cox interjected, "Well, what subdivision doesn't want it? The only thing I knew of was the two people on either side of that easement who had been using the area up to this time because it was just there. And I understand they are no longer objecting to its being cut through according to the Fire Chief. Is there another subdivision over on Woodland?"

Mr. Bethel said there is Woodland Hills and Valley Vista.

Commissioner Borries said, "But there is only one entrance to the one on the north side."

Mr. Bethel said, "You can have an entrance where they circle around and go out both ways on either one of them."

Commissioner Borries said, "There is one road in -- and then the road splits."

Mr. Easley said, "Woodland runs east-west off of Browning and the other subdivision is on the north side of Schlensker and this would be a short connection up to Woodland -- the northerly extension."

Mrs. Cox said, "Well, I just received an inquiry and I am bringing it to the Board again for further action."

Mr. Easley asked if the Board wants him to prepare an estimate?

Commissioner Cox commented, "The minutes of November 9th said you would get an estimate and bring it back to this Board. You might want to read those again."

Commissioner Borries said, "I can see some safety features that could be gained by opening the road, but if there are other residents .....we need to get some kind of consensus here."

Mrs. Cox said "The reason they wanted to open this was because of a fire -- and they were unable to get up the hill to the subdivision and had to come in the back way and go through a field in order to get to the fire to extinguish it."

Commissioner Borries said we need to get an accurate feeling -- because if they want help, we want to help. He asked that Mr. Bethel check on this or have Mr. Stuckey check this out.

RE: INSURANCE REQUEST - MARY JO KINGON

The meeting continued with Commissioner Cox asking if the Board was to receive an update regarding continuation of Mary Jo Kingon on the County insurance program? How is that to be resolved?"

Commissioner Borries said, "I think we're going to have to review that insurance. I don't think there is any problem with her staying on the insurance program with the COBRA Statutes, but I am not aware of anything beyond that -- so we'll just have to research that."

RE: BOEHNE CAMP ROAD - SPEED LIMIT

Commissioner Cox queried the Board about the Boehne Camp Rd. follow-up. "When the problem was brought up in the Commissioners' meeting, Mr. Borries, you indicated you were going to a EUTS meeting and that you would make a request at the EUTS meeting concerning the need for lowering the speed limit on



Boehne Camp Rd. between Highway 62 and Hogue Rd. (the reason being the narrowness of the road.) A school lies at the Hogue Rd.-Boehne Camp Rd. intersection and they are building a large development which I understand is going to be a convalescent center. And there are seven school buses that travel the road in the morning and seven school buses in the evening. The road is narrow; the terrain is hilly; and it isn't unusual at all for a tree limb to be growing out over a portion of the road. (But Mr. Bethel does a good job of almost routinely trimming those limbs.) But people are concerned about coming out of their driveways onto the road. Rather than just accept the 45 miles per hour speed limit (which I'm sure people are going faster) -- we may want to lower that speed limit.

Commissioner Borries said, "The EUTS meeting has not been held. The only meeting we've had was the informational meeting when the individuals from the State Highway Department were down here. However, I will be glad to forward that request."

Mrs. Cox asked, "Can we do that by letter -- have Margie send a letter to EUTS?"

Mr. Borries responded, "Sure, I'll write that letter."

RE: CORRECTED AGREEMENT - DMD

Mrs. Cox said we need a corrected agreement with the Department of Metropolitan Development that would include the quarterly reporting of their financial things. We signed two agreements with them, but I don't think we executed that one until it was corrected."

Commissioner Borries said, "Right, right."

RE: SPACE REQUIREMENTS

It was also noted by Commissioner Cox that the Board has okayed the request for \$100,000 for the consolidation of the Fire, Police, and Sheriff's Dispatch and Mr. Pigman has a request in for more space, and several other people have indicated they have growing pains. Would it be to everyone's advantage to have a committee appointed? Who is going to handle these requests and who is going to get the space? I guess that is the bottom line. And what criteria is going to be used for awarding the space? And should we really evaluate the Courts Building itself? If the Prosecutor needs the space, there will be requests coming in for that vacated space. Maybe the Commission would like to think about this for a week and then come up with something.

Commissioner Borries said, "I think that is a good point. What probably needs to be done is a communication from this office asking for proposals requesting those interested offices to submit their needs. Then we could set up a committee to look at these. We've also heard from the Building Authority, but I'm not sure that the Building authority (because of the specialized nature of what is going to have to be installed there -- a wooden floor and a number of other security arrangements -- whether or not it is going to be cost effective to have that done there. But because we felt this was such a basic governmental service (I know there was some discussion as to where this Centralized Dispatch would be located). The Building Authority was going to provide a list of concerns -- but I don't know whether we've received those yet."

Mr. Lindenschmidt said the last thing he heard was that they would rather have it away from here -- but he doesn't know.

Mrs. Cox asked, "You mean -- build a new building?"

Mr. Lindenschmidt said they're talking about out at the Airport.

Mr. Lindenschmidt said, "I was at the Council Finance Meeting the other day and they were talking about this also." (Further comments were inaudible, because Mr. Lindenschmidt was not at the podium.)

Commissioner Borries asked, "Have we had a final report from the Welfare Department; is it determined that they are going to move?"

Mr. Lindenschmidt said, "Oh yes, they formally stated that they were leaving the building."

Mr. Borries said, "I hadn't received any direct correspondence on it, as a Commissioner."

RE: CLAIMS

The meeting proceeded with Commissioner Borries stating he has no claims to be presented for approval today.

RE: EMPLOYMENT CHANGES

Auditor's Office (Appointments)

Bettye Miles	Sec./Budget Clk.	\$14,535/Yr.	Eff:	2/29/88
Marie Dunn	Transfer Clerk	\$13,978/Yr.	Eff:	2/29/88
Dorothy Wilson	Posting Clerk	\$13,978/Yr.	Eff:	2/29/88

Auditor's Office (Releases)

Bettye Miles	Posting Clerk	\$13,978/Yr.	Eff:	2/29/88
Marie Dunn	Posting Clerk	\$13,978/Yr.	Eff:	2/29/88
Dorothy Wilson	Transfer Clerk	\$13,978/Yr.	Eff:	2/29/88

County Highway (Appointments)

Larry J. Babbs	Truck Driver	\$8.80/Hr.	Eff:	2/29/88
Jeffrey Mitchell	Lead Man	\$8.99/Hr.	Eff:	2/19/88

County Highway (Releases)

Donald J. Gartner	Truck Driver	\$8.80/Yr.	Eff:	2/18/88
Jeffrey Mitchell	Laborer	\$8.51/Hr.	Eff:	2/18/88
Larry J. Babbs	Lead Man	\$8.99/Hr.	Eff:	2/18/88

Superior Court (Appointments)

Sylvia Harrawood	Court Reporter	\$20,483/Yr.	Eff:	2/29/88
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Superior Court (Releases)

Deborah Ray	Court Reporter	\$20,483/Yr.	Eff:	2/29/88
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Center Assessor (Appointments)

Alvin E. Stucki	Assessor (Reass.)	\$35.00/Day	Eff:	12/7/87
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Knight Assessor (Appointments)

Clyde Al Folz	Assessor (Reass.)	\$35.00/Day	Eff:	1/1/88
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German Assessor (Appointments)

Gary Wagner	Assessor (Reass.)	\$20.00/Day	Eff:	2/23/88
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Pigeon Assessor (Appointments)

Robert T. Dorsey	Assessor (Reass.)	\$30.00/Day	Eff:	1/1/88
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RE: SCHEDULED MEETINGS

Commissioner Cox queried Commissioner Borries re the scheduled City-County Computer Meetings listed on the agenda.

Commissioner Borries said it is his understanding that the meetings are going to be held in order for some of the vendors to display the equipment, so that interested users can attend to ask questions and obtain information regarding the various proposals and types of equipment necessary. They will be available in Room #303 during the times listed. During part of the day on March 4th, the same thing will occur and then on March 7th, the Data Processing Board will meet in order to review all those requests and answer questions. A decision might be subsequently reached. He has noted on his calendar that at 9:00 a.m. on Monday, March 21st, there will be a computer bid opening -- so these meetings are for informational purposes. This will allow those who are interested to ask questions, etc. There were three (3) areas (Hardware, Software, and Facilities Management) and some vendors will not be bidding in all areas. Following the bid openings, the bids will have to be taken under advisement. "If Mrs. Cox will recall, I had asked for some information. I am not sure at that point if we do not have a consensus what we (certain units in the County) would wish to do -- or whether we would opt to do the other system. So that is a decision that has to be made."

Emergency 911 System

Commissioner Borries said he contacted Mr. Larrison of Ameritech in Indianapolis. He said that the bill which would provide a mechanism for funding on a monthly bill for the E-911 service was on the Governor's desk. It looks as if it has passed both houses and there was no opposition and the Governor will be signing that bill. He has asked Mr. Larrison to attend the Commissioners Meeting on March 14th and that will still be a day before the Commissioners' request is to be given to the County Council. If it is appealing to this Board, the Commission may want to submit a request to County Council (if they can get some figures at that time) so we can move on this 911 System. Mr. Larrison said he was very busy (there was a lot of interest around this and there are several counties, of course, who are already doing this). If it meets with the Commission's approval, we'll be expecting Mr. Larrison on March 14th. The other Commissioners indicated their agreement.

Tues.	March	1	8:00 a.m.- 4:00 p.m.	City-County Computer Mtg.
Wed.	March	2	8:00 a.m.- 5:00 p.m.	City-County Computer Mtg.
Wed.	March	2	2:30 p.m.	(Room 301) County Council Mtg.
Wed.	March	2	6:00 p.m.	(Room 301) Area Plan Meeting
Thurs.	March	3	1:00 p.m.	(Room 303) EUTS Meeting
Fri.	March	4	9:00 a.m. -12:00 Noon	City-County Computer Mtg.
Mon.	March	7	9:00 a.m. - 5:00 p.m.	City-County Data Processing Board
Mon.	March	14	2:30 p.m.	Public Hearing re Development Block Grant Program
Mon.	March	14	2:30 p.m.	Ameritech/E-911 System
Mon.	March	21	9:00 a.m.	Computer Bid Opening
Mon.	March	21	6:30 p.m.	Public Hearing re County Roads
Mon.	March	21	7:30 p.m.	Commissioners Meeting

There being no further business to come before the Board at this time, President Borries declared the meeting adjourned at 3:55 p.m.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R. J. Borries	Sam Humphrey	Curt John
	R. L. Willner		
	S. J. Cox		

COUNTY HIGHWAY

Bill Bethel

AUDITORIUM

G. Rhoads

COUNTY ENGINEER

Andy Easley

OTHER

Jim Lindenschmidt  
Ron Freson, Attorney  
Larry & Carol Watson  
Bob Gulick (SIGECO)  
Others (Unidentified)  
News Media

AREA PLAN

B. Cunningham

SECRETARY:

Joanne A. Matthews

Richard J. Borries, President

  
Robert L. Willner, Vice President

  
Shirley Jean Cox, Member

MINUTES  
COUNTY COMMISSIONERS MEETING  
MARCH 7, 1988

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MINUTES  
COUNTY COMMISSIONERS MEETING  
MARCH 7, 1988

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, in the Commissioners Hearing Room with Vice President Robert Willner presiding. President Borries was absent.

Since it was the first meeting of the month, Sheriff Clarence Shepard opened the meeting and declared the Commission in session pursuant to adjournment.

RE:     APPROVAL OF MINUTES

Commissioner Willner entertained a motion concerning approval of the minutes of meeting held February 29th.

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

RE:     COUNTY ATTORNEY - CEDRIC HUSTACE

The Chair recognized Attorney Cedric Hustace, who was sitting in for County Attorney David Miller.

Mr. Hustace reported that he has some deeds prepared for the County Highway Engineer concerning the extension of Boonville-New Harmony Rd., which he will tender to him at this time.

Commissioner Willner said he thinks the County Engineer is causing to be typed an agreement between GTE and the County Commissioners. He asked if Mr. Hustace has read this and approves it in its form?

Mr. Hustace confirmed that this is correct.

Commissioner Willner said when that is done he will ask for a vote.

RE:     COUNTY HIGHWAY - BILL BETHEL

Weekly Work Report/County Garage: Mr. Bethel submitted copies of the Weekly Work Report for employees at the County Garage for period February 29 - March 4, 1988.....report received and filed.

Gradall: Schlensker, Young Rd., Denzer, Middle Mt. Vernon, Orchard, Mesker Park Rd., Mill Rd. and Schaefer Rd.

Patch Crew: Petersburg Rd., Boonville-New Harmony, Seminary, Bayou Creek, and Darmstadt Rd.

Tree Crew: Boonville-New Harmony and Denzer

Grader: S. Weinbach, Heerdink, Hornby, County Line East, Old Green River Rd., Buente Rd., Motz, Emge Rd., Hillside, Roth and Cypress-Dale



Installed gates on Water Works Rd.  
Cut bleeders in all sections of the county

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

- Replaced pipe on Young Rd.
- Rip-rapped washouts on St. George Rd. and Green River Rd.
- Swept and burned brush on 5th Avenue Bridge #67
- Cleaned headwalls on Bridge #67
- Swept deck on Bridge #10
- Swept deck on Bridge #11
- Swept deck on Green River Rd. Bridge #82
- Repaired culverts on Allen Lane, Koressel and Marx Rd.
- Picked up guard rails in yard and cleaned up yard at garage
- Cut bleeders in the northern section of the county
- Installed culvert on Mill Rd. and St. Joe Rd.

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

Commissioner Willner said the yard at the County Highway Garage looks pretty good and he then entertained questions of Mr. Bethel.

Commissioner Cox said she read in the paper (and it is also on the Commissioners' agenda) about the closing of Denzer Rd. for culvert replacement. She hasn't had a chance to get out and look at that road, but she did recall that this was one of the roads that we resurfaced last year.

Mr. Bethel said, "No, this is a rock road."

Mrs. Cox asked, "Oh, this is a different section than that?"

Mr. Bethel confirmed that this is correct.

Commissioner Willner said he sees Mr. Bethel continued his lucky ways. Everybody in the state got lots of ice and Mr. Bethel got to sleep all night.

Mr. Bethel said that is right -- we were really lucky.

RE: COUNTY ENGINEER - ANDY EASLEY

Claim/Mildred Allinger: Mr. Easley submitted a claim in the amount of \$4,350.00 to Mildred Allinger for a small parcel of land needed for the Lynch Road Extension (one of the two parcels we are acquiring -- a little triangle on the east side of Oak Hill Rd.). He sent the claim to Ms. Allinger and she signed it.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, the claim was approved for payment. So ordered.

Utility Agreement: Mr. Easley said he has given the Commissioners a letter from Bernardin Lochmueller (our consultants on the Boonville-New Harmony Rd. project) and they are requesting that the County execute a Utility Agreement. He dropped a copy off to County Attorney David Miller for his perusal on Thursday or Friday of last week. He asked Mr. Hustace if Mr. Miller received it?

Mr. Hustace said he does not know whether Attorney Miller has seen it or not -- he, personally, hasn't seen it.

The letter read as follows:

March 2, 1988

Mr. Andy Easley, P.E.  
County Engineer for Vanderburgh County  
City-County Building  
Evansville, Indiana 47708

Re: County Utility Agreement and Standard Utility  
Agreement for Boonville-New Harmony Road,  
Project RS-7682( )

Dear Andy

I have enclosed a copy of a County Utility Agreement for your review per our conversation of yesterday, March 1, 1988. Indiana Bell and the City Water Department are the only utilities that will sign this agreement on this project. Indiana Bell is processing their agreement at this time and the Water Department will process theirs shortly. When these signed agreements come back to me, I will forward them to you for the Board of County Commissioners signatures.

I have also enclosed a copy of the letter I received from Indiana Bell requesting authorization to begin preliminary engineering on the design to relocate their facilities. I discussed this letter with Jim Hall of Indiana Bell and he said that the \$989.00 is an estimate of what P.E. may cost. It is based on about 15 hours of work at their present rate for engineering of about \$66.00 per hour. They are not requesting payment at this time. The County will be billed after the relocation design is complete.

I recommend, therefore, that the county authorize Indiana Bell to proceed with preliminary engineering for the relocation of their facilities that will be under the forthcoming reimbursement agreement. This should be done as soon as possible because of the time constraints that we have to get a June letting on this project, and is normally done by means of a letter from the Board of County Commissioners to the utility. It is imperative that I receive a copy of these authorizations.

Thank you for your help, Andy. Call me if you have any questions or if I can help in any way possible.

Respectfully,

/s/ Richard Bennett, Project Engineer

Mr. Easley said he told Mr. Miller it would come up at the meeting today. Time seems to be of the essence and they need to do some preliminary work. They have told us (and he guesses) that this is eligible for reimbursement under utility relocation agreements that we would have with the State Highway Department.

Commissioner Willner asked, "It would be 25% Vanderburgh County funds and 75% Federal Funds?"

Mr. Easley responded, "I believe so. The cost is estimated at \$989.00. If the Commissioners are willing to approve the agreement, perhaps legal counsel could type in whatever needs to be typed in and we could return it to the consultant."

Commissioner Willner asked if this will be the only utility that will be in that right-of-way?

Mr. Easley said this is something that is right near Boonville-New Harmony and Green River -- and, as he recalls, there is nothing else of any significance.

Mr. Willner asked, "It will not run the entire length of the project?"

Mr. Easley said, "No, I think they have to move something right there where we tie in at Green River Road, Mr. Willner."

Commissioner Willner asked Commissioner Cox if she has any questions?

Mrs. Cox said, "In view of the fact that we've gotten into some problems with that utility company and now that GTE is laying the fibre optic cables, I think it behooves us to look into this and know what they are wanting to do -- and this is just a standard County Utility Agreement. Personally, I'd like to meet some of these people up front so that we know exactly what they are going to do and that they have a clear understanding of the destruction, etc., which is taking place along our roads and to our roads."

Mr. Easley said, "I can get a sketch of what utilities they are going to relocate. I'm sure it's something that is either aerial or in the ground that is in the way of the proposed road extension."

Mrs. Cox said, "Well, I think we do need to see...."

Mr. Easley said, "We're shooting for a June letting and I'd hate to see it delay the letting. But I'll get you something if..."

Commissioner Willner interjected, "If I may read a section of it, it says:

"It is based on about fifteen (15) hours of work at their present rate for engineering of about \$66.00 per hour.

They are not requesting payment at this time. The County will be billed after the relocation design is complete".

If we do not agree with that at that time, we can still change it.

Mr. Easley said, "That is right. They are going to make a design for the relocation....."

Mr. Willner interrupted, "Which is subject to our approval."

Mr. Easley said that is correct.

Mr. Willner said, "So I am saying that we will have another time -- even though we sign this -- to voice our complaints."

Mr. Easley said this is correct. But they are not going to do any work until someone has agreed to reimburse them to move the facilities. It apparently is in their own easement. We have to pay them if it is in their easement. If they are in our roadway, they are subject to relocation because of the road improvement."

Mrs. Cox interjected, "One time, I think."

Mr. Easley continued, "I was with Lee Gallivan last week and they very much want to have this project complete at the end of 1988 and we are on a very tight schedule."

Mrs. Cox noted, "It says they do have aerial and buried telephone facilities located in both the right-of-way and on private easement which are in direct conflict with our proposed road construction. So what they are going to do -- they are going to do a preliminary engineering study (which is going to cost us \$989.00) to tell us how much it is going to cost us to move those utilities. Am I understanding this right?"

Mr. Willner said, "Yes."

Upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, the County Utility Agreement was signed. So ordered.

RE: ACCEPTANCE OF CHECK - WEST SIDE NUT CLUB

Commissioner Willner presented a check in the amount of \$3,108.00 from the West Side Nut Club for Burdette Park playground equipment. A motion was entertained to endorse the check and put it back into the Burdette Park account and cause a letter of thanks to be sent to the West Side Nut Club and ask for their continued support.

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

Mr. Willner asked Jim Lindenschmidt to cause the letter to the West Side Nut Club to be written and ask the Commissioners to sign same before it is forwarded.

RE: CLOSING OF DENZER ROAD

Commissioner Willner announced that Denzer Rd. will be closed to traffic between County Line Rd. and St. Phillips Rd. in Posey County from 8:00 a.m. to 4:00 p.m. on Wednesday, March 9th, and Thursday, March 10th, for culvert replacement.

RE: SCHEDULED MEETINGS

Tues. thru			
Thursday	March 8 - 10		Road School/Purdue University
Thursday	March 10	4 p.m.	EUTS Meeting (Room 307)
Monday	March 14	2:30 p.m.	Development Block Program
			Public Hearing
Monday	March 21	9:00 a.m.	Computer Bid Opening
Monday	March 21	6:30 p.m.	Public Hearing/County Roads
Monday	March 21	7:30 p.m.	Commissioners Meeting

With regard to the Road School to be held at Purdue University, Mr. Willner said there will probably be around six (6) from here attend: one or two Commissioners will be going, as well as Jim Lindenschmidt, Bill Bethel, the County Auditor, the County Treasurer and, Andy Easley will be going up on Wednesday.

RE: LETTER RE RESTORATION OF ROADS & DITCHES ON INTELENET TELECOMMUNICATIONS PROJECT

Discussion turned to the letter from GTE North, Incorporated to the Board of Commissioners concerning restoration of roads on ditches on Intelenet Telecommunications Project which had been prepared for acceptance by the Board of Commissioners..

Mr. Easley said that Mr. Hustace read the Indemnification Agreement and he put in a few words to tie it in to that.

Mr. Hustace said, "Yes, they certainly are bound by their Indemnification Agreement. If anything, this document clarifies what they are to do under the Indemnification Agreement."

Mrs. Cox said, "Well, I was thinking that they are about 50% done with the installation. Do you foresee us getting into any problems in restoring the drainage ditches? Should we have pictures taken prior to them going into an area? Do you foresee any problems of their saying that the road was already damaged and they are not liable for that?"

Mr. Hustace said, "Well, they could if they were not a reputable company -- try to get by with something. I don't know anything about this part of the GTE organization. Certainly, if the County goes out and takes pictures of the roads it would diminish any chance that the road would not be repaired properly. It wouldn't be a bad idea to do something like that. Of course, the County Highway Engineer knows the condition of the roads and if it ever came to pass where push comes to shove, the County Engineer could testify as to the condition of the roads before construction."

Mrs. Cox moved that the letter regarding restoration of roads and ditches on the Intelenet Telecommunications Project with GTE, 8001 W. Jefferson Boulevard, Ft. Wayne, IN wherein it lists their assurances that any road, shoulder, or ditch damage will be repaired by their company be accepted and made a part of the record of this body. Commissioner Willner provided a second. So ordered. The letter was as follows:

March 7, 1988

Board of County Commissioners  
Room 305  
City-County Administration Bldg.  
Civic Center Complex  
Evansville, IN 47708

Re: Restoration of Roads and Ditches on  
Intelenet Telecommunications Project

Dear Commissioners:

GTE North, Incorporated, subcontracting for GTE Telecom (sic) Incorporated, agrees to do the following work to complete subject project, in accordance with Indemnifying Agreement dated 1/15/88.

- 1) To remove cables from Bridges when applicable and bury any Bridge Attachments shall be approved at the discretion of the County Engineer.
- 2) Grade, repair, and restore road shoulders to restore Drainage in a positive flow from road surfaces:
- 3) Grade and Restore Roadway Drainage Ditches to Ensure Positive Flow.
- 4) Repair Damage to Road Surfaces created by Construction Vehicles.

If you need any additional information, please call Roger L. Doll at (812) 238-5342.

Very sincerely,

/s/ R. L. Doll, Engineering Supervisor  
Network Facilities  
GTE North, Incorporated

Accepted by:

Board of Commissioners of  
the County of Vanderburgh

/s/ Robert L Willner  
/s/ Shirley Jean Cox

RE: VANDERBURGH AUDITORIUM/HVAC RENOVATION - BUILDING  
COMMISSION

The Chair recognized Mr. Roger Lehman, Building Commissioner, who offered the following report with regard to HVAC Renovation at Vanderburgh Auditorium.

Mr. Lehman said he has a letter from WSC-Associates, Inc. to the Commissioners regarding HVAC renovation at Vanderburgh Auditorium. The gist of the letter is that in order to get 480v service to the Auditorium SIGECO would request payment of \$140,000, which is basically almost one-third or one-half our budget. The alternative of upgrading the current 208v service from its current capacity to 4,000 amps which originally was requested would cost the County \$30,000, but Mr. Clements stated he talked them out of it. So they (SIGECO) will provide 4,000 amp 208v at no cost to the County. The results of that is that we will have to buy a little more expensive equipment because of the fact that it is running on 208v rather than 480v and, as stated in the paragraph after No.'s 1 and 2 in the letter, it is going to cost between \$30,000 and \$35,000, the increase being involved in the electrical service, the additional conduits required, and some additional required wiring on the equipment. Therefore, we're looking at \$30,000 to \$35,000 versus \$140,000 -- so the answer seems to be fairly self-evident on the route to go on that situation.

In the Master Plan it was suggested that both ways be investigated and proceed with the one that was feasible. Based on that information, unless the Commissioners feel otherwise, Mr. Clements is proceeding on the design based upon using 208v. Incidentally, the 4,000 amp service will replace the current 1,600 plus 1,000 (total 2,600 amp service) which would allow for the expansion of the equipment plus future expansion as outlined by the Master Plan. In other words, if the building was added on to, theoretically we would not have to add more electric to what was already there.

Mr. Lehman said they did meet with Mrs. Rhoads over at the Auditorium and, based on her scheduling and the scheduling of equipment, they feel they probably can get the job done between the middle of July and the end of August -- which doesn't seem logical as far as air conditioning goes, except that that is a slow period at the Auditorium. She only has three events tentatively scheduled within that time period and she felt they could be moved. He said he may be requesting the Commissioners to issue a Purchase Order for some electrical equipment prior to the bidding so we can get the electrical equipment made up ahead of time so the delivery date can correspond with the earliest possible construction date -- which would be mid-July. Mr. Lehman entertained questions.

Commissioner Willner said, "It's kind of a shock."

Mr. Lehman said, "Yes, and as Mr. Clements stated, it took about four weeks for him to get that information out of SIGECO, because they were not really wanting to provide any detailed information until they were positive that the project was indeed going to go. The \$30,000 to \$35,000 additional cost on the equipment should not automatically be added on to what we asked in the budget -- because the \$395,000 in the budget was a general estimate and the



bids will be whatever the bids come in at. We are also going to put some alternates in for control equipment, the possibility of converting the current location of the absorption chiller into a storage area for the Auditorium (because they are sorely lacking in storage space over there) and possibly the addition of an alternate for humidification during the heating season. What we will do is bid the whole package and then take as much as we can get for our money."

Commissioner Cox said, "Roger, I want to thank you for all the time and energy and effort that you have put in on helping us to make air conditioning at the Auditorium that can be depended upon a reality. Even though we are going to have to expend an additional \$30,000 plus for modifications, I feel by your providing the services you have that it has saved us quite a bit of money there. Therefore, I would move that your report to the Commission be accepted and that permission be granted to purchase (and I suppose you will do this by purchase order) electrical equipment needed to get this project under way. I would also like to commend SIGECO for reviewing their original request for \$30,000 for increased amps and opting for a no charge -- that would be necessary for upgrading."

Mr. Lehman said, "The other comment on the 480v. In addition to the \$140,000 mentioned there, the delivery on transformers was estimated at six or seven months, which would put us past the time which we are anticipating getting this project completed."

Commissioner Willner said, "Normally, when we think about 208v versus 480v we think about motors only (motors that drive the compressor). Right?

Mr. Lehman said, "Right."

Commissioner Willner continued, "It would seem to me that 208v would be cheaper than 480v instead of an add-on cost. If you go to buy a garage door opener and you buy 1/3 horse it is much cheaper than 1/2 horse, isn't it?

Mr. Lehman said, "Normally."

Mr. Willner said, "So, this doesn't make sense to me."

Mr. Lehman said, "I probably should clarify that. A majority of the cost is in the electrical part. There is some added cost in the equipment and not being an electrical engineer I can't really say exactly why. It may take more wires than equipment, I don't know. I know it takes more wire to the electrical service to get that many amps. But this will be worked out in the bid process and I don't think it's practical to request a bid of both types of equipment to compare them, although we could probably get some comparative prices on the equipment. But, again, with the \$140,000 hanging over our heads, it seemed most prudent to proceed. Again, this is Mr. Clements' estimate; when the bids come in we will know the bottom line. I also might add that we are going to put an alternate in there for repairing the old boiler, which is leaking, and also for converting both boilers to the hot water system, which will eliminate a problem that currently exists with a receiving tank (that will not be required on the hot water system)."

Commissioner Willner said, "I guess I'm going to second it, but I think we need to watch that bid awfully close. So ordered."

RE: BUILDING COMMISSION - MONTHLY REPORT

Mr. Lehman submitted the monthly report from the Building Commission for period of January, 1988.....report received and filed.

RE: DEMOLITION FUND

Commissioner Cox noted that during the last County Council Meeting, Council did appropriate \$2,000 to the Commissioners' Demolition Fund. Of course, it will have to receive approval at the State level, but we will then be able to proceed with getting Kay's Health Club taken care of.

In response to query as to how long it will be before we know if the appropriation has State approval, Mr. Lindenschmidt reported that will be from two to three weeks.

Mr. Lehman said if the Commissioners will let him know when this comes through, he will be glad to proceed.

Mr. Willner asked, "Did they not tear one building down up there already?"

Mr. Lehman said, "They removed some debris -- but basically, no."

RE: LOCUST WOODS SUBDIVISION- LOCUST TREE LANE

Commissioner Willner said that Mr. Jack Warlick is here today with regard to Locust Tree Lane in Locust Woods Subdivision to submit a Petition re the road being torn up and dumping by a transport company. He then recognized Mr. Warlick.

Mr. Warlick identified himself and stated he resides at 7168 Locust Tree Lane. "The reason for being here is to petition the County Commissioners, as follows:

TO: The Vanderburgh County Commissioners

We, the Locust Woods Subdivision Homeowners, respectfully petition the Vanderburgh County Commissioners to order the repair of Locust Tree Lane, a county-maintained street that recently sustained damage when trucks owned by the Materials Transport, Inc., hauled heavy loads of brick and other debris to a vacant lot in the Subdivision. County Highway Department officials, responding to calls by residents, witnessed the damage taking place and temporarily halted work by the company on the street.

According to officials with the County Highway Department, due to the nature of the damage, the street needs to be resurfaced. Up to the time of the Materials Transport incident, the street was in good condition and contained no ruts or potholes. Each of us has a stake in this matter, because the price of the road's construction was reflected in the costs to our property since it was a private street when the subdivision was first developed.

In addition to the damage caused to the street surface by the heavy trucks, the water lines to the fire hydrant and the sewer line that services the south side of the subdivision, which feeds into the lift station is under the surface of that portion of the street that has been damaged. We feel that further heavy truck traffic may possibly crush these lines causing safety and sanitary problems for the homeowners.

In the interim, we ask that the Vanderburgh County Commissioners post weight limits on Locust Tree Lane to insure that further damage to our street by heavy trucks is avoided and so that operators of said trucks will be put on notice of responsibility in the event further activity should take place.

The signatures below are the Homeowners in Locust Woods Subdivision and comprise more than 80% of the total lot owners in the subdivision.

Mr. Warlick said he is sure the Commissioners are aware of it and the County Highway Department -- in fact, he believes everyone here is aware of what is taking place out there. As far as he knows, all signatures are legal signatures. They are all property owners and taxpayers of that subdivision. Some of the names are not in proper rotation because some people were out of town at the time the husband and wife had to sign the petition. He then presented the petition to Vice President Willner and Commissioner Willner asked that the record reflect that there were twenty (20) signatures on the petition which was presented to him by Mr. Warlick. (He commented their addresses all seem to be on Locust Tree Lane.)

Proceeding, Commissioner Willner said the County will certainly take care of that road for the residents -- there is no problem there. He is not real sure about keeping a 10 ton load limit. There is no problem in enforcing the State Load Limit. But anytime you go below the State Load Limit, you have to have alternative routes. "If you know how I am going to have an alternative route in there, you're going to have to let me know. But we will have our County Attorney look into it. I don't think you can legally post a 10 Ton Load Limit without giving them an alternative route."

Mr. Warlick said, "With regard to the other problem with water mains, I have contacted the Water Department and they have come out and taken test samples of the water that is leaking. They claim it might just be drainage water, but since they've been out there it is still leaking -- and I noticed just recently that they have painted blue marks on all of the water connections to the properties. This is going to probably be a problem, because where the road is breaking up is where the connections are made to the water main and they are breaking up there more than anyplace else. But the one that is in the cul-de-sac is definitely leaking. This morning when you (Commissioner Willner) were out there and turned around, your car was sitting right over the top of it -- and every car that turns around in that cul-de-sac rides right over the top of that connection. The depression there now is about 3 to 4 inches I'd say (where the road has been broken down) and also up on Schutte Rd. at Highway 62, about the same time there is damage up there. I reported that and there is water leaking through the highway up on Schutte Rd. So it is probably all happened at the same time as a result of the same trucks, because those trucks were way, way overloaded and they didn't have their extra wheels down on any of the loads. What was happening was that these trucks would maybe line up five and six deep, waiting for the one to get out of the fill area before they could get in. And this all took place, by the way, the first week of January (so the freeze/thaw rule you have, when does the ruling on that take place?) Whatever it is, they were probably illegal at the time they were hauling that stuff in."

Commissioner Willner asked, "Has there been a suit filed in the courts on this?"

Mr. Warlick responded, "At this time I don't know."

It was noted that one has not been filed on this side -- but one has been filed on the Felstead Rd.

Commissioner Willner asked if someone else wishes to speak and subsequently recognized Mrs. Shirley James of the West Side Improvement Association

Mrs. James said, "My address is 6521 Middle Mt. Vernon Rd. President Willner and Commissioner Cox, we have submitted a letter to you (of which you have a copy). I'll read it for the record."

Re: Locust Lane Problems

West Side Improvement Association has been asked by the residents of Locust Lane to make comment to the Commissioners on the problems connected with the construction of a roadway and/or lane being developed by Mr. Hermus Lewis. This lane will bridge a ravine to provide access to property (approximately 5 acres) on which, according to Mr. Lewis, he intends to build a private residence. The neighbors made call in complaints.

In recent years this neighborhood has been plagued by a lift station that was inappropriate to the needs of the development. Consequently, septic wastes spewed over the entire area, which is part of the watershed for Vanderburgh County. As a result, each family had to pay an additional \$500.00 they had not planned on to re-work the sewer. Roads then had to be repaired.

Now roads have been badly damaged and it appears there may be some damage to sewer and water lines because of the heavy equipment bringing in demolition debris which is being used as fill. Neighbors worry over the fact that the culvert is long and narrow. Should the culvert become clogged, there would be difficulty in cleaning and water would be diverted, causing additional problems to the neighborhood. The area has become an eyesore and residents are concerned this construction will drag on over a long period of time, thus lowering property values to those parties trying to sell their homes. Residents are upset because threats have been made to build pig barns and they want assurances that this will not happen. Residents told me just outside the door that Item #5 has not been substantiated. But I elected to leave it in because this happened, so those sorts of threats shouldn't be made.

Three (3) people from WIA looked at the problem, consulted with all parties listed below and reached the following conclusion:

Because the west side is the watershed for Vanderburgh County, our primary concern is to see that drainage and pollution laws are upheld and enforcement of such laws is prompt. According to pictures and personal inspection, this appears to meet the definition of a Class 3 Landfill. This definition is covered in the solid fill sanitary landfill policy statement and is as follows:

- 1) Demolition and Construction Debris: Those items affixed to the structure being demolished or constructed, such as bricks, concrete, stone, glass, wallboard, framing, finishing lumber, roofing materials, plumbing, plumbing fixtures, wiring, and insulation materials.

We understand Mr. Sam Elder from the Board of Health has contacted Mr. Rick Schroeder of the Department of Environmental Management to evaluate the situation. If Mr. Schroeder decides it is indeed a Class 3 Landfill, enforcement then will be under the auspices of the Area Planning Commission and will require a Special Use Zoning Permit which will enable neighbors to speak to the issue. In this case, West Side Improvement Association would be strictly against such zoning in light of the fact that the West Side is a watershed. Since the building being demolished is an older structure used to house automobiles forty years more or less, WIA would like assurance that no asbestos or automotive wastes (such as batteries, oil barrels, etc.) are part of the demolition. If the fill is adjudged not to be a Class 3 Landfill and is defined as ordinary fill, then it does not meet the legal requirements of fill and for Mr. Lewis' benefit, as well as the neighbors and residents living below the area, all debris

other than bricks, concrete and dirt should be removed. The enforcement of legal fill then comes under the jurisdiction of the Building Commissioner. WIA has doubts the culvert (which is long and narrow) will handle the water (sometimes as much as 5 ft. to 10 ft. according to residents, which comes down this ravine). However, contacts with Mr. Sam Biggerstaff indicate the run-off was computed by his staff and the culvert should do the job. Neighbors pointed out debris clogging the culvert recently caused the water to be diverted. Mr. Biggerstaff says it will be necessary to install a grate on the uphill side of the culvert to catch debris, because if twigs, etc., enter the culvert it will be impossible to clean and water will undermine the structure as well as divert more water in an unacceptable manner to surround the areas.

WIA is asking the County Commissioners to place the lane on their road repair list and establish load limitations for heavy equipment. Our organization would like to request a time limit be set for the lane completion so house sales won't be undervalued and the entire summer won't be ruined for residents.. We have recommended residents seek a change from Agricultural to Residential status so threats of pig barns can be alleviated and would request that Mr. Lewis sooth residents' resentments by assuring them in writing this will not happen. Such threats are counterproductive and negate any compromises that can be made to solve a difficult problem."

Commissioner Willner thanked Mrs. James for her comments.

Mrs. James added, "And I will thank the Commissioners for our improved roads -- they are great. Thank you."

Commissioner Willner asked if anyone else wishes to speak and subsequently recognized Mr. Jim Morley of Morley & Associates.

Mr. Morley said, "I did go out and look at the debris that is filled for a drive out there and I can tell you without a doubt that the material consists of nothing but bricks and debris (metal and wood) -- there is no soil -- it is not set up to be a type of material that you would normally build a fill out of -- and is exactly the same as defined by a Class 3 Landfill. I don't quite know how you can get around the provisions of a Class 3 Landfill by calling it a roadway. I think there still has to be some provision for cover.

At the location where the driveway is, there is a 12 ft. easement for public utility and drainage -- right down that area. The brick and debris have been placed over this easement. Part of it extends across this easement onto the property line on Lot #11 and that, of course, is that property owner's responsibility to take any legal action. It is not your responsibility or concern re trespass from one lot lot owner onto another lot owner -- and that does exist. However, it might be your concern that this debris is covering a 12 ft. wide public utility easement that will now be made unusable by the fill that has been placed there."

Commissioner Willner asked Commissioner Cox if she has any questions?

Commissioner Cox said, "I would like some report from the Area Plan Commission concerning the platted area and whether the easement has been vacated or if it still is in existence and what the present zoning classification is for the four or five acres in question. Has that 12 ft. P.U. easement been vacated or dedicated to adjoining property owners at one time? If it has, what was the date of such?"

Commissioner Willner said that Beverly Behme from Area Plan is present. "Bev, I believe you can answer all of those questions, but I don't believe you are capable of answering about the easement."

Ms. Behme said, "That is right."

Commissioner Willner said, "I am going to let the Attorney look at this instrument and if he wants to comment, he can. What I do not want is this group to be a legal consultant. We are not legal consultants at all and will not make a comment one way or the other on the legality of the easement."

Ms. Behme said, "The subject property..."

Mrs. Cox interjected, "Excuse me, before you start I would like for her to comment if a public utility easement shows on the plat at that area. Certainly she can do this. You do this all the time."

Commissioner Willner said, "It shows one -- but there is question as to whether or not there is one."

Mrs. Cox said, "If there have been covenants, agreements, or dedications --- or something of force, it will be up to our Legal Counsel to make a ruling on that. If all you're saying is that at one time there was a 12 ft. easement there, I will understand."

Ms. Behme said, "That is correct -- and I understand...."

Mr. Willner said, "There is even question as to whether there was one, isn't there?"

Ms. Behme said, "That is true; it shows a dimension for an easement for ingress and egress and then there is a statement that says (and this is in the recorded copy) 'The undersigned owners also reserve the right to dedicate an easement for ingress and egress across Lots #11 and #12 as street right-of-way.' So, whether or not that dedication was ever done -- Area Plan cannot answer that question. I understand there is some discussion between the property owners that if there was such an easement that it may have been given up. But, again, I can't answer yes or no."

Mrs. Cox said, "Well, Mr. Morley gave us information that the fill was within a 12 ft. easement. I am trying to determine whether that is correct or incorrect."

Ms. Behme repeated, "I can't answer that, Mrs. Cox."

Mrs. Cox asked, "Can you tell us the name of the subdivision we're talking about and the present zoning of the plotted part of the subdivision which, as yet, is to be developed?"

Mrs. Behme responded, "Yes, I can; the subdivision is Locust Woods Division". (She proceeded to point out the subdivision on a map to Mrs. Cox, saying the property in question is not part of the subdivision.)

Mrs. Cox asked, "So the property in question has never been submitted or recorded as a subdivision?"

Ms. Behme responded, "That is correct. The property is currently zoned Agricultural."

The Chair entertained further questions or comments.



Mrs. Behme said, "I do have a letter from Mr. Elder that our office received on March 4th. On the 19th of February, Mr. Will Smith, Mrs. Cunningham, myself, Roger Lehman and Sam Elder all met in the offices of the Area Plan Commission to discuss the situation of the dumping materials. Mr. Elder said he would contact the State Board of Health representative to determine whether this should be classified as a landfill. Mr. Elder said he would get back to the APC with the results of the State Inspection. I might add that if this is determined to be a Class 3 Landfill by the State Board of Health or the Health Department (whichever has jurisdiction), Area Plan would then require a Special Use Permit by the Board of Zoning Appeals. Until that classification is settled one way or the other, if it is determined that it is a Class 3 Landfill, it would require a Special Use Permit from the Board of Zoning Appeals. If it is not determined as a Class 3 Landfill and it is just fill, then I think that is determined by the Building Commission as to what qualifies as legal fill."

Mrs. Cox asked, "Is there a report in from Mr. Schroeder?"

Mrs. Behme responded, "Not unless it came in to Mr. Elder this afternoon. As of this morning I understand there was not."

Mrs. Cox said, "Well, I don't know that either Mr. Rick Schroeder or Mr. Sam Elder could make a determination on what it is until the property owner tells us that that is what he wants there -- Class 3 Landfill -- and that will have to be addressed. I don't see how they could make a determination of what it is at this time. I am very concerned about the appearance of the area and I was under the impression (I looked at this once before) that that had already been subdivided into lots for development but had not as yet been developed. But the plans specifically shows that there is no development that has been approved for that area. It is strictly a 5 acre...."

Ms. Behme interjected, "At the time I don't believe it is even a 5 acre parcel, because I believe a portion of the 5 acres was purchased by one of the lot owners in the subdivision. So, any kind of development (even to build one house) would require a minor subdivision from our office -- and that access would be addressed at that time, insofar as that driveway."

Mrs. Cox said, "Bev, I also need some help from the people who live out there, because I was under the impression that an additional lot had been sold off this area."

Ms. Behme said she can show Mrs. Cox on the area map (if they're talking about the same one) -- but she understood there was a portion off large parcel (in designated area) that was purchased. So unless she is mistaken....

Mrs. Cox said, "So some additional ground could have been sold off, causing the individual to make designated lots larger? Is that acceptable?"

Ms. Behme said, "Yes, you can do that. You can purchase additional ground to adjust a common lot line. Now, a structure could not be built on the additional land. You can just acquire more ground and adjust the lot line. But it is not a separate, buildable part -- so they could not put another house there."

The meeting proceeded with the Chair recognizing Mr. John Blair.

Mr. John Blair identified himself and stated he resides at 116 Herndon Drive. He said, "I, too, went out earlier this week and looked at this piece of property. After listening to everything that has been said today, there is only one conclusion for me to draw and that is that we've got a situation here where had the person who wanted to dump this stuff there gone before the Area

Plan Commission and gotten permission to do whatever they wanted to do, had they gone to the Highway Department and asked if it is o.k. to haul that stuff down there, had they gone to the neighbors and talked to them about that -- this might have been resolved before it ever got to this point. Now what we have is what appears to be a rather large, unsightly blight on the area that is going to reduce the values of property in the immediate area or area that this person wants to develop. It is a beautiful natural area from Felstead Road. There are signs all over that say 'Classified Forest' -- I'm not exactly sure what that means. But, in any case, it seems that we have a problem. This developer has dumped this stuff there -- probably illegally. The material certainly isn't brick and concrete and dirt. It has much more building material type stuff in it. It is a problem from a health standpoint; it is a problem from a safety standpoint; it is a problem from an environmental standpoint; and it generally is blight. And I have to remind the Commission that the County has put \$75,000 into direct Economic Development Funds this year and if I were a potential employer coming to the community, one of the things I would look at very closely is whether or not it is an attractive, well kept area. If they were to look in this particular neighborhood, they'd see five or six beautiful homes and this ugly eyesore. I would suggest that maybe the cost of repairs (and I don't know whether this is within the scope of what the County Commission can or cannot do) -- but it seems like the cost of repairs to the road should be borne by the people who were culpable for causing the repairs that need to be done and that the person who dumped this should be required to move what they have dumped until such time as it was determined that it is legal for them to dump it. Certainly at this point, it appears that it is not."

Commissioner Willner thanked Mr. Blair for his comments and entertained further questions or comments.

Mrs. James asked: "Would it be feasible -- or could -- the County Commissioners put a time limit on the time for Mr. Lewis to get construction under way and finish once it is determined whether it is indeed a landfill or a regular fill? Is that within the law for the County Commissioners to establish time limits?"

Commissioner Willner responded, "I wouldn't think so."

Commissioner Cox said, "Well, I would think so; why wouldn't it be? We put times on contracts and different things."

Commissioner Willner said, "The contracts we cause to be made we can surely put time limits on. But you can't put a time limit on Whirlpool if they want to build another building. They can build it within a 5 months' period or a 5 year period -- there is no statute that I know of. I don't even know that the individual wants to build; maybe he just wants access to his property -- I don't know this."

Mrs. James said, "Mr. Lewis has assured us that he plans to build a private residence for him and his wife."

Commissioner Willner said, "Then he does, in fact, need a road to his residence, right? Is that what he is building?"

Mrs. James said: "That is what he claims to have been building. But residents have told us they maybe have reason to question exactly the motives. But in calling Mr. Lewis, he told us that he intended to build a residence for him and his wife. Another thing though that we would kind of like have looked into by somebody (and I hope Mr. Schroeder and the Board of Health will do this) -- the building that was demolished is a large concern to us because it is in that time frame where asbestos was used rather heavily to insulate and as a fire protection. We'd like

to be assured there was no asbestos in the demolition. Is there some way we could find out about this? Would there be some plans for the old building?"

Commissioner Willner asked where the old building was located?

Mrs. James said, "I understand that it is D Patrick's. Would there be some plans on record?"

Mr. Roger Lehman said, "Not with us."

Commissioner Willner asked Mr. Lehman if he knows whether Mr. Lewis is taking the mechanical part of the building with him -- the pipes, furnaces, etc.?"

Mrs. James interrupted, "The pipes are out there at the fill. We have seen some pipes."

Mr. Willner asked, "Were they covered with a white substance?"

Mrs. James replied, "I couldn't tell; it was raining the day I was there. Nonetheless, there are pipes at the fill."

Mr. Lehman said, "It is my understanding (and, again, I wasn't at the site when the building was demolished) that they basically gutted the building prior to demolition, because they had to go in there and reinforce some things and they took down a part at a time. I don't know exactly what is in the fill. The pictures I saw and from what I saw from the top looking down, because I couldn't get access to it at the time I was out there, it appeared to be mainly wood and some tin flashing or material perhaps, carpeting, some piping, and those types of things. But, again I wasn't specifically looking for that type of material and I didn't notice anything."

Commissioner Willner said, "Let me understand; he does have permit from you to ..."

Mr. Lehman interjected, "No; there is no permit that we issue for that type of operation -- whether it be sanitary landfill or just a fill operation of proper material. He did contact my office a few months ago and ask what was proper fill and what was improper fill, at which time I told him bricks, concrete, and that type of thing and, of course, not the other types of things. Recently I sent a letter requesting him to remove the stuff that isn't proper out of the fill material. Again, that is just more or less from a request standpoint."

Commissioner Willner asked, "Did he indicate to you that he was building a driveway or..."

Mr. Lehman responded, "Yes."

Mr. Willner asked, "He is not intending to have a landfill then?"

Mr. Lehman replied, "Oh, no; he more or less expressed to me (and from what I saw) that he wants access to the property back there."

Commissioner Willner said, "I question his good judgment in building a residence there. But I don't question his right to have one there."

Mrs. James said, "No, I don't either. What we're just asking is whatever fill has been used -- is it safe fill -- because of its being a watershed in Vanderburgh County? We have attended several meetings in Indianapolis re watersheds, watershed areas, and underground water problems and have a tendency to basically be a little bit worried. So based on some of these conferences that were held at the State level (sponsored by the Farm Bureau and numerous other agencies) we feel an ounce of prevention is

worth a pound of cure. That is what our major concern is. I would just like to know whether there is any way at all we can tell whether that building has any asbestos."

Commissioner Willner said, "Other than asking the Building Commissioner to go out and take a closer look, I know of none. It certainly is not too hard to tell asbestos..."

Mrs. James interjected, "You'd have to show it to me -- I wouldn't know it."

Commissioner Willner said, "Other than that I don't know what we could do. I am going to assure you that we will take care of the road -- that much I can assure you,"

Commissioner Cox said she has a few more questions of Mr. Easley. She said she apologizes; she thought she was going to have more information -- but she was unable to talk personally with Mr. Lewis over the weekend. "However, we do need to know for the record if a driveway permit has been issued out of our County Engineer's Office, and if the proper size culvert (and it would be a culvert under the driveway) has been properly sized by this office?"

Mr. Easley responded, "I don't recall seeing an application for a driveway off of this road. There was an application made off of Felstead Rd."

Mrs. Cox asked, "No application for a driveway permit has been made off of Locust Tree Lane?"

Mr. Easley responded, "To the best of my knowledge he has not made application for it -- and I know I haven't issued one."

Mrs. Cox asked, "And there has been no input from your department concerning the size of the galvanized large culvert that is laying there."

Commissioner Willner said, "I believe it is just a drainage swale -- I don't believe it's...."

Mrs. Cox interrupted, "Oh, no, Mr. Willner; you can't consider that a swale. It goes into one of those ditches out there. Another thing, what he is doing here, he is also obstructing a natural drainage waterway and I'm not sure that that should be done without the okay of the Department of Natural Resources. I was going to relay all of these things to Mr. Lewis (had I been able to contact him and talk with him) to see if he knew the proper procedure. I do have concerns. There is damage to the roads and I did check and we did resurface the road in 1980. So, depending on our 10 year schematic plan, we still have three seasons to go of use out of that road. There has been a lot of deterioration. There are not a lot of potholes. But when you look at the surface, there is cracking and there is damage along the shoulders -- plus the water mains that they pointed out -- there is some leakage coming from somewhere. Also, as you come up off of Schutte Road (and it would be the southeast corner of Locust Tree Lane) the shoulder is all muddy along there and that indicates some damage. You can see where trucks and cars have gone off the road. I guess the road isn't wide enough for a truck to be coming in and a truck to be going out, so they are taking the mud shoulders. I'm not so sure that maybe a culvert or something under that hasn't been damaged. Another thing that concerns you is the mud and debris out onto Locust Lane. This is certainly a safety hazard, because it is dusty when it is dry and slippery when it is wet. I think that we need to take pictures now of the roads (which I think we do have) and get those on site. I would like to have that culvert sized and make sure that the Department of Natural Resources doesn't need to say here 'Yes; you can go over this ravine'. I'm not sure he can. I have

a question about that. Then, I really feel that Mr. Lewis should come before this Board and let us tell him of these concerns. I have no problem at all with allowing them access to their property as long as they go by the rules to gain this access. I did notice that some of this fill has gone down onto a neighboring property owner -- the dumping part of it -- and, of course, as pointed out by Mr. Morley, that is between neighbor and neighbor. That may very well be right, but I think that we do need to get some of these concerns and questions definitely pinned down so Mr. Lewis will know what rules he has to go by. I'm not making a judgment here that he, as an individual, has knowingly gone out and broken these rules -- when I haven't talked with him personally and I'm not sure he knows what the rules are, because I don't know what the rules are as of now about blocking the ravine and whether the culvert is the right size, etc. And, he has no driveway permit (which he really should have gotten). If he wanted to make an entrance off the cul-de-sac or off that road, I would think that would have been the first thing an individual would do -- get driveway permit -- and you have told me here today that there has been no application for that."

Mr. Easley asked, "Are you requesting that I invite Mr. Lewis to appear before the Commissioners?"

Mrs. Cox said, "I'm not saying that you need to do it, but I think this Board does need to have him appear before our Board and help us solve some of these problems."

Mr. Easley asked, "Did someone give us the diameter of that culvert that is under his fill?"

Mrs. James interjected, "It is 30 inches."

Mrs. Cox said, "If it hadn't been so muddy and so ravineous, I would have gone down there and measured it, Andy, but I..."

Commissioner Willner said, "Ask Sam (Biggerstaff) for his calculations and see if they are correct."

Mr. Easley commented, "If the culvert clogs up, how many parcels of property will be flooded -- if it rains hard and water is impounded behind it?"

There were comments from Mr. Warlick -- but they were inaudible because he was not at the podium.

Mrs. James again stated, "Mr. Biggerstaff said a grate was needed for the culvert, otherwise..."

Commissioner Willner: "That's a good idea. How many feet would you say it is from Schutte Road down to the bottom of the ravine?"

Mr. Warlick said, "I would say in the neighborhood of 60 ft."

Commissioner Willner said, "That is probably right; and the roadway is going to build up how many feet at the bottom?"

Mr. Warlick said, "Oh he's going to have 10 ft. or 15 ft. cover I suppose."

Commissioner Willner said, "Then the water would go over the top of the road when it got 15 ft. high, right? But it would need to get 60 ft. high to come up"... (in response to inaudible comment from Mr. Warlick, Mr. Willner said you cannot block a waterway -- that is correct).

The meeting proceeded with Commissioner Willner recognizing Mr. Tom Pfender, who had indicated he wished to speak.

Mr. Pfender said, "I am one of the residents on Locust Tree Lane and I would like to state that this subdivision adjoins USI property and a lot of money has been spent and a lot of peoples' hopes have finally been realized. We now have a State University here. I think the area around there should be developed accordingly, not just what one individual decides needs to be done. I really think that to gain access to that property back there he needs to install a bridge -- not a culvert. I used to live out there as a boy and these creeks and ravines sometimes get water (one time I tossed a huge rock into the water and watched it go 15 feet before it sank) -- and there is a tremendous amount of water goes there. While it is true that it is probably a 60 ft. drop from the top of Locust Lane to the bottom of the ravine, Schutte Road farther towards the entrance to USI (which is used heavily by USI students) is at a much lower elevation between Locust Tree Lane and Highway 62. If this roadway is put in here, this could conceivably (I am not saying it would) back water up clear across Schutte Road, which is an access route to Clark Lane (which goes into the parking lot at USI). And I think this thing really needs some careful consideration by everybody involved, because we've got a lot at stake here other than the fact we residents feel we are being sort of abused."

Commissioner Willner expressed appreciation to Mr. Pfender for his comments.

RE: OLD BUSINESS

The Chair entertained matters of Old Business.

Mrs. Cox said she has several items. But with regard to this, the residents need some reassurance and we need to bring them up to date and also set a time table for further discussion on this. The hauling has been stopped and that ban has not been lifted by the County Highway Department -- because of the freeze/thaw law that will go off April 15th she understands (or some time around there). Is this correct?

Commissioner Willner said, "I don't think so; I think it takes an act of this Board to stop any hauling -- but I am not sure of that. Maybe I'll let the Attorney answer that question, because it is a tricky one."

Mrs. Cox said, "These people have come up here and I want them to have some assurance that tomorrow they are not going to see these trucks coming back up and down the road again. If we can't give them that assurance, they need to know it while they are here. That is why I am trying to get something -- and get Mr. Lewis to come in. I went to school with Mr. Lewis. I think you can work together to get problems solved. But we don't know here who is on first and who is on second. And we need to find this out and we need to have people here who are authorized to give us commitments and answers -- and we can't do that without him being present."

Commissioner Willner asked if there is a representative in the audience representing Mr. Lewis? There was no response.

Mrs. James asked if Mr. Lewis goes to obtain a roadway permit, will the neighbors have an opportunity to address this? What are the rules?

Commissioner Cox said, "The rule is that before the permit is issued the County Engineer would go to the site and look at the site and see if it needs to have a culvert installed, what size the culvert should be, approve the road width and determine if it is near an intersection. It may have to be moved one way or another. So there would be a review by the County Engineer's Department. She said that is basically what they do. (If I am



incorrect, Andy, please correct me.) Somebody doesn't come up here and say they want a permit to build a driveway and someone just issue a permit. There is some follow-up before the permit is issued."

Commissioner Willner said, "This culvert that Shirley is talking about though would be at the roadway -- not down on the gentleman's property. That does not come under our jurisdiction, okay? But the roadway does. I am not sure that I can tell you that the trucks will stay off of there. We have asked them to -- but I don't think we've told them not to -- and there is a big difference in 'asking' somebody and 'telling' somebody. If he should decide tomorrow -- I don't know that I could stop him. I don't know that. So if ...."

Mr. Hustace said, "The thing is, if he starts hauling again, I think there is some duty on the part of the residents to tell the Board that this is going on. Then it would be up to the Board to consider the matter to see what could be done."

Mrs. Cox said, "It is not only the hauling of what is there now; we cannot leave the area in its present fashion simply because of the aesthetics of it. It is very unsightly to look at and there are some beautiful homes with some beautiful views, plus the waterway has an obstruction (it is partially obstructed) and we cannot go through a rainy season coming up on us with that there. And, Mr. Willner, I disagree with you. I think it is one of the most beautiful places in Vanderburgh County to build a home. Now, I do share your concern about how to get to that home; but I would love to have a home back in that area -- I think it is absolutely beautiful."

Commissioner Willner said, "There is no question as to its being beautiful. I didn't say that. The Ohio River is beautiful, too; but you don't build a home out there in the middle of it."

In response to a query concerning time limit for the driveway to be built, Commissioner Willner said, "Let me ask you a question. Did anybody put a time limit on you when you built your house? Just answer that."

The individual responded, "Yes; oh yes; it was in our covenant."

Commissioner Willner said, "Maybe in your covenant, but it's not legal for us to put one on."

Commissioner Cox said, "Well, I think we need to have that interpreted, because if I remember, some permits for sanitary or temporary landfills were given with the understanding that they would be completed. I remember the one out on..."

Ms. Behme interjected, "That is true if you apply for a Special Use Permit. But the letter from the Health Department right now is saying that this doesn't qualify and the Building Commission is going to have to decide whether the fill is legal or what is to be done. And I think Roger has sent a letter to Mr. Lewis or is sending a letter to Mr. Lewis to that effect. When the Board of Zoning Appeals has a public hearing on a landfill, yes, they set a time limit."

Mrs. Cox said, "I think if they can do it we can do it. We've got home rule and I think we can do it."

There were brief comments from the audience, but they were inaudible.

Commissioner Willner said he doesn't know that there is any monetary fine if an individual does not ask for a driveway permit. "To give you a little background on a driveway permit, it is customary for the County Engineer to size the pipe or culvert

in the roadside ditch. That is what the thing was set up for. This does not need a pipe, because it is all downhill from the roadside. So I'm not saying he shouldn't have gotten one, because he should have. But I don't think there is any penalty if he doesn't."

Commissioner Cox said, "That is what Mr. Morley was speaking to when he brought out that he is blocking a 12 ft. utility easement, which probably the cul-de-sac is tilted back a bit to allow for natural drainage off the end of the cul-de-sac -- and that is why."

Mr. Hustace said he will just make one comment. I don't know whether the residents have checked with their own counsel to see whether or not this fellow has, in fact, legal access to his property. And, perhaps that is something that should be done by the owners out there. I looked at the subdivision plat and it certainly isn't clear to me that he does, in fact, have a right of access."

Mrs. Cox said, "He couldn't be issued a driveway permit then."

Mr. Hustace said, "Well, that is the initial step -- to figure out whether he does have legal access to his property; and I don't think that has been done."

Commissioner Willner said, "I agree; and it has not been done."

Mrs. James asked, "Then will the County Commissioners not do anything until that part is determined? Is that what I am understanding?" Other than improve the road, which I don't know if we want to do until after we find out whether we are going to have more trucks on it or not. But am I understanding that that is the commitment of the County Commissioners?"

Commissioner Willner said, "He first has to get a permit."

Mrs. James said, "He first has to get a permit and that permit would be contingent upon whether he even has access."

Commissioner Willner said, "If you'd like to, hire an attorney. I'm telling you that is a legal matter."

Mrs. James said, "I understand that, Mr. Willner; I am not questioning that. What I am saying is that before he can get a permit the easement would have to be determined by a Court of Law? Would it not?"

Attorney Hustace said, "If he were going to apply for a permit and the residents of the area objected to the issuance of the permit, he would have to have some grounds on which you would object to the issuance of a permit and, certainly, the matter of legal access to Mr. Lewis would be legitimate grounds of objection. But that would be up to you, through your own private Counsel, to determine whether or not there was, in fact, grounds to object to this permit."

Mrs. James asked, "But he can go ahead and apply for that permit at the present time and then the County Engineer would have to come out and do this surveying, address the problem of the culvert, etc.? Then, would we meet with Mr. Lewis at all before this body?"

Commissioner Willner said, "You may do so if you want to. I don't know whether he would even come to this meeting. He doesn't have to in order to apply for a permit."

Mrs. James asked, "But As far as this body is concerned that is all that will take place at this point?"

Commissioner Willner responded, "As far as I know -- plus we will take care of the road. I can tell you that. But the rest of the things you're asking me, I don't know -- because maybe only a Judge or a good attorney (one of the two) would know -- I'm not sure. And I am not trying to put you off. I just am not capable of making that decision."

The Chair entertained further discussion or other old business.

Commissioner Cox said, "I do intend to contact Mr. Lewis and let him come before this Board to explain what he is doing. If he intends to operate a sanitary landfill, then he needs to state that right here. We need to get all these points clarified for everyone's benefit and the sooner the better. (Mr. Willner said he appreciates this.) Mrs. Cox stated she has nothing further to say on that, but she does have some other items of old business.

RE: PEACH BLOSSOM LANE

Commissioner Cox queried Mr. Easley re Peach Blossom Lane.

Mr. Easley said the contractor has met with a representative of Union Federal and they are negotiating what they are proposing to do with repair of the street, as he marked it.

RE: AMENDED AGREEMENT - DMD

Mrs. Cox asked if the Board has the amended agreement with DMD wherein it included that they are going to furnish the Board of Commissioners with Quarterly Reports?

RE: BURDETTE POOL - BID OPENINGS

Commissioner Cox said she has noted on her calendar that the Board was to have bid opening on Burdette Pool Filtration System today.

Commissioner Willner said bid openings have been delayed until next Monday, March 14th.

RE: LOCUST TREE LANE - LETTER FROM HEALTH DEPARTMENT

Commissioner Willner requested that the following letter from the Health Department concerning Locust Tree Lane be made a part of the minutes:

March 4, 1988

To: Barbara Cunningham, Director  
Area Plan Commission

From: Sam Elder, Director  
Health Department

Re: Complaint from Will Smith  
7166 Locust Tree Lane

It appears that an attempt to construct a driveway to a piece of property east of Mr. Smith's home has been undertaken. Most of the fill is brick bats from construction debris. I do not feel that this fill could be regarded as a landfill.

I have requested Mr. Rick Schroeder of the Indiana Environmental Management Board to investigate this operation at his earliest convenience and to inform me if it constitutes an illegal landfill.

RE: COUNCIL OFFICE SPACE

Commissioner Cox noted that the Commissioners had also received a letter from the city concerning the space presently being used by County Council -- so that matter is finalized.

RE: OPEN BURNING ORDINANCE

Mrs. Cox noted that the Commissioners have nothing on the Open Burning Ordinance at this time.

RE: ST. JOE - ALLEN LANE INTERSECTION

Commissioner Cox said the other complaint or concern she received pertains to the intersection of St. Joe and Allen Lane -- to have the Commissioners look at that intersection to see if they can do something to improve it. Not necessarily install signal there -- but we're going to have to purchase some right-of-way on all sides of it and widen that entire intersection. That will make a larger storage lane in the center, because that seems to be what is happening -- people can't get across. They don't allow enough time and there isn't anyplace to stop in the center of it. Perhaps we could apply for some funds or even include that intersection in our road program.

Commissioner Willner asked that Mr. Easley contact him when he has some time (after the Purdue Road School). He also has some suggestions for Allen Lane and St. Joe Avenue, some of which include striping a dangerous intersection perhaps. But they need to get together on this.

RE: BRIDGES #103 & #104 on BOONVILLE-NEW HARMONY RD.

Mr. Willner said he also needs to get with Mr. Easley re the bridges on Boonville-New Harmony Rd. He hasn't yet contacted Mrs. Ziliak?

Mr. Easley said he has not. He has to get a map to Rex King. He and Bill Bethel looked at that when they were out checking the resurfacing and it was one of the people's opinion that they were probably going to have trouble getting access off at that point.

Mr. Willner said, "That is for the second bridge?"

Mr. Easley said, "That is the second bridge."

Mr. Willner said, "I understand that -- that's going to be tough. But I'm talking about the first bridge. I'd like to get that taken care of before summer."

Mr. Easley said he is working on it.

RE: BURDETTE PARK - REQUEST TO GO ON COUNCIL CALL

Commissioner Willner said Mark Tuley is under the weather today. Other than the check from the West Side Nut Club, part of his program was a request to be placed on the Council's agenda for their April meeting to ask that the money be placed back in his budget (145-424 - Playground Equipment Account). He said we have a check from the West Side Nut Club written to Burdette Park. Do they need to go through the Commissioner's General Budget to spend that money? It was for a specific item. What Mark is thinking here is that he has to go before Council before he can spend that money. Commissioner Willner said he doesn't think so.

County Auditor Sam Humphrey asked, "It was given by the West Side Nut Club to Burdette Park for a specific thing?"

Mr. Willner said that is correct.

Mr. Humphrey said he will ask John Wilgus from the State Board of Accounts about it right now -- as he just saw him out in the hall.

Returning to the meeting, Mr. Humphrey reported

RE: PUBLIC HEARINGS

Mon. March 14 2:30 p.m. Development Block Grant  
Program (Room 307)

Mon. March 21 6:30 p.m. Hearing re County Roads

RE: CLAIMS

Veach, Nicholson, Griggs Assoc.: Claim presented in the amount of \$3,977.88 for road design and plans per contract on the Green River Road South project.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, the claim was approved for payment. So ordered.

RE: EXTENDED INSURANCE BENEFITS - MARY JO KINGON

Mention was made that Attorney Miller was going to check on extended benefits for Mary Jo Kingon, an employee in the Prosecutor's Office. Mr. Willner said he thought we could keep an employee on for 16 months, but he isn't sure. He thinks that is the new COBRA ruling -- but she has to pay it.

Mrs. Cox said, "Well, I'm not so sure."

Mr. Willner said, "I'm not either, that is why we asked David to research it."

Mrs. Cox asked, "Didn't we keep Red Watson on it for a year?"

RE: EMPLOYMENT CHANGES

Cumulative Bridge Fund (Appointments)

Jack G. Waldroup, Jr. Bridge Supt. \$19,474/Yr. Eff: 2/29/88

Cumulative Bridge Fund (Releases)

James W. Coleman Bridge Supt. \$19,474/Yr. Eff: 2/26/88

Clerk of the Circuit Court (Appointments)

Deborah Mottley Bond & Fine \$6.00/Hr. Eff: 2/27/88

Clerk of the Circuit Court (Releases)

Christine Montooth Bond & Fine \$6.00/Hr. Eff: 2/27/88

Pigeon Township Trustee (Appointments)

Billie S. Goff Chief Deputy \$19,454/Yr. Eff: 2/29/88

Burdette Park (Appointments)

Paula Short	P.T.G.C.	\$4.00/Hr.	Eff: 2/20/88
Barbi Martin	P.T.G.C.	\$4.00/Hr.	Eff: 2/19/88
James Jones	P.T.G.C.	\$4.00/Hr.	Eff: 2/25/88

Pigeon Assessor (Appointments)

Theresa Market Part Time \$35.00/Day Eff: 3/7/88

Circuit Court (Releases)

Gil Schiff	C.S.O.	\$21,689/Yr.	Eff: 3/4/88
Benjamin Evans	Disp. Tech.	\$9,282/Yr.	Eff: 3/4/88
Michael Peeler	T.O.	\$720/Yr.	Eff: 3/4/88
Benjamin Evans	Disp. Tech.	\$9,371/Yr.	Eff: 3/4/88
John W. Voight	W.R.O.	\$15,750/Yr.	Eff: 3/4/88

Circuit Court (Appointments)

Benjamin Evans	Disp. Tech.	\$21,689/Yr.	Eff: 3/7/88
Michael Peeler	Disp. Tech.	\$9,371/Yr.	Eff: 3/7/88
John W. Voight	T.O.	\$720/Yr.	Eff: 3/7/88
Oscar Kirkpatrick	W.R.O.	\$397/Yr.	Eff: 3/7/88

RE: BURDETTE PARK - CHECK FROM WEST SIDE NUT CLUB

Commissioner Willner asked Auditor Humphrey if he has an answer concerning deposit of the check from West Side Nut Club?

Mr. Humphrey reported that we cannot deposit that check directly into the Burdette account. However, we can create a special fund for this and all we have to do is claim out of it. We can call it anything we want to call it. We don't have to run it through the General Account -- just create a special fund. (Mr. Willner suggested we call it "Burdette Park Special Account.")

Commissioner Willner asked if Mr. Humphrey will handle this and he agreed to do so.

Commissioner Willner asked for Mrs. Cox's comments.

Mrs. Cox said she has no preference as to how this is handled as long as it is legal.

The Chair entertained a motion.

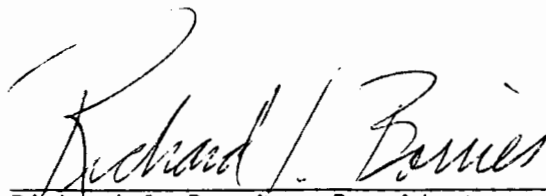
Upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, the check from the West Side Nut Club was endorsed for deposit into a Special Account for those items intended at Burdette Park. So ordered.

The Chair entertained further items of business for discussion. There being none, Commissioner Willner declared the meeting adjourned at 5:50 p.m. So ordered.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R. L. Willner	Sam Humphrey	Cedric Hustace
	S. J. Cox		
	R. J. Borries (Absent)		
	<u>COUNTY HIGHWAY</u>	<u>COUNTY ENGINEER</u>	<u>BLDG. COMMISSION</u>
	Bill Bethel	Andy Easley	Roger Lehman
	<u>AREA PLAN</u>	<u>OTHER</u>	
	Bev Behme	James Lindenschmidt	
		Jack Warlick	
		Shirley James	
		Thomas Pfender	
		Grace Pfender	
		Will J. Smith	
		Kay Forbes-Smith	
		John Blair	
		Others (Unidentified)	
		News Media	



SECRETARY: Joanne A. Matthews

  
Richard J. Borries, President

  
Robert L. Willner, Vice President

  
Shirley Jean Cox, Member

MINUTES  
COUNTY COMMISSIONERS MEETING  
MARCH 14, 1988

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MINUTES  
COUNTY COMMISSIONERS MEETING  
MARCH 14, 1988

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, March 14, 1988, in the Commissioners Hearing Room with President Rick Borries presiding.

RE:     APPROVAL OF MINUTES

The meeting was called to order by President Borries, who subsequently entertained a motion concerning approval of the minutes of the meeting held on February 22, 1988.

With a minor change having been noted on Page 11, Paragraph 13, upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the minutes were approved as engrossed by the County Auditor and the reading of same waived. So ordered.

Approval of minutes of meeting held on March 7th was deferred until the Commissioners have the opportunity to review same.

RE:     AUTHORIZATION TO OPEN BIDS FOR BURDETTE PARK POOL  
FILTRATION SYSTEM

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, County Attorney Curt John was authorized to open the bids received on pool filtration system for Burdette Park. So ordered.

RE:     EMERGENCY 911 SYSTEM

President Borries introduced Mr. Jerry Larrison of Indiana Bell, who was present for purposes of providing information with regard to the Emergency 911 System. Mr. Borries said Mr. Larrison has been most valuable in providing us with information on the E-911 System, as well as working with us to extend the Basic 911 System into Vanderburgh County. He has had a busy time following the legislation at the Indiana General Assembly, but during a conversation a few weeks ago, he had asked Mr. Larrison to come to the Commissioners meeting today to provide the Board with an update and some idea about the costs and ways in which the E-911 System could be implemented in Vanderburgh County. We've seen demonstrations previously, but he thought it important that by this time the General Assembly would be finished with their work and the bill would, at this point, either be passed or defeated and we could then begin to look at other alternatives if it did not pass. Fortunately, it has, and he is pleased to welcome Mr. Larrison today and the Board would welcome his comments.

Mr. Larrison said the bill has been passed and signed by Governor Orr and it is now a law. He is telling every community (in fact, they are Xeroxing a copy of the bill he has right now) to take it to their legal counsel and have him look it over to make sure they follow the steps in the proper manner. He does know that where it refers in the bill to the County Fiscal Body (he believes this is the term they use) that is the County Council -- not the County Commissioners. The bill reads sort of like this (this is his interpretation): That a City, or a County, or a Municipality, or a Town -- but a group of people -- can get a price from the Telephone Company to supply Enhanced 911 Service. They would then prepare an ordinance and take it to the County Council for their blessing. The Council at that point has ninety

(90) days in which to respond to the agency asking for the approval to surcharge the cost of the Enhanced 911 Service. Again, his understanding of the law is that if the Council does not respond within 90 days the community can go ahead and do it. (that is, direct the Telephone Company to start surcharging for Enhanced 911 Service.) The Council can also come back and say 'We want to have the same surcharge throughout the county' (or whatever area they are covering). So, you could possibly get into a situation like this. If Evansville, for example, said they wanted to go to Enhanced 911 and we want to surcharge -- and they go to the Council and the Council says okay -- or the Council doesn't respond, and Evansville goes ahead and does it and starts out at "x" cents per subscriber and then the County comes in and says they want to do it, too, the Council could then come back and supercede Evansville's surcharge (which would probably increase it). To give you a rough idea of costs of Enhanced 911 (and they haven't really changed that much except that he's concerned as to the number of Public Safety Answering Points we may have here in the County when we finally want a price for something). We talked about having all the County subscribers (he's talking telephone subscribers) come to the Sheriff and all of the City subscribers come into the City. And we can do that with the new Enhanced System. We can actually go out and follow the City Limits and just direct those people to the City and everything else in the County can be directed to the Sheriff. That technology is in the Enhanced 911. If we had two (2) Public Safety Answering Points, they should probably each be three (3) positions (three people) sitting in front of the screen and the automatic number identification unit. And they think probably about five (5) lines into each center would suffice. Or, if we did it with one combined center (as a lot of counties are trying to do and go county-wide and have one what he calls "Public Safety Answering Point" (the acronym is PSAP) -- then we could probably get by with five (5) positions, because there are economies answering in one spot versus segregating it into two. So we could do it with five positions -- he's very comfortable with that -- and probably eight or nine lines.

"As you all know, we just recently (in February) brought in these three county exchanges into 911 Service and that is called Basic 911 Service, meaning that anybody in any of those three exchanges (whether in Vanderburgh County or the adjacent County) -- if they dial 911 they are coming to the Sheriff here. I want to bring this up, because if you go to Enhanced 911 we have the capability of breaking that County line and directing only the Vanderburgh County residents to the Sheriff. Now, there are some risks here, because the people who are over in the adjacent county who now have 911-- if we did that, we'd direct them to an intercept operator, unless that adjacent county went to Enhanced 911 as well. In that case, we'd direct those people to wherever they told us to over there. I just want to point that out. While we have the capability of really going right down the road and directing one side one place and one side the other, it can be risky once you've had Basic 911 installed. To give you some idea of costs, we have totally in the County around 80,000 telephone subscribers."

Mrs. Cox interjected, "Is that just in the County or the entire City-County area?"

Mr. Larrison replied, "City and County. I have no idea how many may be over in Posey County (of that one exchange) -- probably not that many -- but there undoubtedly are a few over there. But for purposes of planning, I believe you need to think in terms of 80,000, because if there are only 79,000 today, by the time we would get the system up and running (which is about two years from now) you probably would be at 80,000 -- so I think you need to use that figure for planning purposes. We're looking at somewhere around \$71,500 to \$75,000 insofar as installation charge goes. We're looking at a monthly rental - and as I said

earlier, if you have two separate Public Safety Answering Points versus one - it is going to range anywhere from 12 cents in a surcharge on the phone bill to maybe as high as 20 cents. I realize that is a fairly broad range, but I think we need to look at it like that today. The main thing we need before we ever order the system and definitely before we can ever start the surcharge -- we must have a directive from some body -- some legal authorized body saying they want us to do this -- and they will have had to go to the County Council. The law also says (and we don't know how you are going to do this) you can use the surcharge to also help pay the installation charge. The only way I could see that happening is perhaps you start surcharging maybe two, three, four or five months ahead of the cut-over, where you build up enough money to pay this installation charge. Or, maybe you ask us to delay a couple of months until this is built up enough -- if you want to use the surcharge technique. That in a nutshell is what I know about the bill. They have added no amendments to it -- and I have talked to three different attorneys and gotten three different opinions on lots of different things, so my company has said what they do will be at the direction of any legal authority that tells us to do it, but they are going to have to read it over and understand it. If you have any questions, I will try and give you my opinion (I am not a lawyer, but I will try to give you my opinion.) We're still looking at 18 to 20 months (we were 16 and 20 months). Since I was here before we've received an order from Kokomo. We've already received an order from and they are in the process of installing -- Milwaukee, WI and Madison, WI. There is also another city in Illinois (I can't recall the name) which will bring the total to eleven (11). I don't want to name names -- but we have four other very large cities not quite as big as Evansville which are trying to sort out the wheat from the chaff on this bill and we expect them to order. We're going to try to hold to the 18 to 20 months if we possibly can. As discussed previously, if you do decide to go with one (1) center - which I would commend you for if you can pull that off - that would be the best way to price it, because it will be less expensive that way. But we can go either way."

President Borries entertained questions of Mr. Larrison.

Mrs. Cox asked, "Mr. Larrison, then the surcharge would be collected by the phone company?"

Mr. Larrison said that is correct.

Mrs. Cox asked, "On what schedule would those monies be turned over to the County? On a monthly basis? Or, a quarterly basis?"

Mr. Larrison said, "On a quarterly basis. We're what you would call a line item on the phone bill and it would be something like a statement that would say 'Emergency Communications Charge collected for Vanderburgh County'. We will collect that money and send you a check quarterly. We'll also send you a monthly bill. Now, the Legislature wrote this thing. We wanted to bill it and keep it, but that wasn't the way it was written. I think there were some reasons for doing it this way. We'll send you the bill. The Legislature also wrote in there that the (I'm going to call it municipality) municipality will pay the Telephone Company and additional three percent (3%) for mailing and administrative costs of collecting this and mailing it. Frankly, at this point I don't know how we'll know whether someone paid it or didn't pay it -- but eventually we will be able to send you a report of people who are not paying it -- to the best of our ability, that is. What you do with the report I don't know. But we're going to send you the bill. According to what our people are telling us, the further we get down the road -- if we get 1,500 people last month who refused to pay the ten or fifteen cents, then we may deduct that from the check we send to you. Again, I don't know how we're going to accomplish that."

Mrs. Cox asked, "Do you really have people who take off part of their phone bill before they pay it?"

Mr. Larrison responded, "Well, I don't want this to go out all over the world, but yes, there are people who refuse to pay their taxes. They pay everything on the phone bill but their taxes. Not very many, thank God. But we have no control over it; we just turn it over to the State and Federal people."

Mrs. Cox asked, "So your company would receive approximately 3% of the total amount being sent to us for the administrative costs?"

Mr. Larrison said, "Right. If the bill was \$5,000, we'd send you a bill for \$5,150.00. That was not our idea either. I think the bill is a little complicated that way, but I think there is a reason for it -- so I'm not going to argue with it."

In response to query from Auditor Sam Humphrey concerning cost for estimated 80,000 subscribers, Mr. Larrison said a lot of that will depend upon how many Public Safety Answering Points we have and how much trunking they really have to get into. That is pretty heavy -- 20 cents -- he doesn't think it will hit that at all, but he'd rather say that at this stage. He has seen surcharges in some areas of the State as high as \$1.01 (that is the worst he has seen so far) -- the reason being that it was a very small community with about 3,000 subscribers and they are 200 miles from their tandem point. Fortunately, there is a tandem point here in Evansville, which makes that cost much less. They prepare a Memorandum of Understanding, which is (for lack of a better description) their contract or order form. If we could tell him how we want the calls to be answered (by this he means do we want the Sheriff to answer County and the City to answer City? Or, do we want to have one central point) he can work up some prices and we can take this legislation and go to the Council. We should have at least two options.

Commissioner Willner said, "Our Sheriff and the City will be dispatching from the same center point -- so we'll have to go with one center, right? They'll be using the same equipment in the same room."

Commissioner Borries said, "We're moving in that direction, but as you're well aware, in government it takes time and a lot of players and we have to make some decisions about whether or not that is going to be housed here. Jim Lindenschmidt, our Executive Assistant, has worked with various units and it does not look good. Not because of Jim's work, but because the Building Authority feels there are some big expenses involved if there has to be a special floor and all kinds of modifications. So it doesn't look good. That would mean that we would have to look at a separate structure. I can't speak for all the Board, but I believe we entered into an agreement to look at this. Our problem is when that will be on line. In other words, we have a lot of decisions to make -- a site to find and that sort of thing. But the commitment is there and I think we are going to move in that direction."

Mr. Larrison asked, "Do you anticipate building a building somewhere? Then you're looking at 18 months which, again from our angle, I would think it would take a couple of months even after you get the price to go through the ordinance procedure and all this other stuff before you're ever able to take advantage of the surcharge arrangement. Using that and another 18 to 20 month interval, we'd be into 1990 or awfully close to it -- and that is not unusual."



Mr. Borries said, "Again, I would think it would be safe to assume that you could in this Memorandum of Understanding that we'd be looking at one point -- central dispatch. Obviously, we will have to talk to the Mayor and members of the City Council to see if there is that agreement and, of course, talk to the County Council to get agreement there. But assuming that all of that is in place, that would be the assumption."

Mr. Larrison asked, "Would you like for me to prepare -- not necessarily the memorandum, but to prepare some costs for you based on one (1) Public Safety Answering Point with everything in the County coming into it? One last question, the people that are in the exchange that splits into Posey County. St. Joe? If we break the people out in Posey and run intercept (versus continuing to let them come into here)? If you let them continue to come in here, that is fine -- we can do that without any problem."

Mrs. Cox said, "Well, our problem would be whether our ambulances could provide service outside the County boundary."

Mr. Larrison said, "Well, keep in mind that the system -- if that resident in Posey County dials 911, it is going to say whatever ambulance service serves them, even though it is somebody out of Posey County. The only problem you might have is notifying the agency that they need to run out to such and such address."

Mrs. Cox said, "You're going to have fire, too. I know Perry Township answers a lot of calls as first responder. They wait for a call from the Volunteer Fire Department in the Township to call them in; but are they going to go across their jurisdictional line for these calls that are coming in? I don't know what these people are being told if these things happen."

Mr. Larrison said, "We'll back off at that stage, too. We're not going to try to tell you how to do it. There is one other little point I forgot to mention. Up in the very northwest tip of the county there is another exchange -- another telephone company that just dips down into your county (Elberfeld, I believe -- Continental Telephone Company). We don't have any kind of commitment from Continental to participate in this system. So if you want to go to just exact boundaries of the County, I would have to bring that telephone company in there. At this stage I can't make a commitment for them. I don't know whether there are two or twenty subscribers in that piece of ground. There might even be 200, I don't know."

Commissioner Borries said, "There are twenty-three or twenty-four that I'm aware of."

Mr. Larrison continued, "So the prices I will quote you will not include that piece of the County. If you want me to, I will go to Continental; but I would need a letter from you asking for a county-wide system -- because I am not allowed to go to other phone companies without some kind of request from the governmental unit."

Commissioner Borries asked, "What is the feeling of the Board on this?"

Mrs. Cox said, "Well, I feel that I don't know how many people are involved out there and I would like to know what their preference would be. However, as long as it is not going to be on their bill and they are not paying for the service, I think they will still have the option to dial and it would probably be long distance (they'd have to dial "1" in front of our emergency number to get an Evansville response -- either the Sheriff or their Township Volunteer Fire Department.)"

Mr. Larrison said, "They'd have to continue to dial a seven digit number. To bring in that small number of subscribers is going to be very expensive. Since you have so many subscribers, it probably is not going to affect the bill that much -- maybe a penny at the most -- and it may not even affect it at all. I know we had one area of the State where we brought in just twenty (20) subscribers and the cost was almost \$1,000 more per month. That doesn't mean a thing if it saves a life, I recognize that right off the bat -- but they may be better off (and Continental is talking to us about our providing them the service throughout their area of Southern Indiana and that small group of people if the County north of here would go county-wide, it might be better for them to be trunked in to Princeton (is that the County seat) if they use that kind of concept up there."

Mrs. Cox said, "But, again, we'd be getting into the same problem of jurisdictional lines in providing emergency service over the County line."

Mr. Larrison said, "I know; but unfortunately our telephone boundaries just don't run with -- I don't know, whoever laid them out a long time ago didn't think much about the County.....a lot of rivers, railroad tracks, etc., break us up. Can I answer any other questions?"

Mr. Borries said he really appreciates Mr. Larrison's coming down. "From my personal standpoint, I think it is an essential service that government can provide. There are few things we can do for people as important as this one, so I hope it will be the feeling of this Board that we will go forward on this and do so very quickly. The technology is there; it seems the bill is now through the Legislature; everything is ready and we just need to make that commitment and I'd certainly like to move forward."

Mrs. Cox asked, "How long are the price quote you're going to give us good for? Can you include that? As pointed out by Messrs. Willner and Borries, we're facing the combination of both of these services; but as to exactly when that is going to become a reality is a question mark at this time."

Mr. Larrison said, "There is one good thing about the Memorandum of Understanding. If I quote you a price and I say this price is good for ninety (90) days, all I'm meaning there is if you sign this Memorandum of Understanding within that 90 day period, for example, the price is then frozen for literally twelve (12) years, because it is going to take us almost two years to get it in and then the price is good for ten (10) years. There are a couple of things that can affect it (and it won't affect it much -- but the pricing is based in blocks of one thousand subscribers. If you start out with 79,001, we are going to base it on 80,000. Some day when you roll over 80,000, then we'll jump it to 81,000. Or, if you went under 79,000, we'd drop it. So it could work both ways. But generally the growth of telephones has been in a vertical fashion, thank goodness. Surcharge-wise, I don't think it will ever change. In fact, it may eventually start to go down a penny in four or five years or something like that. Some people are going to say that the Telephone Company just had another rate increase. They will never look at their bill; they will just see it went up 12 cents or 15 cents and think our rate went up (which it did) -- but we're used to taking the heat."

Commissioner Borries, "I think that clarification was obvious because that bill last year really suffered from some misunderstanding. I think it got tied up with some problems where there were those who did perceive that and there is obvious service that each citizen will receive from this. It is a rate increase to the extent that they are going to be paying for something that they could not realize. And I think this will really offer a significant improvement in our entire emergency network in the county. Just as a final thought, with those

people I realize the expense, but I wish you would pursue that with CONTEL. I know there was one resident I spoke to when I spoke to a Boy Scout Troop at school a month or so ago. He was concerned enough that he brought it to my attention -- so I feel that as far removed as they are at times from hospital or emergency services they do have some concerns -- so I would like to pursue that. I realize there will be some expense involved, but confusion can result when someone can't get that service and they need it. That is really in some respects what prompted us to begin to move quickly - there was some confusion that occurred north of Darmstadt."

Mr. Larrison requested that the Commissioners provide him with a letter, which would give him some documentation with which to go to CONTEL. He said he would make one last point. He won't name the town, but it is a small town where about 60% of the people are senior citizens (he hadn't even thought about this, but it does make sense when you consider it) -- but they are really fighting for this thing -- wanting it very badly -- because they are senior citizens it is maybe tougher to get to a telephone. But if they can get to the telephone they can at least dial "911" and fall on the floor -- they will know where the call came from. So it is an excellent service for people like that, as well. He will get to work and wait to hear from the Commissioners with regard to the letter.

Commissioner Borries assured him the letter will be forthcoming and again expressed thanks to Mr. Larrison for his informative presentation.

RE: DEPARTMENT OF METROPOLITAN DEVELOPMENT/PUBLIC HEARING  
RE DEVELOPMENT OF BLOCK GRANT PROGRAM

President Borries welcomed Mike Robling of DMD, who was present in conjunction with the Public Hearing re Development of Block Grant Program.

Mr. Robling said today was advertised as Public Hearing for an industrial infrastructure grant from the Indiana Department of Commerce. They have offered this grant to Vanderburgh County for the purpose of upgrading two sewer lift stations to serve Ameriquel Foods' new packaging and processing facility at U. S. 41 and Volkman Rd. Ameriquel is constructing a 48,000 sq. ft. facility which will utilize the latest technology for the production of food products. They plan to create 105 new jobs during their first year of operation and up to 320 new jobs during the first five years. Their proposed investment initially at this site is over \$5 million. The project for which the grant is being sought is the upgrading of the PPG and Pfeiffer Rd. lift stations. The Evansville Water & Sewer Utility's engineering consultant has valued the existing and projected waste water flows from the U. S. 41 corridor, which is served by these stations. It is their conclusion that these lift stations are in an immediate need of upgrading so as to serve the anticipated industrial growth in the area. While Ameriquel Foods' immediate needs can be met by the present facilities, the \$19 million Dometic Company proposal which is still being considered (which would be located at U. S. 41 and Baseline Rd.) could not be accommodated without this proposed upgrading. The water and sewer utility consultants (Donahue Associates) has estimated the cost of upgrading the PPG lift station to be \$245,000 and the Pfeiffer Rd. lift station at \$251,000 for combined cost of \$499,000. The Department of Commerce has made a preliminary commitment to the County to fund Ameriquel's share of these lift station improvements, which is currently estimated to be \$61,634.00. The balance of \$437,000 plus would be required to come from local resources. If the Dometic company does eventually commit to this Baseline Rd. site, it is possible that we could qualify for the entire \$605,000, which the state has preliminarily committed. Since this was advertised as a Public

Hearing, we need to ask if there is anyone in the audience who has any questions about the project or wishes to comment on any past community development and housing needs. There being no response, Mr. Robling entertained questions from the Commissioners.

Continuing, Mr. Robling said he placed two (2) Resolutions which would be necessary to proceed with this project on the Commissioners' table:

- 1) Resolution authorizing submittal of an application to to the Indiana Department of Commerce.
- 2) Resolution calling upon the County Council to appropriate the required funds for completion of this project.

The Chair entertained questions of Mr. Robling.

Mrs. Cox asked, "Mike, this first Resolution would simply be authorizing you to request the \$61,634? Or would this be additional funds?"

Mr. Robling said, "It could be as much as \$106,000 plus administrative costs to reimburse DMD for its work in preparing the administrative grant and for audit fees. If it were to be the full \$106,000 (which we may be able to get) the total grant amount would probably be about \$110,000 with audit fees, etc., added in. In the event we were able to receive the full \$106,000 from the State, the local amount would go down proportionately."

Mrs. Cox asked, "And what would we do with the additional forty thousand some odd dollar?"

Mr. Robling said that would remain with the County to be re-appropriated for some other use.

Mrs. Cox asked, "Is this total cost of the lift station improvement \$499,000, or is this a shared cost?"

Mr. Robling said that is the total cost of upgrading both of those lift stations. The PPG lift station was built by PPG when they went in at their current location and it was sized to meet their needs plus some expansion and minor residential-industrial growth in the area. Amerigual Foods, as a food processor, is a heavy water user which will be basically using up the rest of the capacity of the station. If the Dometic project comes to fruition (which we certainly hope it does) it is the fourth largest water user in the City's water system and there currently is not capacity there to serve that proposed facility.

Mr. Borries commended Mr. Robling for his work on this and entertained a motion to approve the Resolutions.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the Resolutions were approved and signed. So ordered.

Mr. Borries said he didn't know if there were questions about the other document to be signed (the amended Inter Local Governmental Agreement)

Mr. Robling said he would like to resolve any questions concerning the Inter Local Governmental Agreement, because it has already been approved by the County Council and it is up for action by the City Council this evening.

Attorney John said Auditor Humphrey had some questions. Perhaps if he reads it, Mike can better explain it. But it says, "The consideration for the services - basically if the grant would entitle you to recoup out-of-pocket expenses or any other funds."

Mr. Robling commented, "Right. In the example I just gave, we asked for \$106,000 for this project. Part of that extra \$4,000 going to \$110,000 would be to reimburse us for our services."

Attorney John said, "I think that was one of your main concerns."

Mr. Robling said, "The State Inter-Local Cooperation Act requires that an agreement like this between two units of government specify which fiscal officer (the City Controller or the County Auditor) would be responsible for receiving and disbursing funds under this."

Mr. John asked, "And under this, the County Auditor would expend all the funds and keep track of it."

Mr. Robling said, "Right, since this would be County grants that is the way we set it up and that is the way it has been done on several projects in the past."

Mr. Auditor asked, "The City and the County funds both?"

Mr. Robling said, "Well, technically they are all County funds." There would be cases on a quarterly basis like the Sunbeam Plastics project where we submit claims to the Commissioners for reimbursement to us. But the funds in that case came from the State and we are depositing it in the Auditor's office and then claims to pay the contractors or the Auditor for our services were reimbursed through the County claim process."

Mr. Humphrey said he did not see where the Auditor got any additional money to handle this. He's getting a lot of additional work.

Mrs. Cox said, "If I'm not mistaken, we've signed two other pieces of paper on this. Haven't we, Mike?"

Mr. Robling said there was a Resolution signed by the Commissioners on February 22nd.

Mrs. Cox said, "I thought we signed two and we talked about..."

Mr. Borries said, "This was the other one and I don't know why we didn't sign that at that time."

Mr. Robling said, "You did sign a Resolution at that time, because Jim showed me a copy."

Mrs. Cox asked, "In which of these papers we're signing is it going to speak to the Quarterly Reports?"

Mr. Robling said, "That relates to the Metro Vanderburgh County Loan Fund, which is a different matter entirely."

Attorney John said he has the agreement that has to do with the County and the agreement with his department authorizing them to perform certain functions. It describes how they will get reimbursed for any expenses and what have you. That is not with the loan program.

Mrs. Cox said, "I thought that was with the loan program."

Mr. Robling said, "No, they are really very separate matters."

Mrs. Cox said, "You just told me that that is where the Quarterly Report is going to come in."

Mr. Robling said, "It was my understanding that your concern about Quarterly Reports was with the loan program, which is where the County has appropriated amounts of money that are then used

by Metro SBAC to make loans in unincorporated areas. You wanted to be kept up to date on the status of those funds -- and that is a different matter."

Attorney John submitted the original Grant Agreement between the County and the Metro Department..

Mr. Robling explained that it is not the Metro Department. Metro SBAC is a not-for-profit corporation totally separate from Metro.

Mrs. Cox asked, "Is that the one Kay Fuchs is over?"

Mr. Robling said that is correct.

Mrs. Cox said, "So we can expect to get nothing from the Department of Metropolitan Development about what you are doing?"

Mr. Robling said, "What we did before we started this discussion was a part of that process. If we get a grant for these sewer lift stations we'll have to come back to you concerning agreements with the Waterworks Department, contracts for having the work completed, etc. Because you are the governing body and the grant recipient, you have to take those actions as they are required."

Mrs. Cox said, "Thank you -- I think it is beginning to get a little clearer."

Mrs. Cox then asked Mr. Humphrey, "Do you understand this clause in here about the Auditor?"

Mr. Humphrey said, "I don't understand why I'm not getting paid -- everybody else is."

RE: COMMUNITY IMPROVEMENT BLOCK GRANTS

Commissioner Willner said it is time for the Community Improvement Block Grants. He took the application down to DMD this morning. We sent one in last year and it was not funded. If any of the Commissioners have a grant they would like for DMD to write, they should see Mary Ann Kolb within the next couple of days and give her their thoughts.

Mr. Robling said we have until March 31st to submit a letter to the State.

Mrs. Cox made an inquiry concerning last year's request.

Mr. Robling said that last year we submitted two applications - one for Hillcrest and one for the County Revolving Loan Fund. Both of them were determined ineligible. They have a policy against spending revolving loan funds. With regard to Hillcrest, they did not fund it because they claimed it was located within the City of Evansville, which is a Community Development Entitlement city, so it receives Block Grant Funds itself.

Commissioner Borries said, "I think the ironic part about that was that the Southwest Mental Health Foundation did apply for those and did receive them."

Mr. Robling said they received Community Block Grant Funds from the City for renovating the recreation building.

Mark Owen has also asked them to consider an application for an elevator at the Auditorium and that would have the same problem as the Hillcrest Home, since it is located in the City. He believes that application was submitted several years ago.



RE: EUTS - ROSE ZIGENFUS

Project Update: The following Project Update dated March 10, 1988 was submitted by Mrs. Zigenfus:

Third & Fifth Street: After comments from the public hearing are addressed in the Design Study Report, a request for Design Approval may be made. When Design Approval is given, appraisals may begin. All activities should take place by the end of the month.

Fulton Avenue: The project plans have been sent to IDOH for Grade Review. The plans include a request for a design variance for the curves on the extension. Bridge Plans have been returned with comments.

Boonville-New Harmony Road Extension: The County is preparing to begin right-of-way acquisition. The project is planned for a summer letting.

Lynch Road Extension: The urban portion is in grade review. The rural portion is postponed until approval of the Interchange Proposal is given. The State is currently reviewing the Proposal.

Green River Road - North: Hearing Plans re being drawn. Field Check brought few changes, except the possible acquisition of additional right-of-way at the Lynch Road Intersection.

Green River Road - South: Grade Review brought few changes. The greatest change was the addition of a sidewalk on the east side of the roadway.

Eickhoff-Koressel Road: United Consulting is reinitiating the environmental process to accommodate a new alignment. The County is considering accepting Interchange Feasibility Study for S.P. 62 and USI.

Pollack Avenue: The City Engineer's Office is waiting on a Notice to Proceed from the County Commissioners to begin design.

Orchard Road Bridge: Plans have been reviewed and returned with comments.

Boonville-New Harmony Road Improvements: The Categorical Exclusion for the section from U. S. Highway 41 to Green River Road has been approved. Design will be conducted in-house.

Federal Funding Applications: Mrs. Zigenfus said she is also submitting Federal Funding Applications for President Borries' signature. Along with that is a prioritization of those projects, which was established last week by the EUTS Technical and Policy Committee. "As you can see, we're looking at extension of Boonville-New Harmony Road as the Number 1 Priority; Lynch Road is Number 2 and the Boonville-New Harmony 3-R Project is Number 3. Also listed in this compilation is the Bridge Rehabilitation Replacement Projects (Fulton Avenue, Boonville-New Harmony, Orchard Road and Ohio Street). I will just say that the Ohio Street Bridge is just in the environmental stage. We are currently doing the environmental for that particular project. All of the others have received approval. The railroad projects were a mixture between the City and the County and we will be looking for some construction money in FY89 at Fulton, Franklin at CSX, CSX Stringtown and Fulton at CSX."

Commissioner Willner asked if we looked at the three railroad crossings he gave to her in Union Township?

Mrs. Zigenfus said they don't meet the criteria at this point in time to be programmed for anything. The way the priorities were established on the railroad projects is a combination of factors: the daily train traffic, the AADT (amount of vehicle movements on that particular facility) and whether or not there is some type of warning device and what that warning device is. That is given a point factor and then it is correlated out to a priority index -- as the railroad and the IDOH request they do it. So this was not at our choosing, but the way the numbers shake out in the listing.

Mrs. Cox asked, "Rose, would you please make the statement as to why under the Rural Secondary category we do not show anything for the Eickhoff-Koressel overpass at USI and Highway 62?"

Mrs. Zigenfus said, "Well, we are not applying for funding for that project, Shirley. What our FA2 Applications are is we are applying for some type of funding, either preliminary engineering, right-of-way, or construction for all of these projects. The Eickhoff-Koressel Feasibility Study is not going to entail using Federal or State funds -- they are all local dollars. Let me also clarify that that is why the extension of Eickhoff Koressel is not on here, because we are not applying for Federal funds. That doesn't mean we aren't still pushing that project and it doesn't mean that it is not making progress. But it is already in preliminary engineering and we don't anticipate that it will be using any design money within the next year. At that point they don't request us to prioritize it or apply for funds. They say only apply for those projects which you are certain you will be moving into. They don't want to be burdened with extra paper."

Commissioner Borries entertained a motion to sign the Federal funding applications.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, President Borries was authorized to sign said applications. So ordered.

Intersections/Stop Signs: Mrs. Zigenfus said they have received requests through several different agencies (Commissioners, City Police, County Police, and Engineer's Office) that they take a look at some intersections, with regard to stop signs. The intersection of Greenfield and Greencove is one intersection in the County they looked at recently. They sent to Gene Kautzman a recommendation that a sign be installed there on the east and west approaches on Greencove. That sits just south of Covert Avenue. Greenfield intercepts with Covert and Greencove crosses Greenfield. Due to the location, they are recommending that a two-way stop be installed there. She will need the Commissioners' approval before Mr. Kautzman can install the sign.

The Chair entertained a motion.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, installation of two-way stop sign at intersection of Greenfield and Greencove. So ordered.

USI Interchange Proposal: Mrs. Zigenfus said EUTS needs the Commissioners' approval to solicit invitations to bid for the Interchange overpass. They estimate the cost will be under \$25,000, as Andy has already secured \$10,000 of that from County Council. Because of that factor, what we need to do is solicit proposals from three (3) different firms. The proposals will then be evaluated (in which she hopes the Commissioners will be involved). We'll look at the qualifications, the scope of work, their ability to complete the project, and the cost. The time frame they've attached to this is that we should have a complete Feasibility Study by July 1.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, Mrs. Zigenfus was authorized to solicit invitational bids. So ordered.

Mrs. Cox asked, "Rose, you understand how an invitational bid is to be handled?"

Mrs. Zigenfus said, "I know what ITBs are, but are you referring to anything special?"

Mrs. Cox then asked Purchasing Director Tom Dorsey, "Mr. Dorsey, you're aware of the procedure on invitational bids, aren't you?"

Mr. Dorsey responded, "Yes."

Mrs. Zigenfus said, "You don't advertise; all you do is solicit from three different firms. That is what Mr. Miller has told me; is that your understanding, Tom?"

Mr. Dorsey responded, "You can solicit from three (3) different firms. You have to mail them and allow them the opportunity to respond (a minimum of 7 days) and the bids have to be submitted sealed and opened by the Board."

Boehne Camp Rd.: Mr. Borries asked if Mrs. Zigenfus has responded on the Boehne Camp Rd. problem?

Mrs. Zigenfus said she responded via correspondence. (Mrs. Cox confirmed she received her copy in her mail box on Friday.)

Commissioner Cox asked Mrs. Zigenfus if EUTS took into account that the Convalescent Center is going to be built there and it is around a school zone? Mrs. Zigenfus said they did. Mrs. Cox said the Sheriff gave her a verbal report (she has seen nothing in writing). He clocked some people out there and the highest speed was 43 mph and this was in the morning.

Commissioner Borries expressed thanks to Mrs. Zigenfus for her report and said if we can get the written report from the Sheriff, we'll go from there.

RE: VANDERBURGH AUDITORIUM - REQUEST TO GO ON COUNCIL CALL

Mrs. Gy Rhoads said that in going back over the 1987 calendar, they are finding that at least ten (10) times per year they went to the Stadium to borrow exhibit tables or banquet tables. There were probably other times they did borrow them, but these were just the times taken from the past function set-up sheets. That is at a cost of 32 man hours to pick them up and return them (2 men) -- so we're talking about \$288.00 every time we do that. It would cost us the same amount of money to buy sixty (60) banquet tables as it would to go borrow them ten (10) times from the stadium. We're doing something that is not really cost effective, but at this point they have no choice. She doesn't know what they would do if ever there was a time Roberts Stadium was using all of their tables at a time when the Auditorium had an exhibit coming in. She tried to clear it with Jon Hill beforehand; he has been very kind in letting them do that -- but it is a problem for the Auditorium. They need equipment to operate the facility. The sixty (60) banquet tables would give them the high and the low that their space will accommodate for an exhibit -- 220 booths -- and they have had that on several occasions. They like to utilize the full space.

16" Round Tables: Ms. Rhoads said people who come for banquets have been requesting 16" round tables for some time. At this point, the reason she is here today to talk about it is because they have had two specific functions who bring in a great deal of revenue who have taken a vote among their employees and they feel that they would like to go somewhere else where they could have

round tables for their banquets. They do have very nice banquets. One of them has been coming for sixteen (16) years and over that period of time they feel they have put at least \$65,000 into Vanderburgh Auditorium and this is the first request they've made for the round tables. But they have taken an employee vote and they will be going somewhere else if we're not able to do that for them. She wanted to bring this to the Commissioners' attention. She hates to see us facing a loss of revenue and \$65,000 is a great deal of money to not pay attention to. They have been a good loyal patron. We also have other people who really would like to use the round tables. If we are going to be, remain and continue to market Vanderburgh Auditorium, we need to stay in that market. All good banquet halls have round tables and it looks as though we may be coming to a point of sophistication. When people book functions, they can choose where they go for what they want. So more than just having the basics, we probably need to think about those things.

The Chair entertained questions.

Mrs. Cox said she concurs; she talked with Gy earlier and she informed her that she had taken this before the Auditorium Advisory Board and they concurred with her thinking. Mrs. Cox said she sees Ms. Rhoads has three (3) bids.

In response to query from Mrs. Cox concerning the size of the tables, Ms. Rhoads said that the banquet tables are 30" x 96" and 32" high. These are the regular standard exhibit tables.

Mrs. Cox said she talked with Mr. Hart's secretary today in the Work Release Program, simply because when she was in Mr. Humphrey's office about a month ago she saw the nice shelving. She contacted Mr. Hart and he will be contacting Ms. Rhoads concerning the Work Release people either building tables or the risers she is interested in.

Mr. Humphrey said he asked Mr. Hart to build a picnic table for him and he said he didn't have the labor.

Mrs. Cox said, "Then, that will be his answer. But at least there will be some contact there."

The Chair entertained a motion.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, approval was granted for Ms. Rhoads to go on April Council Call.

RE: BURDETTE PARK - MARK TULEY

Mr. Tuley said that in addition to the bid opening for the Burdette Park Pool Filtration System, he has two other items for the Board's attention.

Kiddy Player for Baby Pool: The Commissioners have seen the Kiddy player for the baby pool. He is asking that the Commissioners waive their traditional bidding process, the reason being that there is a sole supplier of the Kiddy Player. They had Mr. Harrison, our consultant at the Aquatic Center, research this. He has told Mr. Tuley that to his knowledge and that of the World Park Water Association there is no other manufacturer of this type of equipment. (There are other Kiddy Players, but not this type). For longevity and safety reasons they have elected this specific type of equipment. He checked with Attorney Curt John and he told him the Commissioners could waive the bidding process if we bid on it. First of all, no one else can meet the specs. Secondly, we wouldn't be able to get it in for Memorial Day. He guesses Tom Dorsey can expand on this.

Mr. Dorsey said there are two things to consider: One is the State law. We're not required to bid anything until it is over \$25,000. His understanding is that the price on this is \$20,000. That leaves the Commissioners' policies which go to bid at \$10,000 (he believes). In this case, since the item chosen is manufactured by a sole vendor the bidding process is more of a bureaucratic procedure than anything. If there is only one bidder out there, it stands to reason that once you've chosen that particular item that is who you will wind up purchasing it from.

Commissioner Borries said, "Mark has relied heavily (based upon what Tom has said) what William L. Harrison Associates (part of the World Water Park Association) has advised. His letter said, "With regard to your inquiry concerning the availability of vendors who compete with the products of .....General Store, I know of no firm that offers the same product line. I have checked with the World Water Park Association and they could not name a single competitor for the General Store's play area project." I think your reasoning behind this is based on what Phil Harrison has told you and that is in terms of safety and liability and also durability (if I am correct)."

Mr. Tuley said this is correct.

Commissioner Cox said, "I also read in that letter that somewhere along there we are saving 25%, rather than send them a design and have them design something which I don't think we could pick anything better than that which Mr. Tuley has already selected."

Mr. Tuley said, "That is right. If we put in a custom order, it would cost us 25% more than we're paying. Actually, they tell me there will be a packaging and shipping charge added to that in the neighborhood of \$1,000. For another \$1,500 they will send one of their men in to help us assemble it, etc. The total cost of the thing will be just a little under \$22,500."

The Chair entertained a motion.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the request was approved. So ordered.

Request To Go on Council Call: Mr. Tuley said he is requesting permission to go on April Council Call to request additional funds. At budget time Council cut them back in several accounts, but he is now required to go back and try to get that money re-appropriated, as follows:

145-271	Chemicals	\$4,000.00
145-314	Telephone & Telegraph	\$4,000.00
145-344	Advertising	<u>\$20,000.00</u>
Total		\$28,000.00

Mr. Tuley said the \$4,000.00 for pool chemicals will bring him up to what he spent last year. He would assume that chemicals haven't gone down and we're probably going to spend about the same amount this year. The same is true for the telephone bill. With regard to advertising, that pretty well is in line with the budget we have worked out with the Ad Agency this year for the new items added to the park. We're going to be doing some new promotions, etc. We're working with Hardee's again this summer and are going to expand that. We've also just signed to do a promotion with WGBF Radio and 7-Up, which would be a summer long promotion -- and he's looking forward to that.

The Chair entertained a motion.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the request was approved. So ordered.

RE: READING OF BIDS FOR BURDETTE PARK POOL FILTRATION SYSTEM

Attorney Curt John reported that we received a total of five (5) bids on the Burdette Park Pool Filtration System and all bids were in order (including bid bonds and properly signed non-collusion affidavits. The bids were as follows:

L&W Construction/Carmel, IN: \$26,830.00  
Recreonics Corporation, Indianapolis, IN: \$19,122.81  
Neptune-Benson, Inc., West Warwick, RI: \$20,529.00  
Keifer Pool, Northfield, IL: \$21,201.00  
Beacon Construction Co., Inc., Florence, AL: \$16,085.00

Mr. John said it is his recommendation that the bids be turned over to Mark Tuley and Tom Dorsey for their review. He noted there were alternates included in the bids, including sending engineers here and other things.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the bids are to be given to Messrs. Tuley and Dorsey for their review and recommendations at the earliest possible date. So ordered.

Mr. Borries noted for the record that bids were received from Rhode Island and Alabama -- this must be some kind of special....

Mr. Tuley interjected, "It is; we sent out specs to thirty filter manufacturers and we got five (5) to respond. (One of the manufacturers is located in Japan.)

Mr. Tuley said he and Mr. Dorsey should be ready to make a recommendation next Monday:

RE: GRANT AGREEMENT BETWEEN VANDERBURGH COUNTY AND METRO SMALL BUSINESS ASSISTANCE CORPORATION

Attorney John said the next item of business concerns the Grant Agreement between Vanderburgh County and the Metro Small Business Assistance Corporation. Currently they are required to submit on an annual basis the outstanding grants. From reviewing the Commissioners' minutes, it looked as though we wanted Quarterly Reports from them submitting the outstanding grants. He has in front of him an amendment to the agreement (which he assumes Attorney Miller prepared) to be executed by the Commissioners and Metro. It says the Metro Small Business Corporation shall make Quarterly Reports to the Board of Commissioners of Vanderburgh County as to all grants funded by use of monies originated from the budget of the Commissioners of Vanderburgh County. That is basically all it says, and he doesn't know what all that report would entail, other than probably a list of those grants that are outstanding. To amend the original agreement, it will take both parties to execute it.

The Chair entertained a motion.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the amendment to the agreement was approved and signed. So ordered.

Attorney John said this should be forwarded to Kay Fuchs of Metro SBAC.

Joint Communications Department: Attorney John said he attended the meeting re the proposed Joint Communications Department at the Police Department and is working with Keith Wallace from the City of Evansville on some forms and proposals to bring before the Commissioners and the City.



RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Work Report/County Garage: Mr. Bethel submitted copies of the Weekly Work Report for Employees at the County Garage for period of March 7 thru March 11, 1988.....report received and filed.

Gradall: Young Rd., Waterworks Road, Big Schaefer, Denzer, Mesker Park, McCutchan Rd. and Red Bank Rd.

Patch Crew: Boonville-New Harmony, Kirchoff, Creamery, Mesker Park, 5th Avenue Bridge, Green River Rd., LaDonna, Alameda, Schutte, Peerless, Frey Rd., Oak Hill, Hitch-Peters, Whetstone, Meier and Mill Rd.

Tree Crew: Nurrenbern, Schlensker, Kern Rd. and Smith-Diamond

Graded & Rocked: Happe, Neuman, King, Hickory Ridge, Maasberg, Noldau, Westlake, Seminary, Golden Rule and Schissler.

Finished installing and repairing flood gates.

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

- Installed culvert on Young Road and rip-rapped ends of culvert
- Rip-rapped ends of culvert on Huebner Rd.
- Delivered and installed culverts on Denzer Rd.
- Cut culverts on Darmstadt Rd.
- Hauled old guard rail from Old 460 to replace new guard rail.
- Installed and painted guard rail on Old 460

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

Connection Road Between Montview Drive in Valley View Subdivision and Woodland Hills Drive:

Mr. Bethel said he discussed this matter last week. This week he sent Lee Stuckey out and he checked with over two-thirds of the residents and found no one against this whatsoever. Mr. Easley has given the Board an estimate of what it would cost to install the connection road. Mr. Bethel said he feels he can put this in with County Highway forces if the Commissioners want him to -- or they can have it installed. Estimated cost is \$4,500.00.

Commissioner Borries expressed thanks to Mr. Bethel for his work and to Lee Stuckey for conducting the informal poll, as well as providing cost figures. Comments were entertained.

Commissioner Cox asked, "Now, do you have a way to compact the crushed stone base, Bill?"

Mr. Bethel said he would not be able to compact the stone itself, he'd just have to go over it with his big roller. He has about a 2,000 ton roller he could use to crush it in there with. Either

way, it is a pretty reasonable price. \$4,500.00 is not bad at all and a contractor would have the right compactor. Everything is there, including the right-of-way.

Commissioner Borries asked the Board for their comments.

Mrs. Cox queried Mr. Bethel re the width and he said it is 18 ft. asphalt/concrete with crushed stone base.

In response to query from Mrs. Cox as to depth of crushed stone base, Mr. Easley said it is 8 inches.

Commissioner Willner said he is not in favor of the County doing this. The developer didn't do it because he thought he could get Vanderburgh County to do it. He thinks this is a very poor attitude and he thinks it is wrong. This should have been done in the first place by their forces and their dollars. We don't do it for any other development and we shouldn't do it for this one. He really has no problems with it.

Mrs. Cox said, "That is an old subdivision though. I looked at the subdivision plat and it goes back a long time ago when it was platted and recorded. I can't even remember who the developer was."

Mr. Bethel asked if it wasn't Lee Marvin?

Mr. Willner said, "I have no problem with it. Do what you want to."

Commissioner Borries said, "Well, we can take it under advisement or think on it today."

Mrs. Cox said, "Well, I know the Scott Township Volunteer Fire Department sent a letter; they were very concerned about the ability to get around subdivisions. I have confidence that our County crew can install this section of roadway without any difficulty, so I would move that the cost estimate for connection of a road in Valley View Subdivision between Montview Drive and Woodland Hills Drive in the amount of \$4,500 be accepted and that the County Highway Superintendent be instructed to proceed with this improvement."

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

RE: COUNTY ENGINEER - ANDY EASLEY

Mr. Easley said he doesn't have anything to present or that requires the Commissioners' approval. This week he and Lee Stuckey hope to start contacting the eleven (11) owners on the Boonville-New Harmony road parcels that have to be acquired.

Peach Blossom Lane: With regard to Peach Blossom Lane, he understands Union Federal is to receive a proposal from J. H. Rudolph the early part of the week on doing their repairs by asphalt.

Commissioner Borries asked that someone from Mr. Easley's Department inspect that.

Mr. Easley said he and Mr. Bethel will discuss this with the Commissioners for their input before they give approval one way or the other.

RE: COUNTY TREASURER - MONTHLY REPORT

President Borries presented the Monthly Report for period ending February 28, 1988 from the County Treasurer.....report received and filed.

RE: CLERK OF THE CIRCUIT COURT - MONTHLY REPORT

Also submitted was the Monthly Report for February from the Clerk of the Circuit Court.....report received and filed.

RE: ALEXANDER AMBULANCE SERVICE

Mr. Borries presented a Billing Summary for January from Alexander Ambulance Service, Inc.....report received and filed.

RE: CLAIMS

Bowers, Harrison, Kent & Miller: Claim for litigation expenses in numerous cases in the amount of \$5,262.09 was presented.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the claim was approved for payment. So ordered.

Metro Small Business Assistance Corp.: Claim in the amount of \$10,000.00 for reimbursement to Metro S.B.A.C. for long-term loan to Southern Indiana Body Works, Inc.

Metro Small Business Assistance Corp.: Claim in the amount of \$15,000.00 for reimbursement to Metro S.B.A.C. for working capital loan to Robert Becker d/b/a/ Alfab Metals.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, both claims were approved for payment. So ordered.

Commissioner Cox noted that this is the first notification that our Board has received on these. Her concern is that the money we are using saves businesses and jobs. In the case of Alfab Metals, Alfab projects the creation of twenty (20) new jobs within the next two years and two jobs are being retained. Southern Indiana Body Works projects it will create two new positions within the next two years.

Mrs. Cox said she would point out that she noted in the legals that a firm who had one of these loans (she doesn't know whether it was City or County) was being sued for non-repayment of loan and had gone into bankruptcy. She thinks, however, it was a City loan.

In conclusion, Mrs. Cox said she wants to extend a note of thanks to Metro Small Business and Kay Fuchs for including the amount of information they have when submitting the blue claims. This helps a great deal.

RE: OLD BUSINESS

Locust Tree Lane: Commissioner Borries said he was in Washington, D.C. last week. However, he did read the minutes. Does Mrs. Cox have a report on the Locust Tree Lane situation?

Mrs. Cox confirmed that she does. Following the meeting last week (when a group of very concerned residents along Locust Tree Lane was at the Commissioners meeting voicing their concerns re damage to the road and the unsightly appearance of things being put into a wooded area at the end of the road) she did meet with the owner of the property in question for about an hour and forty-five minutes. Mr. Lewis gave her a complete overview of the situation and indicated his plans to her for that area. She has talked with one of the residents on Locust Tree Lane -- and she tried to contact another -- to report her findings in order to allay some of their concerns. She did talk to Mr. Will Smith -- but could not reach the other resident. She would like to report for this Board and for the record that upon meeting with

Hermus Lewis (the owner of the property) he indicated to her that this is not a landfill, that he had obtained information needed to fill in for a driveway only. He did ask for brick and/or concrete to make a good base for a driveway but he got a few other things in the loads hauled. He is willing to remove the lumber pieces and the carpeting that happens to be in the fill. He doesn't feel like this will be very much. He did have a ticket for the hours the truck driver had incurred in hauling to the site area and he did reject some loads as unsatisfactory fill because of the nature of the lumber and other materials noticed in the loads to be hauled to the area -- and he did reject those. He plans to only build a home in the area -- a chalet style home for him and his wife. His only other plans (and these are down the way) are that he may give a parcel of the acreage to a son. He plans no apartments, no subdivisions, no pig pens -- and really he can do no more because of the narrowness of the right-of-way of this drive. (She thinks a subdivision requires 50 ft.) He will apply for a driveway permit. He does have a temporary design for that driveway permit at the end of Locust Tree Lane on the cul-de-sac. It will need a culvert under that driveway and will need a grate for drainage and then the drainage will be provided down both sides of this driveway. He does plan a roadway surface of 10 ft. of asphalt; the sides will be slanted and seeded and drainage will be down both sides of the driveway. He will smooth out. He will remove all debris not on his property. He will fill cover with dirt and entirely seed the area. The drainage ditch culvert was designed by an engineer and the size as based on elevation and calculated run-off to the area. He preferred a concrete drainage tile for the area, but due to the terrain and the heaviness of concrete, it was just impossible to get that size structure down that large hill until perhaps the road had been built somewhat. They opt to put the heavy gauge drainage culvert in place prior to the building of the road simply so they could keep the drainage channel open and not fill spill in there during the course of building the roadway bed. The engineer said that a 20 ft. length culvert would be adequate and Mr. Lewis chose a 40 ft. length culvert to keep the area open while the fill was being brought in. This will be slanted; the fill around it will be slanted and rocked, as necessary, to hold the culvert in place. He estimates no more than 5 ft. of fill over the culvert area. In other words, the driveway is not going to go straight across from the end of Locust Tree Land over to the other hill. It will go down the hill across the small creek tributary that is there and up the other way. She did ask him what his time element was included here and he said he would already have had this work completed had he not received a stop order from our Highway Department to stop him from carrying fill into the area. He can begin as soon as the Board gives him permission to start to haul in there and this will not be something that will be drug out over a long period of time or the entire summer to get the fill to build the road. That is something that can be done within a short period of time. He wants to get his home started back in the area. So this is what she has to report.

Commissioner Borries said this is now part of the record. Based on what Mrs. Cox found, should the Board make a motion to allow Mr. Lewis to proceed?

Mrs. Cox said, "I would tend to agree; and I can understand Mr. Bethel's concerns for the roads with the freezing and thawing. We had such beautiful weather and then it went down below freezing over the weekend. So you don't ever know. This Board did agree to fix that road. It needs to be resurfaced. It's got a lot of cracks in there and the Water Department has repaired the broken water main along the cul-de-sac area and also as you come off Schutte Rd. So, I would have no objection to this Board so instructing Mr. Lewis to obtain his driveway permit and to proceed to haul the fill in there for his roadway. I don't think we should plan on doing any repair or resurfacing of the road until he has completed that."

Commissioner Borries asked Mr. Willner if he has a second to that?

Mr. Willner responded, "No; I don't think we should have stopped him in the first place. And I don't think this Board did. Come to think of it, I don't really think the County Highway did. So as far as I'm concerned, he was free the next day to do whatever he wanted to do. It was real clear that he was putting in a driveway and not a landfill and we've heard this B.S. from them for about the last time. I'm tired of it. They come up here and hollar. All they would have to do would be to go to the gentleman and talk to him. But they'd rather come up here and raise a lot of cain. As far as I'm concerned, we didn't stop him and he is free to do what he wants to do."

Mrs. Cox said, "Well, I think we need to have an agreement here that he does need to get a driveway permit."

Mr. Willner commented, "We said that last week."

Mrs. Cox continued, "And there was some concern over the easement that is there. They vacated the 15 ft. easement for roadway on both sides of that section line some time ago and the last lot on the south bought part of that easement. In fact, part of that easement is where his home is built. So all that is there now or remained was a 6 ft. drainage easement down each section line -- center line. Rather than 25 ft. it was reduced to 6 ft. But what Mr. Lewis has done, he has bought an additional 25 ft. from the property owner that he just sold the lot to and plans on moving this 6 ft. drainage easement from the section line over on the other side of the driveway -- and I really don't see any problem with that as long as there is a provision for drainage. I don't know if there is a problem or not -- if it needs to be recorded; or does that drainage easement need to be vacated and another one accepted as a drainage easement? I didn't know what to do there. It might be well for him to come before the Drainage Board and present his plan for that area. Would that be asking too much?"

Commissioner Willner asked, "Why him? Why not everybody else that builds one in Vanderburgh County then? Why are we picking on this gentleman? I don't understand it."

Commissioner Cox said, "Now, Bob, I'm not picking on him. Just answer me...."

Mr. Willner interjected, "Why don't we do it for the whole rest of the county then?"

Mrs. Cox said, "If it is all right to move a drainage easement over on the other side of the 25 ft. strip....."

Mr. Willner said, "I'm not sure I know what a drainage easement is. Is that so he can run his water on someone else's property?"

Mrs. Cox replied, "No, he is running it down his property."

Mr. Willner asked, "What does he need an easement for then? I don't understand this."

Mrs. Cox said, "Because this water is basically coming down Locust Tree Lane and it is running to the end of the cul-de-sac and it is running off over that cul-de-sac down onto Mr. Lewis's property. So that Mr. Lewis doesn't sue everybody else that lives up above him, there has to be a drainage easement granted."

Attorney John asked, "Are you sure that there is some formal easement? The normal drainage laws -- as far as drainage of water from one property to another -- states that you can divert

water, but you can't collect and dump. In other words, if there is a problem with lower properties, the upper properties don't have to remedy that problem for them. As long as they are not creating it by collecting and dumping, then the lower properties have to find some way to correct that themselves. I don't know if there is a formal written drainage easement (as you call it) in this particular instance or not. Is that what you've been told? That there is some type of formal recorded easement?"

Mrs. Cox said, "We have them all the time when subdivisions come in."

Attorney John said, "Sure; I think that is part of the subdivision ordinance to reserve and come up with drainage plans. Is he in a subdivision?"

Mrs. Cox said, "He's at the end of a subdivision. If it is all right -- fine. I will be glad to call the gentleman and ask him to come get his driveway permit and he can start hauling immediately. And when he gets finished we will fix the road."

Commissioner Borries said, "We appreciate your work there. Based on your comments we will say he can complete this thing and it has been entered in the record."

RE: SCHEDULED MEETINGS

Tues.	March 15	9:30 a.m.	Zoning Subdivision Review Committee (Room 303)
Tues.	March 15	2:00 p.m.	City-County Computer Mtg.
Wed.	March 16	3:30 p.m.	Yearly Tornado Drill
Wed.	March 16	8:00 a.m.	City-County Computer Mtg.
Thurs.	March 17	4:00 p.m.	Board of Zoning Appeals
Mon.	March 21	9:00 a.m.	Computer Bid Opening
Mon.	March 21	6:30 p.m.	Public Hearing/County Roads
Mon.	March 21	7:30 p.m.	County Commission Mtg.

Commissioner Borries said the public will be invited to make comments at the public hearing on County roads on Monday night before we begin our road paving program for 1988. Immediately following that will be the regular Commission Meeting at 7:30 p.m.

Mrs. Cox noted the computer bid opening meeting is to be a combined meeting (City and County) and the Board of Works. She would like to know how long that meeting will take. It is for computer hardware, software, and facilities management.

Commissioner Borries said it might be a lengthy meeting. Perhaps Jim Lindenschmidt can make some calls to see what will be involved and give us a general idea of the length of the meeting.

RE: EMPLOYMENT CHANGES

County Treasurer (Appointments)

Mary Jo Mooney	Clerk	\$35.00/Day	Eff: 3/15/88
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Burdette Park (Releases)

Paula Short	PTGC	\$4.00/Hr.	Eff: 2/29/88
Barbi Martin	PTGC	\$4.00/Hr.	Eff: 2/29/88

RE: OPEN BURNING ORDINANCE

Commissioner Cox asked if we have anything further on the Open Burning Ordinance? The Board had targeted April 1st to have it effective.



Commissioner Borries said he forwarded the Board's comments to David Miller and he's received nothing back to date. He will see if he can't get those items incorporated this week.

RE: SCHUTTE ROAD PROBLEMS

Mrs. Cox said she asked Rose Zigenfus if she would take a look at Schutte Road and see about improvements that might be necessary. Schutte Road has to be repaved for this summer. She said she would look at the area and see if her office could do the cross sections of needed improvements or if we needed to look elsewhere.

RE: ST. JOE-ALLEN LANE INTERSECTION

Commissioner Cox asked Commissioner Willner if he has anything further on the St. Joe-Allen Lane intersection? When she mentioned it previously, he said he had some ideas for that.

Commissioner Willner said he has no progress to report.

Commissioner Borries asked, "While traffic is being discussed, have we ever addressed the south side of Red Bank Road and S.R. 62? What made me think of that was Schutte Road. There has been some concern (of course, there is going to be construction -- a new supermarket that he's aware of in that area -- an access road) -- and the concern is (and he's sure both of the other Commissioners have heard it) as to whether or not there ought to be a light on S.R. 62. That would not be the Commission's decision. But if there is not going to be a light and there is going to be an access road, do we need to have some kind of study on Red Bank at S.R. 62 in terms of widening for some turn blisters? Is there enough space there?

Mrs. Cox said, "Well, we tried to when the rezoning was granted (and the first business that went in there was the MEC Center) we asked as a provision of that rezoning that a blister be put along the east side of Red Bank Road out to S.R. 62. They did comply in that respect. But that is a very high traffic intersection.

Mr. Borries said, "My concern is whether or not there is going to be a stop light at Rosenberger. It may not be as critical as some kind of intersection improvement there at Red Bank Road when the new shopping center comes. If there isn't, it is going to force people to go over and use Red Bank Road more and I'm not sure that the storage capacity is adequate there. Maybe we ought to have Rose look at that. Would you agree to having Rose look at that, because there is going to be considerable congestion there, I think. I will write her a letter to that effect, asking her to look at that intersection and give us some recommendations.

Mrs. Cox asked, "Can she also have the request in writing to look at Schutte Road? I just made a verbal request."

Commissioner Borries said he would do this; Schutte Road and S.R.62 and Clark Lane and also Schutte Road at Broadway -- because a lot of cars now come Broadway and go up the back way into the University, using Clark Lane. Rose will understand.

President Borries said the Board has discussed a lot today. He entertained further matters of business to be discussed. There being none, he declared the meeting adjourned at 4:45 p.m.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R. J. Borries	Sam Humphrey	Curt John
	R. L. Willner		
	S. J. Cox		


<u>COUNTY HIGHWAY</u>	<u>COUNTY ENGINEER</u>	<u>BURDETTE PARK</u>
Bill Bethel	Andy Easley	Mark Tuley
<u>DMD</u>	<u>AUDITORIUM</u>	<u>PURCHASING</u>
Mike Robling	Gy Rhoads	Tom Dorsey

OTHERS

Jerry Larrison/Indiana Bell  
Jim Lindenschmidt  
Others (Unidentified)  
News Media

SECRETARY: Joanne A. Matthews

  
Richard J. Borries, President

  
Robert L. Willner, Vice President

 3/21/88  
Shirley Jean Cox, Member

MINUTES  
COUNTY COMMISSIONERS MEETING  
MARCH 21, 1988

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MINUTES  
COUNTY COMMISSIONERS MEETING  
MARCH 21, 1988

The Vanderburgh County Board of Commissioners met in session at 7:30 p.m. on Monday, March 21, 1988, in the Commissioners Hearing Room with President Rick Borries presiding. The room was overflowing with people. President Borries welcomed the attendees and said he is going to need the cooperation of the meeting participants due to the large crowd.

VC-2-88/Petitioner, J. H. Rudolph & Co. (Port City Division):  
President Borries announced that if any individuals are present for purposes of speaking for or against VC-2-88 (Petitioner, J. H. Rudolph & Co., Port City Division) that particular hearing has been postponed. The participants have the flu and are unable to attend. Apologizing for any inconvenience the delay may have caused, he said the Commissioners were unaware of the postponement until just prior to this meeting. A motion to continue this matter was entertained.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the hearing re VC-2-88 was continued. So ordered.

Commissioner Borries said there are several rezonings scheduled for Third Reading, along with the regular agenda. He would ask that if there are any persons present to speak regarding VC-5-88 or VC-6-88, if some of those persons could adjourn to the hall to allow those people who want to speak concerning VC-3-88 to come in, he would certainly appreciate that. The rezonings will be heard in the order that they appear on the agenda: VC-3-88, VC-5-88 and VC-6-88. He would appreciate the participants' cooperation, because in the interest of allowing persons to be heard, the door to the hall will have to be shut.

The Commissioners have had a busy evening. There was a Public Hearing at 6:30 p.m. regarding the County Roads and the Board appreciates the attendance of those who voiced their concerns.

RE: APPROVAL OF MINUTES

President Borries entertained approval of the minutes of December 14, 1987 and March 7 and 14, 1988.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the minutes of March 7 and 14 were approved as engrossed by the County Auditor and the reading of same waived. So ordered.

Approval of the minutes of December 14, 1987 was deferred.

RE: BURDETTE PARK - POOL FILTRATION SYSTEM

Commissioner Borries called upon Tom Dorsey, Director of Purchasing, to give the Board a recommendation regarding the Burdette Park Swimming Pool Filtration System. The Board had entertained bids and the bids were received last week and taken under advisement.

Mr. Dorsey said he and Mark Tuley went through the bids that were submitted and the low bid was submitted by a company called Beacon Construction out of Alabama. Their total bid price was

\$17,585.80. That includes a Performance Bond of \$216.00. They are recommending that the Performance Bond be required and would recommend that the bid be awarded to Beacon Construction. The Commissioners have a spread sheet in front of them that shows the different items that were bid and the amounts.

Commissioner Willner moved that the Board accept the low bid, with a Performance Bond of \$216.00.

Commissioner Cox: "I have a question: How long has this company been supplying these systems and where are they located?"

Mr. Dorsey: "Okay, this is a filtration system and they are located in Florence, Alabama. My understanding is that they are submitting a National Filtration System. Mr. Tuley indicated that the filtration system they currently have at Burdette Park was a National unit and was installed twenty-seven years ago. He seems to feel that this system they are bidding is adequate for their purposes. They have had good experience with it and apparently he has had a lot of experience with that particular piece of equipment before. One of the reasons we're recommending that the Performance Bond be required is because they are an out-of-town company and they are so far away. But their delivery time is much better than some of the closer firms and the cost is substantially less than most of the bids. The second low bid was \$19,600.00 from Recreonics, and that was the firm that did the work last time."

Mrs. Cox: And they are located in Indianapolis?"

Mr. Dorsey: "Yes."

Mrs. Cox: "What about maintenance, Mr. Dorsey, on this equipment? Is there a local person here who knows how to maintain what we are buying from these Alabama people or wherever they are from?"

Mr. Dorsey: "The only response I can give you is that if this equipment is by the same manufacturer as that which we installed twenty-seven years ago and it has lasted twenty-seven years, obviously we've been able to maintain it. And they are selling the equipment; the installation is not included in this package. They will send down a Supervisor to supervise the installation process; but I believe the installation is going to be done locally."

Mrs. Cox: "I see they are charging us \$1,500.00 for their Supervisor."

Mr. Dorsey: "That is correct; that is for up to a five (5) day period and that was something that was requested in the bid specifications."

Mrs. Cox: "And this can all be installed in a five day period?"

Mr. Dorsey: "I couldn't answer the total installation process. Mr. Tuley has talked with them and he apparently was satisfied that everything would be delivered and installed on time for their opening. That was one of his biggest concerns."

Mrs. Cox: "Could these others not install it in time for the opening of the pool?"

Mr. Dorsey: "They possibly could. Recreonics would not guarantee that; they were the second low bid and there is a little over \$2,100.00 difference in the cost for that. The other bids range in price from \$20,500.00 to \$27,870.00. Most of them were required by the bid specs to indicate how long before they would be able to deliver and there apparently was a wide range."

This one could deliver on time and they are the low bidder. Unless we have a reason for taking something other than the low bid, State Law basically requires that...."

Mrs. Cox: "I understand that; that is why I am asking you these questions about maintenance. You know, sometimes it looks cheaper to buy something initially. But to get someone in here to do the maintenance on it -- if we're not able to do that here locally and they are not a local company -- we could end up in the long run paying a lot more money than what the second bid was and that is why I'm asking."

Mr. Dorsey: "I certainly understand that."

Mrs. Cox: "Is Mark not here this evening, Rick?"

Mr. Borries: "No, I don't think Mark is here this evening."

Mr. Borries: "Do you wish to wait a week?"

Mrs. Cox: "What would that do to our time frame of the installation, etc.?"

Mr. Dorsey: "It will put it very, very close to the opening. That was Mr. Tuley's concern -- to try to get all of this accomplished prior to the pool's actually opening. As it is, we delayed the bid opening itself a week in order to give some of the local firms an opportunity to get their bids in. We would have to -- even on this bid -- give Beacon Construction another seven (7) days added to their timetable. It would 14 days if you delay it a week. In talking with Mr. Tuley, he was fairly well satisfied that the maintenance would be taken care of; he seemed to be very pleased with the equipment they have had there in the past and didn't see a problem. I have to rely on his expertise in that area, since he is the one in charge of that."

Mrs. Cox: "And what was the engineer's estimate on this, Mr. Dorsey?"

Mr. Dorsey: "I don't know that. That was not submitted to me."

Mrs. Cox turned to Mr. Borries and asked, "Have you talked with Mark about this?"

Mr. Borries: "I talked with Mark and he seemed satisfied with the low bid. He felt with the Performance Bond that these people could do as they said they could do and do so in time for the pool opening."

Mrs. Cox: "I'm just saying -- I don't know how much of that is going to be done here; but the last time we went out of state and had a company come in, they didn't pay the people they hired and we had a lot of problems. I just hate to lose that control. If Mr. Tuley has checked all of this out and that will not be a problem, I have no problem with the low bid. And you feel sure that this has been checked out and that we will be able to get someone here to maintain that type of system without costing us an arm and a leg? With that assurance I am ready for the vote."

President Borries said Mr. Willner's motion was that the bid be awarded to low bidder (Beacon Construction of Florence, Alabama) in the amount of \$17,585.80, including a Performance Bond in the amount of \$216.00.

Mrs. Cox provided a second to the motion. So ordered.

RE: REZONINGS - FIRST READING

The meeting continued with President Borries saying the following rezoning petitions will be considered on First Reading, prior to



moving on to the Third Readings. On Second Reading, the ones that are considered here this evening (introduced at this meeting) are forwarded to the Area Plan Commission, where that Board will recommend Pass or Not Pass, and then forwarded back to the Commission for hearing on the 3rd Monday in April (April 28th) at 7:40 p.m.

VC-7-88/Petitioner, Frank W. Forbes: Requested zoning is from Agricultural to R-0. Common known address is 520 Kimber Lane.

The Chair entertained discussion on the part of the Commissioners. There being none, a motion was entertained.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, VC-7-88 was approved on 1st Reading for forwarding to the Area Plan Commission. So ordered.

VC-8-88/Petitioner, AK-AR Investments: Requested zoning is from Agricultural to R-0. Common known address is 700 N. Burkhardt Road.

The Chair entertained comments from the Board. There being none, a motion was entertained.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, VC-8-88 was approved on 1st Reading for forwarding to the Area Plan Commission. So ordered.

VC-9-88/Petitioner, Donald Bolin: Requested zoning is from C-4 to R-1. Common known address is 5555 Broadway (previously used as the old West Side Drive-In Theater).

The Chair entertained comments or discussion by the Board. There being none, a motion was entertained.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, VC-9-88 was approved on 1st Reading for forwarding to the Area Plan Commission. So ordered.

VC-10-88/Petitioner, Southern Indiana Properties, Inc.: Requested zoning is from A to M-2. Common known address is 701 E. Baseline Road.

The Chair entertained comments or discussion by the Board. There being none, a motion was entertained.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, VC-10-88 was approved on 1st Reading for forwarding to the Area Plan Commission. So ordered.

Commissioner Borries said that, again, for the record, these will be heard back at this Board on Monday evening, April 18th. They should be heard by the Area Plan Commission on Wednesday, April 6th at 6:00 p.m.

RE: REZONINGS - THIRD READINGS

VC-3-88/Petitioner, Mike Weimer: Requested zoning is from Agricultural to M-2. Commissioner Borries then recognized Attorney Steve Bohleber, who is representing the Petitioner.

Attorney Bohleber: "I am representing the Petitioner, Mike Weimer, in this particular petition for rezoning. To make things go a little smoother and illustrate some of the points we'd like to make a little better, I have prepared packets of information for each of you which I'd like to pass out and make some reference to during the course of this presentation -- that I hope will be brief. I have reduced many of my thoughts to writing in hopes of being brief."

As I am certain the Commissioners are aware, Mike Weimer is requesting an M-2 rezoning of a portion of property on South Weinbach Avenue, immediately south of the levee. Mike has operated his towing business at this location for the past eight years and previously (in 1982) rezoned 2-1/2 acres at this site for his business. That rezoning petition was met with virtually no opposition and the property was rezoned M-2 for the purpose of his business activities.

The reason we are here tonight is twofold. The reason we need more space is twofold. First of all, Mike's business has (to his credit) increased. Secondly, and I suppose the catalyst behind bringing this here at this particular moment, is that approximately 1/2 acre was condemned by the State of Indiana to construct the I-164 spur. This took away the front portion of his business and required the razing of the structure on the business and has cramped his style. It's sort of like a tube of toothpaste when you squeeze it and it oozes out there's no place for it to go. Well, that is sort of where we are now. We got squeezed by the State Highway Department and now we need some more space. In furtherance of that, Mike did purchase a tract of land south and east of his 2-1/2 acre original location and he asks this evening that you rezone a portion of that. The original petition was to rezone practically 22 acres (which was the entire parcel that he purchased). We have since amended our request and you should have copies of the Amended Legal and the Amended Site Plan before you, rezoning approximately 11.2 acres of that original 22 acre tract. The 11.2 acres in question is the northernmost section of the subject property and, frankly, that is all that can really be used. There is small creek that pretty much severs the property below which there are flooding problems, because it is at a lower elevation. So Mike is asking you to expand his zoning -- to expand that M-2 -- so he can operate his business, because it is tough to operate on the space he has now and it is virtually impossible to expand.

As I said before, the existing operation was rezoned M-2 with the appropriate Special Use granted, and a Department of Natural Resources Permit obtained. We're going through that same process to expand this operation. Historically, I will point out to you that probably for thirty (30) or more years this area around Mike's existing business was used by previous owners for salvage vehicles. They were sprinkled throughout the woods and up and down this parcel -- so it is not a new use to the area. Mike took over that business activity in 1982 or thereabouts and had it rezoned. He has since changed the character of that long term business. And I think this is probably the most important thing that many people who have casually looked at this petition have missed. Mike's Towing Service is a towing service -- not a parts salvage operation. Now, he did that business when he first started out there -- there is no question about that. In fact, until 1986 he was in the parts business and there were cars all about rusting away until someone came and bought the parts. That is not profitable and Mike has stopped doing that. It is a much more manageable business that he has now. He is a towing service. To make that point quite obvious to you and make sure that we are not trying to pull the wool over anybody's eyes, if you will take a look at his advertisements, you will see it is "Towing" Service and I did include in that packet I gave you his current Yellow Pages ad. It mentions nothing other than a towing service. And by towing service what does he do? Well, if your car breaks down he will tow it to your home, or to your garage. If you have an accident he will tow the vehicle where you request him to do so. If a semi turns over, he will pull it up and tow it to wherever it needs to be towed. Virtually all of his business consist of that type of towing activity. However, the reason that we are going through this process; the reason that on the petitions you see in front of you say "junkyard" is because a very small portion of his present business activity and a very small portion of what he intends to do in the future does require him to tow wrecked and abandoned vehicles back to that lot to be

temporarily stored; that is an important concept -- temporarily stored -- until either their owners reclaim them (in the case of an abandoned or wrecked vehicle) or until proper legal time has passed to allow him to claim title to those vehicles and remove them. After that time has passed (wherein people are no longer able to claim their property) he has a company that comes in, blocks those vehicles and hauls them off as scrap metal. He does not sell parts to the public. He does not advertise in that capacity. He does not do that business and I think we've often in looking at this thing made that mistake. We see "junkyard", we think "junkyard".

Well, what does Mike's place look like? I'm sure you've all been there. Right now it is sort of disheveled because of the highway construction that is going on, but right after I got involved in this (and that was the day of our first snow or shortly thereafter) I went out and took some photographs and tried to put together a panorama of what Mike's business location looks like. The most of what you can see is a building that he constructed and that building is constructed on the existing M-2 property, not on anything to be rezoned -- and you will see a lot of equipment around owned by the State Highway Department. What you won't see in those photographs (and I'm sorry, I made a terrible copy for you folks to look at closely -- you can take a look at this) are things like this. These are pictures of selected area junkyards with junk piled to the high heavens along the Becker Expressway, on our river front, along Old Highway 41 on the south side, west side along Pigeon Creek, out west of the County along Little Mt. Vernon Road, and north of our city on Old U. S. Highway 41. These are junkyards that sell parts. This is not what Mike is in to. If you take a look -- you don't see many cars there. He's probably looking at 300 cars or thereabouts maximum. Three hundred (300) cars maximum that are going to be there for a period of time until they are either reclaimed by their owner or salvaged. And by salvaged it doesn't mean by me, you and Joe Blow going down and buying the carburetor off this one and a wheel off that one. I'm talking about blocking them up and hauling them off. He wants to get rid of them as soon as possible. That is what he has been doing there since 1986 and that is what he is going to be doing in the future. I think that is a very important thing for us to take a look at. It is not a salvage operation. He has contracts with all agencies of City, County and State government to haul abandoned vehicles off the City streets, County Roads and Highways. Most of the vehicles that end up in temporary storage are those vehicles that have been abandoned and wrecked and left. Again, only until such time as they can be disposed of -- short term, temporary storage. It may sound kind of peculiar and, in fact, some of my brethren at the bar have even made fun of my statement that he is performing a public service -- but he is. He is getting those cars off my front sidewalk (if they happen to be abandoned there) and out of the apartment communities (out on the east side in the parking lots where they are frequently left) and he is getting them off the streets -- responsibly, quickly, he is moving them, cubing them and getting them the heck out of this area. In fact, he sells them to a place in Kentucky.

Now what does all this mean if we don't approve him here tonight? Well, it means his business is basically squashed; squeezed into an area he can no longer operate in -- and that means that fifteen (15) of Mike's Towing Service (not including Mike and his wife) aren't going to have a place to go to work. It seems right now when this area is struggling to maintain employment that this is certainly a major consideration as to whether or not Mike should be allowed to expand and perpetuate these employees.

The argument has been made that since this business is by I-164 and since there are folks opposed to it and we understand and appreciate their sentiments to a point, that he can relocate. Well, I can tell you what -- it has pretty much been hell for Mike since the State decided to take part of this property. He

wanted to move. For over a year he worked through three different realty companies to find a suitable alternative location that was located in a place he could work from, that he could afford -- and lastly, that would be accepted. He wasn't able to find anything. Everywhere that these realty companies directed him it was either too much, the wrong place, or met with neighborhood opposition. Likewise, the State, as part of their eminent domain activities in claiming this property, thought about buying him out and relocating him. They couldn't find anyplace they could afford either. So they locked off a part of it and left him out there. Where else can he go? Don't really know. Operation City Beautiful worked with us and tried to find some places. Obviously, at this point at least, there has been no alternative found through that source as well that is acceptable. So yet another time has been explored to try to find a location. Frankly, folks, but for this aesthetic concern that is being argued by the Operation City Beautiful people, I can't think of a better place in the County for this. I can't think of a more out-of-the-way place as far as the residents of this community are concerned. It is located south of the levee, buffered by the levee from the community-at-large or the city. No people living around there, because there is periodic flooding south and all around this location and technically this location is in the flood plain. Anything south of the levee potentially can flood. I can't think of a better place for it. Obviously, in 1982 this body and the others who examined it couldn't think of a better place for it either, at least they didn't think there was anything wrong with this location. It is just I-164; the I-164 that brings him here tonight is causing the problem. You need to weigh those things; you need to weigh everything. But in the total scheme of things we should seriously ask ourselves if visitors in this community are really going to pay that much attention to Mike's Towing Service out there? They are zooming by (probably exceeding the speed limit). Many on that spur are probably trying to get the heck around Evansville and, frankly, I think it is hard to find any city in America of any size where prosperity is occurring, where there is growth, where there are automobiles, where you don't find towing services. And frankly, folks, there aren't too many places you don't find junkyards either. But this isn't a junkyard, it is a towing service. It is not going to be noticed by people, in my opinion. At least if it is noticed, it is not going to be a stigma on this City. It is going to be noticed like, 'Gee, it has a big graveyard; Gee, it has industrialization; Gee, it has a waste disposal system; Gee, it has a dump.' This is a component for every major American city and I think it is going to be ignored virtually by everyone who zooms on by. We sort of thought it out and talked to some people and figured that probably on a very clear day you might notice it away off in a distance for 42 seconds if you're driving somewhere close to the speed limit -- from the time you notice until the time you fly by. And if you're gabbing away at whoever is in the car with you and just happen to look over -- you might see it for ten seconds while you zoom on by it. I don't think it is nearly as bad as many people believe it to be. Look at all those practical things. From a legal standpoint I think this is reasonable and good zoning. Indiana Code 36-7-4-603 basically says that rezoning is consistent with accepted norms if it is not inconsistent with the Comprehensive Plan, current conditions, character and structure in the area. Well, it is a current condition in the area. It is a current structure. Another thing is desirable use of the land in question. The question is, 'Is this a desirable use?' Well, it was several years ago. Why shouldn't it be now? It is one of the only uses for that land, other than agriculture.

Another thing you should look at is whether this is going to have an effect on property values? Well, there is nothing out there but another business across the road; I'm not sure what goes on there to be honest with you. It sort of looks like some of the things they are doing are much worse than what Mike would ever do out there. But, they are properly zoned. There also are no

residences around there. It is not going to impair the agricultural, so there is nothing to worry about in terms of damaged property values. We think it is responsible development and growth, since it is needed. That is another criteria the Statute sets out. But more recently and to the point, our Courts have spoken to this issue and what tests should be weighed in determining whether or not something is good zoning. Chief Justice Randall Shepard in a decision in July of last year said that the test in rezoning -- the factors to be considered -- are as follows (I will read this quote and break it down very quickly and tell you how Mike's situation fits into it.)

The factors to be considered include the propriety of the land use such as economic and environmental impact on the area, the kind of function or land involved, the availability of alternative locations, and any attempt to minimize detriments to adjacent landowners, as well as consideration of competing interests, such as the nature and scope of the intruding government unit, the essential use of the local community and the broader community, the need for the specific site as compared to the adverse impact and the possible frustration of the government function.

Now, I broke out of that several tests -- several things to look at and tried to put Mike's situation in it. First of all, Judge Shepard said we should look at the availability of alternative locations in determining whether or not this is good zoning. Well, he tried for over a year; three realtors, the State of Indiana -- they all failed; too expensive, the wrong location, or opposed by the neighbors.

Were attempts made to minimize detriments to the adjacent landowners? Well, there are no adjacent landowners that are being damaged here that we've heard from at least. They are on the other side of the levee or farmers -- and it is not a salvage parts operation. He has built a building there that is attractive. Once the State gets out of the way he is going to complete new fencing around the affected area. He does have to put up a fence around the acreage that we're requesting to be rezoned. He is going to put concrete pads and paving throughout the area where these vehicles are going to be temporarily stored. They are going to be lined up neatly. So, you know, there really is no detriment to begin with and he's going to do everything he can to minimize any perceived detriment to any adjoining property owners.

Something else Judge Shepard said we should look at is the essential use to the local community and the broader community. Well, it is essential that we can dispose of abandoned and wrecked vehicles. It is essential we get them off our streets and get them out of our community. We as a society always produced wrecked and abandoned vehicles and we always will. So here we get back to this community service concept that I mentioned. There is a community service performed by this function.

Another thing he said you should look at is the need for a specific site. Well, there is a need for this site -- the same reason we mentioned before -- no place else to go. Already there is government approval of this location, we just want to make it bigger. A move would be detrimental economically to this man. That is a need for this specific site. His location is essential in terms of some of the contracts he has. He has some contracts only servicing abandoned and wrecked vehicles in the southeast side of the City and he's got to stay out in that area. There are just no feasible alternatives.

Social utility for proposed use? We've discussed that; there is obvious social utility -- we've got to get rid of cars.



Is any government purpose being frustrated either by approving this or not approving it? Well, if we don't approve it maybe we are frustrating a government purpose. Maybe we are frustrating the City's ability to find vendors or business people who are going to help him tow abandoned vehicles. The same for the County and State. That is a large part of his towing business that results in vehicles being brought back to this location -- government business. Government business to clear the streets and the roadways.

Economic and environmental impact. Well, we argue there is no economic impact because there is not going to be any development out there -- either residential or significant non-agricultural commercial. Environmental impact? Well, as I indicated to you before he has to get the Department of Natural Resources' permission. That is being processed. Obviously he is not going to expand this operation until the Department of Natural Resources approves the expansion of this business. They approved it in 1982. You have a copy of their 1982 approval in the packet of information that I supplied to you. Various agencies of State government looked at it and determined the impact environmentally of this type of business. And, keep in mind that in 1982 he was a parts business. He is not that anymore and he is not going to be that in the future.

The Division of Fish and Wildlife in 1982 said Fish & Wildlife habitat losses should be reasonable and minimal. The Division of Forestry said no significant timber or tree related values involved. The Department of Natural Preserves -- no unnatural areas involved. The Department of Outdoor Recreation -- this project will not directly affect any stream segment recommended for study and inclusion in the Indiana Natural Scenic and Recreational River Systems.

Comments and Conclusions: Project should have little effect on flood flows.

Recommendations (2nd page of that report)": The proposed project will not unduly restrict the capacity of or adversely affect the efficiencies of the floodway, will not constitute an unreasonable hazard to the safety of life or property, and will not result in unreasonably detrimental effects upon the fish, wildlife and botanical resources.

Since we're doing something I think is less intrusive environmentally than rusting vehicles, less dangerous to perhaps children passing by, I think that probably the Department of Natural Resources will not have any more difficulty approving this expansion than they did the original in 1982.

A lot of Mike's friends have come here this evening, as well. A lot of Mike's friends have signed a petition requesting that you support him this evening. I want to present and make a part of this record a stack of petitions signed by just slightly fewer than one thousand (I think it was 941) neighbors and friends of Mike Weimer. There are more of these floating around, but we couldn't gather all of them. I'm sure there are well over one thousand signatures and I'd like to make them a part of the record.

In addition, a lot of folks here this evening came here to show their support. I would ask that everybody who is here to support Mike Weimer's petition -- if you're standing already, stand taller and raise your hand; everybody else who is sitting -- stand up if you're here to support Mike. (Approximately 50-55 people displayed support.) I think that that is pretty good testament to his integrity in this community. It is pretty good testament to his responsibility in this community. If you let him expand his business (like you let him in 1982 create it) a lot of people are going to be served; those 15 employees, certainly Mike Weimer, and I think the community at large. This



fellow standing next to me (holding things for me) is obviously Mike Weimer. If you have any questions for me, I'll try to answer them. If I can't, hopefully he will be able to answer them. We ask you to approve this petition."

Commissioner Borries: Thank you, Steve. Before we have the Commissioners ask questions (if they have any at this time) if there is a Mr. Blair in the audience (not John Blair) the Evansville City Council is also holding rezonings this evening and they are waiting on a Mr. Blair. Maybe he came over here to see what the action was tonight.

Comment was made that there is no one at City Council Meeting. (There being no response, City Clerk Betty Lou Jarboe said City Council will get to go home.)

Commissioner Cox: You said you had applied for approval from the Department of Natural Resources. Do you have the date that was sent off?

Mr. Bohleber: It was just sent off. (I gave it to my secretary recently and I doubt that it's even been received yet.) It sat in my file for two reasons. One, we thought there might be some alternative resolution. Secondly, we were considering reducing the plan and the size of the location obviously is critical to them -- so one we adopted a smaller area and once we decided we were going to have to come here tonight and couldn't compromise this in any way, we went ahead with that. But it would seem to be somewhat fruitless to do it. But Mike is not going to do anything in the way of expanding this business without DNR approval on the existing properties.

Commissioner Cox: Then on the application that you did send in -- because the one dated July 28, 1982 indicates 240 ft. wide by 316 ft. length.

Mr. Bohleber: Right; that was the original application.

Commissioner Cox: And on this application you are sending in for approval -- is it amended?

Mr. Bohleber: It will be for the additional eleven (11) acres surrounding that original approval area, yes. ( Unless they want it done some other way.)

In response to query from Commissioner Cox concerning area designated in blue, Mr. Bohleber said this is the approximate property that was taken by the State from his original 2-1/2 acre tract. He apologized, saying he wanted to clarify what that was but didn't. And there was a structure sitting there that got knocked down. At least part of it was on that area.

Commissioner Cox: And you have revised your request from a 22 acre tract down to....

Mr. Bohleber: Down to 11 acres or thereabouts, yes Ma'm.

Mrs. Cox: And this is the amended legal description?

Mr. Bohleber: Yes, Ma'm.

Mrs. Cox: And has it been checked by Area Plan?

Mrs. Cunningham: Yes, we checked the amended legal and have just a minor change on the figures.

Mr. Bohleber: Well, I prepared it -- the surveyor couldn't get to it. If there is any mistake, it is a lawyer's, not a surveyor's. Obviously also, folks, this does require Special Use approval as well and he is not going to do anything until that occurs at the next scheduled meeting of the Board of Zoning Appeals, assuming this body passes it tonight.

Commissioner Willner: One question. Will there be an effort made to bring the "pink" area up to the level of the "blue" area?

Mr. Weimer: Yes sir.

Mr. Willner: There will be -- before you pour hard surface?

Mr. Weimer: Right.

Mr. Willner: May I ask what you are going to build it up with? Is this going to be ground or concrete....

Mr. Weimer: Dirt, concrete, .....

Mr. Bohleber: The other acreage below has a lot of dirt on it.

Mr. Willner: Would you make that a condition of the zoning?

Mr. Weimer: Sure.

Mr. Bohleber: No problem. Obviously, he doesn't want to get flooded anymore than anybody else does.

Mr. Willner: Secondly, would you make a commitment (I guess) for screening other than what the law might require?

Mr. Bohleber: If economically feasible, I think Mike is willing to go along with.....

Mr. Willner: I'm talking about trees.

Mr. Bohleber: Well there was a nice buffer of trees along the levee on the northern side until the State tore them down. But you can plant some Lombardy poplars I'm sure along there and they grow fast and they're tall and make a pretty good barrier.

Mrs. Cox: Mike, just for a point of clarification, I noticed in this material -- and I want to thank you, Mr. Bohleber, for presenting this material -- there was some indication somewhere that the State was going to replace a drive. I need to know where will the entrance to your business then be located? Will it be off of Weinbach like it is now?

Mr. Weimer: Yes, Ma'm.

Mr. Bohleber: It will be close to where it is now, Shirley, and it will be on the previously rezoned property. The State as part of its condemnation settlement agreed to build a new roadway for him -- a new entrance -- to his property once their construction was completed. Where they might ultimately put it in terms of what exact footage we don't know yet. But they will have to cut down the barrier wall of dirt along Weinbach a little bit -- dig it out -- and put it in. But it is going to be the approximate same location that it is now. Again, the State is going to do that when their construction in the area ceases, because they took the original drive. In fact, they took it one night and Mike came in and couldn't get to his business.

Mrs. Cox: And I did understand your answer to Mr. Willner's question that you will raise this entire "pink" area up with fill and then it will be totally above the water flood plain? And you are planning on concreting this entire area?

Mr. Weimer: Yes, Ma'm. If you would drive out there you could see we now have about 2-1/2 acres under concrete.

Mr. Bohleber: But your ultimate plan is to have every vehicle there stored in neat rows on concrete pads -- no weeds -- no hassle.

Mr. Weimer: Right.

Mr. Borries: Thank you very much. At this time we will hear from any other persons who wish to speak either for or against this petition.

M. Schopmeyer: My name is Mike Schopmeyer and I am the Vice President of Operation City Beautiful (an Evansville not-for-profit group). I am a volunteer here this evening. I've never remonstrated; I'm usually on the other side of these matters, as you know, as an attorney.

We're here this evening primarily because this area that is involved is along the new I-164 spur which will be of great benefit to this community. It will handle somewhere in the area of 20,000 to 30,000 vehicles per day and be highly visible. Moreover, this area of this highway will be elevated 30 ft. and will have the same condition that we have at the present time on our west side entry into our community with the elevated highway and thereby makes shielding a virtual impossibility short of some major engineering on the part of Mike Weimer and his operation. This is not only an area close to I-164, it is also the entry way to this city, to our largest tourist attraction (which is Ellis Park in the summer where thousands of vehicles are brought into the City via this way). We've recently eliminated a horrible landfill from our south side, which was a source of embarrassment for all of us here in this community for years and years. And it appears that what we will have is a setback to that sort of introduction from the south side of our City. To give you an idea of what was visible, here are some photographs. (I didn't see the other photos Mr. Boleber had). This is a view from the road and you see cars laying within virtually an arm's length of cars as they went down this way. This is what people from Ellis Park saw and visualize this 30 ft. in the air. This is another picture that shows the junk cars (again, unshielded -- a requirement of the law in this county). It has long been a requirement that it be shielded and it is unshielded. Another picture of the same (a longshot of that). This is the attempt at shielding that has been there, which is partly a fence -- and I think most anyone's idea of what a fence and what is shielding is meant to be when this Commission passed the shielding requirement in its code. Those are some of the facts.

More of the facts that are important here and I now will conclude with the elements of the law that I think are almost 90 degrees contrary to what Mr. Bohleber represented to this Commission. By law I must go through those and then we have to make a record so that if any appeal is taken from this we have a solid record. I think you understand that.

We have a petitioner here who has a bad track record. You've seen by the pictures that he obviously has failed to shield as required by the law. They have erected a structure on the premises which, I understand from very reliable source -- and we can have it checked if you so choose -- is 3 ft. below the flood plain. Yet, they represent today they are going to raise the level of that property above the flood plain, which means they will be piling dirt up against the building -- or razing that pole barn structure. It is represented in the building permit as is required in this County, that it would be built above the flood plain and it is not. There is no Special Use Permit applied for for the trailer that has been on this property. Again, another requirement that I, as an attorney, come time and time again to both this body and the City Council -- petitioning and going through the process to receive. That was not done here. I don't think that it is proper and correct that we reward one who has violated the very laws that this Commission has passed with an expansion of what I think moreover than anything has been a mistake that was made originally in the early eighties when this property (along with the property across the road) was rezoned. Talk about the law a little bit -- as I have to. The

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law says (and Steve quoted some elements of the State law, but let me just say what your code that you folks passed says) the Commission may not recommend the passage or amendment of a rezoning unless one finds one of the following:

- 1) That the amendment conforms to the Comprehensive Plan

Ladies and Gentlemen, the Comprehensive Plan has just been adopted in this County and that Comprehensive Plan shows that the entire area south of the levee is to remain agricultural. That is on the record; it was passed by this body; it is passed by the City Council; and it is passed by the Area Plan Commission. And this is the only parcel (along with the parcel, as Mr. Boleber has pointed out across the road) but these are the only two parcels of property below the levee east of Highway 41 that are zoned anything above commercial -- and this parcel is M-2.

The law goes on to say that (Number 1, it is obvious that it doesn't meet the Master Plan; Number 2, the law says you cannot pass an amendment unless the zoning classification of the property is improper and the amendment will correct an improper classification. That is not the case here. Number 3, the final requirement -- you have to find one of these -- is that a major or physical economic or social changes are substantially altered there in a manner not anticipated in the Comprehensive Plan and the amendment will assist development of the area consistent with the changes. Well, the plan was just passed, folks; I don't think there has been any change since this plan was passed.

I wanted to ask -- and I hope Counsel for the Commission would agree -- that there be a finding of which of these three classifications, if indeed you do pass this rezoning, on which you are making your basis for passing this rezoning. I contend that there is not one of those three under your laws that are applicable here.

There have been references to a search for alternatives and we've been involved with those. I regret to say that in my promise and our promise to the Commission I have not been able to do the work that I wish I could have to find alternatives. I think alternatives can be found. I am aware of another company in the towing business that has another parcel of property situated that is already zoned properly and they are ready to go in that area. So, there are alternatives. We presented an alternative to Mr. Bohleber; it was rejected on the basis of the fact that there was water in the area -- which I find somewhat interesting since this parcel of property is below the flood plain and is on the river side of the levee. I promise you my efforts and the efforts of all those involved with Operation City Beautiful that we will do all we can to work with Mr. Weimer and his company and all of his employees to find another establishment. I don't think -- and I think it is a gross generalization and extreme call to say -- that what you are doing today is the jobs of these ladies and gentlemen and their families. That is hardly the case. I think that no matter what is done we'll find a place for these folks. They can certainly operate and are operating like they are right now on two acres and I think the record speaks for itself that the zoning in this case is improper. I wish we had a petition with 941 names -- but we don't. We have many supporters from whom I think you've received letters and calls and many of them were present at the last meeting. I think the editorial in the newspaper which appeared on February 9th sums up in simple language what needs to be done here. And it concludes that we think the County has a greater obligation to the broad public interest and common sense says that this is not the place for a salvage yard. Plain and simply, I think that is the case here, Ladies and Gentlemen. Thank you for your time.

Mr. Borries: Thank you, Mike. Is there anyone else at this time who wishes to speak?

Shirley James: I'm Shirley James and I'm with the West Side Improvement Association. Frankly, I think the State should find the means to relocate this man, because the State (in August 1987) invited all the local officials to a conference and distributed much data (we happened to be so fortunate as to be invited). I have here numerous amounts of data which they distributed to us, because this was the first Underground Water Table Conference for the state and they were calling it because they were so concerned that our underground water table is reaching a point where it is unredeemable. Now, they show here the areas of susceptibility. If you will note, Southern Indiana is truly susceptible to underground water table contamination. Because all of our land is susceptible to contamination, it makes it totally impractical not to be able to -- we have to have our salvage yards, our towing areas, what have you, we have to have them -- but we have to stand by the laws that currently governs them. They also asked us if we would start an education campaign in an effort to orient people as to what was and was not hazardous waste. This is one of the items they gave us and this is a household hazardous waste chart. Listen to what it has to say about the garage. In the garage there are eleven (11) things considered hazardous waste that should be hauled away to a hazardous waste site or held to be disposed of in a separate container: Automatic transmission fluid, battery acid, brake fluid, car wash with solvent, diesel fuel, fuel oil, gasoline, kerosene, metal polish with solvent, motor oil and other oils. At one time I used to be a Health Planner for eleven (11) counties in Southwestern Indiana. Sometime ago I knew the cancer rates in this area were extreme. I also knew that our water table had been greatly violated and recently we were given an award by the Soil & Conservation Service for our outstanding work in urban conservation. Now, what I would like to ask here is that the Commission please waive and hold until the Department of Natural Resources has a chance to view the problem before coming to a decision. Also, I would like the Commission (if they could or would) to see if we could have some means of getting rid of these hazardous wastes in a more amenable fashion. If we don't have the laws for them, we would like to recommend that the Commission please help work out some laws for us on this. Basically, I think the State, by virtue of the fact that they have discomforted Mr. Weimer, should pay for him to be relocated elsewhere.

Mr. Borries: Thank you. Is there anyone else who wishes to speak at this time?

Dave Williams: I'm Dave Williams, also a westsider. I also will admit -- and I'm proud of the fact -- that I am a friend of Mike Weimer and Mike's family. According to what Shirley has just told me, I am going to have to go down to Union Township and tell my sister-in-law and her folks that they are going to have to quit parking their cars down there -- because they contain hazardous waste. The thing nobody has ever told me is I've driven all over the country in the previous job I had and I've seen quite a few junk cars from the interstates. It has never turned me to stone or salt yet, like it did Lot's wife. Now, somebody tell me what is so terrible about looking at junk cars from an interstate? As far as the tourists going over to Ellis Park, I doubt very seriously that they really care what they see on the interstate. Thank you.

Mr. Bohleber: First of all, I just want to respond to a couple of things that were said. First of all, Mike Schopmeyer has done an excellent job representing his client throughout this and he has been very accommodating to me throughout this, as well, in attempting to work out alternatives. The shielding and the trees that he talks about are gone, primarily because of I-164. It



makes little sense to put them up when they are going to come out and compact and move around. They have already moved property lines and changed things several times on Mike. Once these problems are solved there will be barriers there. If not, you can bring him back up here before the Area Plan Commission and punish him. They will be there as required by law. The problems, the unsightliness of this location are caused virtually entirely by I-164. The same I-164 that brings us down here; the same one that causes Mike Weimer the problems is the same one that is making his place look like it shouldn't at this point. We don't think that structure is three (3) ft. below the flood plain. If it is, we're going to have to talk to the contractor about it, because he said it wasn't. So, we don't believe that to be the case. However, we're certainly going to look into that further if Mike believes that to be the case. We don't think it is.

He says there have been no changes. Well, the changes are that I-164 knocked his business over. The changes now are that something that easily happened in 1982 can't happen now. I think this is consistent with the zoning in that area. Why? Because it has been there, certainly consistent with what he is doing. He is not going to leave (you can tell him -- not at least immediately; until perhaps he starves to death) -- he is not going to leave simply because you don't pass this tonight. He is just not going to be able to function very well. He is going to be there. You're not going to solve that problem if you turn him down. Shirley James made a very good point, too. People who know me know I spend much my spare time (practically all of my spare time) concerned about fellow creatures on this planet and the environment -- I do that passionately. I don't think this is a problem from what I've looked into. There is no question that some of the lubricants, some of the liquids in automobiles are toxic. The gentleman who blocks these cars (according to Mike, at least -- I haven't checked this personally) has a toxic waste disposal permit. There are instruments that do remove these noxious substances. They take the radiators out; they take the gas tanks out; they take the batteries out; they suck the crankcase dry; they remove all this stuff before they cube it. It is not going to go down in our ground water. It is not going to go down in our soil. Mike also made one point that he's made an alternative suggestion as to a location. He called me and said, I've got an alternative and presented it to me. I almost jumped out of my chair, because hallelujah, everybody can be made happy. I called Mike and told him about this location adjacent to a similar type business. Mike had looked into that more than a year ago. He advises me that it would require tremendous fill dirt just to keep the rainwater from accumulating there all the time. He took some photographs. It hadn't rained for weeks and water was standing there. A lot of fill dirt is needed there (to be hauled in). At least he has it available at his existing location. He thought it would take two weeks to clean it up..No known access over the railroad tracks to it; no City water, sewer or electricity; difficult to get back in to, he says. He didn't even know if he could get his trucks back into it and he has twenty-five (25) trucks. He honestly thought it might cost him \$1 million to get that on line. That is why we turned it down. It had been turned down by Mike long ago if looked at by Mike long ago. So I just wanted to make that point clear. The suggestion was brought to me in good faith and I thought it was a solution. But Mike quickly disabused me of that idea. I ask you to pass this.

Mr. Borries: I want to thank everyone for their consideration this evening which allowed the testimony to go forth. At this time I would ask the Commission for a motion.

Commissioner Willner: I move that VC-3-88 be approved, with the stipulation that before the 11.2 acres is used it be brought up to the level of the existing M-2 zoning, and that the owner would work with Area Plan and the County Commissioners in providing a reasonable buffer between the highway and this zoning.



Mr. Borries: Is there a second to that motion? Or, discussion?

Mrs. Cox: Everyone here knows that if the Department of Natural Resources (and I'm not for sure that the Corps of Army Engineers, since it is so near to the levee, is going to have to give approval). And in order for anything to be done here, that approval has to be obtained.

Mr. Bohleber: We'll make sure whether that is a requirement; we don't know that it is.

Mrs. Cox: So what we are doing here, we're doing it before we even know if the Department of Natural Resources is going to okay this site. And I do have a question about 'brought up to the level', Bob. It shows in here that the garage is on property at an elevation of 375 ft. and it is estimated that the 100 year frequency flood (and we know what that is -- people in the audience may not) is at an elevation of 380 ft. So we've heard some information here which is not really substantiated and may simply be hearsay that the present structure may not be above the flood level. I don't know if making a motion just bringing the land up to the present level is going to satisfy the situation that we have here. That is my concern. My big concern is that we're talking of a flood plain here and I do want to commend the petitioner for amending down the request, because in looking at this request it does seem that he has the highest part of the ground in this rezoned amended request now. So the usual flooding that was out there this past spring may get to only the back portion of this ground. Would you also stipulate in your motion, Mr. Willner, not only to bring the fill up to the prescribed level (which would be recommended either by the Department of Natural Resources or the Army Corps of Engineers or the Building Commission, or whomever has the authority) but to also concrete the area as Mr. Weimer indicated here tonight that he would do?

Mr. Willner: I don't know whether he said concrete; I believe he said hard surface -- that would be all right with me -- blacktop is probably as good as.

Mrs. Cox: Did you say concrete, Mr. Weimer?

Mr. Weimer: Whenever I fill in I come back across the top and I use concrete over the top of the dirt -- so wherever I use concrete there will be a smooth piece of concrete put back over the top of that. I'd like to say one thing; that is not mud ....

Mrs. Cox: Please don't misunderstand, I didn't say your building flooded, because I was out there and looked at it and your building was sitting up there on a little island and it was not flooded.

Mr. Weimer: If it floods there, the City of Evansville will have a lot of flooded homes. If I build up to where I am now, there will be a lot of homes in Evansville flood before I will.

Mrs. Cox: What you will have to do, you will have to build what they tell you to build -- if they give you permission. That is why I think we need to leave that open, Mr. Willner, and not say just to its present level. He will have to build what the Department of Natural Resources recommends in that area. And a reasonable buffer? I don't know what that is. If you get your Special Use for a salvage yard, then I believe salvage yard has to be totally enclosed with an opaque type fence.

Mr. Weimer: The statute states you have to have an 8 ft. high privacy fence...a solid fence.....that is what it states in there.

Mrs. Cox: Well, it has to be one you can't see through. It can't be a chain link fence -- it has to be a solid fence.

Mr. Willner: I really doubt that a solid fence will give the type of buffer that I have in mind. I think we're going to be talking about something in the avenue of 50 ft. high poplar trees, pine trees, something that is fast growing.

Mr. Borries: With those comments, do you second the motion?

Mrs. Cox: Did you o.k. the concrete?

Mr. Willner: I will include in my motion a concrete pad.

Mrs. Cox: And we will just say that he has to have a 8 ft. fence, because the Special Use is granted for a salvage yard. He will have to have that. And then, your reasonable buffer. I will second.

Mr. Borries: It has been moved and seconded then, a motion to approve VC-3-88 subject to the comments given and the DNR Report and also the Special Use Permit that must be obtained. At this time, as is our practice, we will ask for a roll call vote.

Commissioner Cox, I pass; Commissioner Willner, yes; Commissioner Borries, yes. Motion approved with two (2) affirmative votes. So ordered.

VC-5-88/Petitioner, Old National Bank: Commissioner Borries recognized Attorney Steve Weitzel who was present for purposes of representing the Petitioner.

Mr. Weitzel: Good evening. Member of the Commission, my name is Steve Weitzel and I am appearing on behalf of the Petitioner in this matter. Let me first indicate that at the March 2nd meeting of the Area Plan Commission this petition received a do pass recommendation, those being 7 to 3 in favor of the petition.

By way of some additional background, I believe each of you have been furnished some photographs of the subject property showing the surrounding areas and showing as well the property itself in relation to the surrounding areas. This property you pretty well recognize as being the old German Township School. It served as that use until 1959, and then the most current use has been as an apartment facility for four or five apartments. That use was abandoned some two and a half to three years ago and the property has remained vacant since that time. If this petition is granted the property will be sold to Mr. & Mrs. Shelby McDonald, who would relocate their photography studio from 5303 Mesker Park Drive to this property. It would be used for light commercial use, primarily as photography studio with an ancillary but certainly secondary use as a wedding service center (wedding dress and tuxedo rental and perhaps wedding gift shop. But their principal business has been and will continue to be that of a photography studio. The character of this business is such that there would probably be less traffic than more traffic created if this were a four or five or six unit apartment facility. As an apartment studio, persons come to the facility by appointment, have their photograph taken and leave. Subsequent appointments are made with other patrons. We estimate (and this is certainly conjecture and speculation only) that there would be (as I said) less traffic for this type of an appointment operation than there would be if there were five or six families living in five or six apartments.

The character of the surrounding area is actually a mixed character. Westerly across Old Cynthiana Road and to the dead-end of this road it is principally and exclusively an R-1 facility use (single family residences). We don't deny that. However, easterly and directly behind and abutting this property is the German Township Volunteer Fire Department facility. It is a commercial looking concrete block structure and then, of course, 5/10 mi. or east of Kasson Drive is the Westlake

recreation facility. So we have in a sense here a mixed usage, if you will, in this immediate surrounding area and the property itself has historically been quasi-commercial -- not commercial in the sense that there has been retail or wholesale activity, but certainly a use which has been more dense both in terms of traffic, more dense in terms of occupancy (having been a school facility until 1959 and then most recently as a five or six unit apartment facility).

When we first filed this petition we learned that a prior developer or a prior interested group wanted to convert this to a Fraternity House, so we immediately indicated that we would enter into a Section 4 clause in our ordinance indicating that we would limit the uses of the facility to certain use groups, by way of some background permissible within a C-1 zoning classification which we are seeking for five Use Groups and we immediately indicated we would eliminate Groups 5 & 6 to eliminate financial institutions, hotels, motels, fraternity houses, and sorority houses, thereby eliminating the most dense use and the most traffic for facilities within the C-1 zone. We then met with representatives of the petitioner in our office on the 27th of February after lots of correspondence with both abutting and non-abutting residents, made ourselves available for two hours at the property to discuss our plans, to discuss the intended use of the property and to try to address any concerns that interested persons may have. We learned at that time that persons weren't necessarily concerned about the use the McDonalds would make of this property, but uses within the C-1 zoning classification and we took with us copies of the pertinent zoning ordinances and withdrew a number of these types of uses with the residents in the area, trying to decipher what would be most objectionable yet compatible on the other hand with our intended use, and made certain commitments and representations to these neighbors that we would attempt within the confines of existing State statutes and local zoning codes to limit our uses to matters which would be, in our opinion, least objectionable. Subsequent to that Saturday meeting, Mr. Ziemer in our office contacted Dennis Vowels (Counsel to the Area Plan Commission) and David Miller (your Counsel) and discussed the propriety of expanding the Section 4 clause to limit certain uses, as well as entering into a use commitment. (I passed that to you prior to this presentation. A copy of an amended use commitment, this having been amended from the one that we made of record at the Area Plan Commission.) This use commitment we were given the opinion from both Mr. Vowels and Mr. Miller is cognizable under newly created Indiana State Statutes. And if I may summarize the commitments that we're willing to make and have indicated as a matter of record that we will make are for a period until this property may be rezoned. Limiting the uses this commitment would be enforceable by this body, by the Area Plan Commission, and by any property owner within a one (1) mile radius of this property. What we committed to limiting is as follows:

- 1) Use Group 4, except a Child Care Center, Nursery or Nursery Schools, which would be prohibited uses.
- 2) Use Group 7, excluding fruit and vegetable stands, groceries, meal or delicatessens, package liquor stores, drycleaning and laundry pick-up facilities, public utility business offices, home appliance repair facilities, laundromats, radio, television and stereophonic repair facilities, restaurants and cafeterias, shoe repair shops, a telegraph office, a ticket agency, a travel bureau, a watch and jewelry repair shop.
- 3) Use Group 2 (Permissible)

We further expanded our commitment based upon concerns of one of the remonstrators about the signage that might be attended to this facility. We have committed to limiting the signage to 70

sq. ft., and I think those of you who have visited the property (also the pictures we have supplied indicate that the signage attended to the Westlake Facility and the signage attended to the German Township Fire Department -- which is essentially contiguous to this property -- is at least of this size or larger). I might also add that Mr. and Mrs. McDonald, who are professional photographers, certainly have a heightened aesthetic appreciation (at least greater than my eye) and, in that respect, have indicated they are going to professionally landscape this property -- which I think is very beautiful property -- but landscape it and enhance it and establish a green boundary easterly behind the facility between this property and the German Township Fire Department. I think the purpose of that is to enhance their property and, accordingly, not only enhance its market value but the market value of all surrounding properties. This property is certainly appropriate for a photography studio. If you have been inside it, there are two large rooms (almost ballroom in nature) that would be certainly appropriate for studio for either group photos or various settings or backdrops for individual photos and then in the spring, summer and autumn months the property itself and the backdrop of the front of the property I think creates a very dramatic appearance and excellent outside potential backdrops. It is a 4,500 sq. ft. facility. It's had more uses through the years, certainly during the three years it has been abandoned there has been no interest in renovating or rejuvenating this as a single-family residence and I think the easterly boundaries of this property are not in the least conducive to renovating this facility into a single-family residence. What we are faced with is, in essence, an historical anomaly. You have properties that have developed subsequent to the building of this property that are undeniably residential facilities. This is quasi-commercial in nature in historic use. And then to the east it certainly is commercial-appearing facilities; and then the westerly facility in a sense is a commercial recreational facility. Actually, the owner and petition is in a bit of jeopardy here and I think the surrounding neighbors are in a bit of a jeopardy. If this petition is not granted, then we are going to have a facility that is very likely to remain vacant, subject to vandalism and, therefore, subjecting the other properties in the area to vandalism.

At the Area Plan Commission there was some remonstrance, particularly in the form of a letter from a Mr. Wolf, and we've seen that letter and I think it may have been a part of the record of the Area Plan Commission meeting. But there were essentially five (5) matters of objection to the petition expressed in that remonstrance.

Number One is the fear that this facility may create an additional traffic burden. I think actually that is not accurate in any sense. The way this facility is situated, if you come off I-65 you make a quick jog onto Kasson Drive and then a very quick dog-leg on Old Cynthiana Road. Probably not more than fifty (50) feet from that intersection is the entrance to this property. Any of the residences westerly and across Old Cynthiana Road don't begin until our southerly property boundary. So there will be no impact traffic-wise on any of those properties along Old Cynthiana Road by virtue of any traffic at this facility, plus Old Cynthiana Road is a dead-end and there will be no persons needing access to our property coming from that direction on Old Cynthiana Road.

The other concern was about flashing signs and we have already indicated our limitations. First of all the C-1 zoning class does not permit a neon reflection sign and we have indicated in our use commitment that I have supplied you of substantially reducing the permissible size of sign from 300 to 70 sq. ft.

There was a concern expressed about devaluation of property values and I think I have addressed that already. Given the plans of the McDonalds to professionally landscape the property,

their aesthetic appreciation as photographers in wanting to use this facility in their business can only enhance and not detract from the value of the property. And, accordingly, enhance and not detract from the surrounding property values.

Another concern expressed was that if this petition were granted that could set a precedent for additional commercial zoning in this area. I think this constituent member of the Commission has been sitting long enough and my personal experience in dealing with you all long enough that you're certainly not bound and never have been bound by that kind of a precedent. It has been my experience that you have looked at each matter factually on a case-by-case basis and have made your determinations based upon all factors having a bearing upon that petition itself.

Finally, there was a suggestion or request in the letter of remonstrance that Mr. Wolf (and I assume he was speaking for some others) would prefer the McDonalds reside at this property. The McDonalds have a residence, but they also plan to have a caretaker living on premises, taking care of the property, maintaining the beauty of the grounds, as well as serving as on-premises security. So I think those concerns about having a property that is abandoned other than during business hours and creating possibilities for vandalism are not realistic, given the McDonalds' plans. Again, I think you are presented with an unusual and unique property here and those three factors which bear on the propriety of the C-1 zoning as we have committed to limit the C-1 zoning, being the character of the structure itself of 4,500 sq. ft., historically quasi-commercial use. Secondly, the commercial appearance and commercial use easterly of the property. And, thirdly, I think is the historic anomaly created in the surrounding areas having developed subsequent to the long ago building of this facility and its long commercial use. If you have any questions I will be glad to address those or refer them to the McDonalds.

Mr. Borries: Thank you, Steve. Any questions of Mr. Weitzel? Are there other persons who wish to speak to this matter? This is VC-5-88.

John Buckman: My name is John Buckman and I live at 4512 Cynthiana Road. I have here a copy of the petition signed by all the neighbors in the area who are in opposition to this particular petition.

Mr. Borries: Thank you, Mr. Buckman. We will submit this to the secretary for the record. I believe there are thirty (30) names.

Mr. Buckman: Counsel for the Petitioner has alluded to most all of the objections that we had and I won't bore you with that. We still object to the things he said were no problem. We feel property values would be adversely affected, traffic pattern and traffic volume. I least agree with him when he said it is conjecture as to whether it will increase or decrease -- so we're even on that particular score. We feel like at this point that with a residential classification we've had no problems. I realize that the Petitioner has had a difficult time in selling the property with the present situation, but I question whether or not that is a real good reason to change the zoning in our particular area and begin a process -- whether this Board in the future would change anything from the standpoint of encroaching a business classification or whatever the case might be. That is our concern and, again, I say -- is that a real good reason? -- just because they've had a difficult time with the property to change it and possibly change the face of our neighborhood.

Mr. Borries: Thank you, Mr. Buckman.

Mr. Wolf: My name is Albert Wolf and I live at 4501 Cynthiana Road, which is the last house on that dead-end that the Attorney hertofore mentioned. He said there won't be any increase in



traffic. Originally when this letter was forwarded to us, it was laid out as being a relatively small operation. But after reading the intentions, this isn't going to be a small operation and what these people paid for this property won't allow them to have a small operation. They are going to have to enlarge that thing and make some money to afford this property for that use. As I said, we bought this property out there eighteen (18) years ago and it was residential and we hope to keep it that way. I definitely feel that a commercial piece of property in that area will devalue the properties we have, because there are a lot of people who don't want commercial in an area that they're looking for to settle as their home. As far as traffic coming to the dead-end or down our way on that street, it is a sure thing that there will be; invariably, with Westlake there, I'm the last house -- so everybody comes down there looking for whatever. They can't find their way to Westlake or they can't find their way back to Evansville after they leave Westlake. They come down to my place and turn around and go back. This will be the same thing with this piece of property on that particular corner, because the people coming in to it will pull up in there knowing that they turned into this property from the right coming off Old Cynthiana Road and going back they will see the short strip of road coming out of their property and will make that left-hand turn, but rather than getting on the new highway they will be on the old strip of existing road there. The situation as far as getting onto the new Cynthiana Highway from Kasson Drive isn't the best as such, because there is a curve north; there is enough area or room there to see an oncoming car, but it is a pretty close call. If you get a speeding car, you'd better have enough time or a little acceleration to get out of there in time to get ahead of them. At nighttime it is virtually impossible to see Kasson Drive going south on Old 65 or Highway 65. The intersection -- it is just impossible to see it. Again, I'd like to say that the petition I have in front of me I wrote the letter, so I won't bore you with that again. The petition you have in front of you are neighbors in the immediate area; there are 28 or 30 signatures on that petition and if this petition is passed, I'd like for somebody to explain to me why. If there is another petition that comes up in that area we, as neighbors in that area, want to know what we can do or what we have to do to get it knocked down. Thank you.

Mr. Borries: Thank you.

Mr. Reuter: My name is Gerald Reuter and I live directly across from the school building that we're talking about. I happen to know that there are three apartments in there with a really minimum basement apartment, which was nothing but a little scroungy kitchen years ago. But the fact remains that we're talking about 300 sq.ft. of sign. That sign is as big as this wall (pointing to wall in meeting room). A hundred (100) sq. ft. is 10' x 10'. Three hundred square feet that they're talking about is as big as this wall right here. Then we go ahead and face the fact that the road off Highway 65 is right at 21 ft. wide. We've got fire trucks going out, we've got firemen coming in. We've also got Westlake. We've got residents. We have also picked up the horse farm. Yes, Dr. Schirmer's farm down the street now has been changed to a race track horse farm. This means that there are going to be horse trailers coming in, going to be trailers with straw, alfalfa, hay, etc., and that is going to create another problem, especially when you don't have anything but a 20 ft. right-of-way. Then we come right back around to the parking facility they are talking about. I don't see how they can beautify the yard and still keep the amount of parking places they're talking about having -- 20 and 30 parking places; they can't do it. There are three or four behind the house and three in front of the house. That doesn't mean that they are going to have 30 parking places, plus the fact that when these people pull out of their driveway they directly shine their lights at nighttime in my house. We picked up a burden the other month by having a big white light up there in front of us.



People coming out of Westlake will be looking for that and it is going to create a traffic problem. I don't see how in the hell they can go ahead and say that they are not going to create a traffic problem by having this business there. I don't know whether ..... Mrs. McDonald has told me that if there is anybody in this neighborhood objecting, that she doesn't want to buy the building. I've gone ahead -- there is a petition in front of you that 100% of the people in the neighborhood do not want this building zoned to a commercial type building. Hey -- apartments? I've lived across from there twenty (20) years myself and we've never had a problem with three apartments in that building and that little bitty one downstairs. I don't see how in the hell they can get five apartments out of that building that they're talking about. I can't count five apartments. Mr. Flowers didn't have five apartments in there and there haven't been any built in there since. Truthfully, I question -- I know we can't fight Old National Bank, because we don't have that kind of money to hire these kinds of lawyers -- but I do wish you'd take into consideration that they've got \$100,000 in that building -- but we've got \$80,000 to \$100,000 in our houses. And, hell, that amounts to something, too. How in the world they can sit there and say you're going to try to save \$100,000 by selling to Mr. and Mrs. McDonald and go ahead and ruin our houses right across the street. I thank you for your time.

Mr. Borries: Thank you, Mr. Reuter. Anyone else who wishes to speak at this time?

Mr. Weitzel: Just a very brief point of clarification concerning parking. I don't know if the gentleman has seen the Site Plan. All the parking (other than the ones that are already in front of the building) will be behind the facility at a grade elevation which I believe is below the site level of those residences that are westerly across Old Cynthiana Road. With regard to the signage, I believe I clarified that it is to be a 70 sq. ft. sign not the 300 sq. ft. sign -- and it is, as I indicated, an appointments-only business.

Mrs. Cox: Would you also please address the size of the sign?

Mr. Willner: That is what he just did.

Mrs. Cox: How big did you tell us? You said 70 sq. ft., how big is that?

Mr. Weitzel: Well, that would not exceed 7 ft. by 10 ft. The commitment that I believe was made at the Area Plan Meeting which, I believe, is reflected in the Use Commitment that we have presented and filed of record tonight says that the sign will be limited to 70 sq. ft.

Mrs. Cox: I just have a few observations that I'd like to make here. I think, Mr. Wolf, that the County ought to be able to help you immediately by posting where Kasson Drive comes off the highway and then Old Cynthiana Road come off (designated area) -- I see no reason why this Board could not authorize that a dead-end sign be posted.

Mr. Wolf: There is one down there now, but.....

Mrs. Cox: But that is in the wrong place. There is no sign out there at the intersection. I would say you would definitely need one out closer to the intersection and I would think that this Board ought to really take a look at that. I do think that would help. I have a question -- and Mr. Reuter pointed out that the man who was there had an apartment. He wasn't supposed to have apartments there and he knew that, because it is zoned agricultural and he was operating without the proper authority. If you go into like an R-3 rezoning or R-4 rezoning, then you can have as many apartments as you can cramp in a space, but I would

point out that it is not properly zoned for apartments and if it is needed to be used for apartments it will have to come back for a proper rezoning.

Mr. Wolf: Well, for the last three years Old National Bank has been using it for apartments.

Mrs. Cox: Well, the only other thing I know is that it would have to go back before 1972 and meet a non-conforming use for apartments.

Mrs. Cunningham: It has been vacant for two and a half years ...

Mr. Wolf: It has not been vacant. The basement has been used for an apartment for the caretaker (if you want to call him that). But he just lives there cheaper than he can live in town.

Mrs. Cunningham: Someone has lived in there this whole time, right?

Mr. Wolf: Yes.

Mrs. Cox: The other observation I would like to make -- I've seen Kasson School out there for a long time just like I went to Bockelman School when I was a little girl and there is a lot of nostalgia when you look at that building. I want to compliment whoever fixed up the front of the building like they did. I would hate to ever see the building razed or torn down. It is a very large structure. I don't know what will happen to that corner. It is a prime piece of property simply because of the fact that it is on a corridor to Westlake, which is operating on a Special Use Permit. (Is Westlake on a Special Use Permit?)

Mrs. Cunningham: Westlake might be prior to Special Use.

Mrs. Cox: So the property right there on the corner -- and it is not being used and you wonder what is going to happen to that corner, plus the fact that you do have a Fire Station there. I don't know, I don't ever foresee anyone buying that and building a residence, but I can understand why you don't want a C-1 zoning in that area -- because (and it happened to me on Area Plan Commission when we had people come up -- a nice young couple who had two little children who were right in the middle of more or less a residential neighborhood and he wanted to work on cars part-time in his garage to help supplement his income -- and the people said they are fine young people, we have no objection to that. Well, it wasn't long before something happened to the family situation and there was a divorce. Here you had this piece of property with a zoning attached to it that anything could go in there that allowed him to operate a body repair shop and something did go in there that was entirely objectionable to the neighbors. And I think this is what we oftentimes get caught in. We had no objection to the school being there, because I imagine some of you have been there a long time. And here we have something else coming up. You know, I personally think it is a lovely area. I would not have near as much concern about it if the petitioner would stipulate that that is all this is going to be used for, not excluding some of these things and ruling out. And I really feel that this Board can do that. I think we can say and stipulate in the zoning and to the use groups and to a site plan that would say -- this is all that can ever be there. If somebody wanted anything else they would have to come in and present another request before this Board. I visited the person who was interested in buying the property (I didn't visit, I drove by) and the area looks like a nice, neat, clean operation. Too bad they can't move the sign they have in their yard now and move it over there. I don't find it objectionable at all. But I am wondering here, Mr. Weitzel, do you have any further information about the sign and the size of the sign? Now some of the people here seem to indicate that Mr. Ziemer said it would be a 1-1/2 ft. by 1-1/2 ft.

Mr. Weitzel: Well, while you were making your remarks, I took the opportunity to review the record proceedings of the Area Plan Commission Meeting and Commissioner Marion Hite raised a question about the size of the signage. Mr. Ziemer's response was, "We have not discussed that". The question did not come up until someone mentioned a flashing sign. We would be perfectly happy to do the commitment (being the Use Commitment I filed this evening) over and even indicate a size (which we have done and is tendered). I don't know what the basis for the 70 sq. ft. sign would be.

Mrs. Cox: I know that Mr. Ziemer has worked very hard. He's met at the site with some of you neighbors in the area to come up there and explain what was going on. Is that when there was some indication as to the size of the sign? Can you answer that, Mr. Reuter? Was it during that meeting there on the premises that...

Mr. Reuter: No, it was during the last meeting we had up here that he commented about the sign being like what they have in their yard right now. That is when he commented -- the last Board meeting here. And I notice today it is a big sign. In regard to the sign the Fire Department has placed over there is only there to congratulate the volunteer firemen who have donated their time. And it has a little bit of a thank you and cautions people about the use of matches and the fire hazards and get your smoke alarms up and stuff like that. The other sign advertising Westlake is illegal. I mean I don't see why the Highway Department allowed that sign to be erected on State Highway property. I couldn't do it and I don't believe you can, Mr. Willner. Can you erect a sign of your own on State Highway property? I don't believe you can, can you?

Mr. Willner: Not very long.

Mr. Reuter: I mean -- you can't do that. But Westlake has come up there and done that. We don't have any complaint on the Fire Department sign. And as far as the complaints re the concrete block building, the City of Evansville just got through building two concrete block buildings -- Fire Houses. One is on Lynch Road and the other is on Maryland Street, both concrete blocks. German Township Fire Department is a concrete block building, but it has a Bedford stone front.

(End of Side 2, Tape #1)

Mr. Borries: Any other comments at this time by the Commissioners? Is there a motion then at this time?

Mr. Willner: I don't mind making a motion. I'm kind of in a quandary. It just appears to me that this is a good use of the building and I don't believe it would hurt the residents. But a C-1 in other things certainly might. So, I'm not sure yet what I want to do at this time.

Mrs. Cox: Mr. Willner, do you feel that this Board has the authority to address down or to specify or to grant a conditional zoning on this proposed land use?

Mr. Willner: To restrict the C-1 usage -- is that what you are saying?

Mrs. Cox: No, no, no, no -- I'm not talking about C-1. It would be a conditional zoning, a conditional C-1 providing only a wedding service center (which would be the photography, wedding, bridesmaid dress, tuxedo sales and rental shop, a boutique-type wedding gift shop and a wedding flower shop).

Mr. Willner: Do I think we could approve a zoning in a C-1 with just those restrictions? That's a good question. I think David Miller says we can. What do you think, Curt?

Attorney John: I was just reviewing the Statute that shows the 1987 amendment. It says that they can make commitments which, according to this Statute, would be enforceable. I don't know if it's ever been tried or tested since its adoption, but according to the Statute and what it says, I would say those types of commitments can be made. How restrictive you can go is unknown at this time. It basically says that you can require certain commitments. If they are more stringent than those of Area Plan, it is not necessary that it go back for Area Plan approval. If they are less stringent, then it has to go back to the Area Plan. Is that how you read this?

Mr. Weitzel: Two observations. One to your comments, Curt, and that is that would be my reading of the Statute and I think Sub section (b) indicates that if commitments are entered at the Plan Commission meeting and those are altered at the legislative body, then they need not go back to the Area Plan Commission.

Mr. John: If they are more stringent they do not need to go back; but if they are less stringent than those imposed by Area Plan then I believe it has to go back before Area Plan.

Mr. Weitzel: I think the only variation from the commitment presented at the Plan Commission meeting would be in the undertaking to limit the sign in size as to what would be permissible within a C-1 zone -- from the permissible 300 sq. ft. to the 70 sq. ft. indicated in the commitment tendered this evening. I might also add that in reference to Mrs. Cox's remarks and her proposed limitations, this originally was presented as a C-1 zoning request without limitation and what she is in a sense suggesting is an extreme limitation on that C-1 request. I think there is a compromise that could be affected here and, again, I wouldn't have authority on behalf of the petitioners (the McDonalds). But Mr. Ziemer, the Bank, and the McDonalds have, I know, attempted to bend over backwards to accommodate the concerns of the neighbors. Without consultation with them they did indicate a willingness to eliminate those kinds of uses which would create a higher volume of traffic or occupancy (being a Fraternity House, Sorority House, Motel or Hotel permissible within a C-1 zone. Then, subsequent to the meeting on February 27th at which they attempted to isolate those kinds of uses (and I know Mr. Ziemer had a copy of the Zoning Code with him and actually highlighted these types of uses and went through the Use Group and attempted in this commitment then (upon consultation with Mr. Vowels and Mr. Miller) to limit the uses and promote use of this facility for what in their collective opinion would be least objectionable. So I think there has been an attempt by the Petitioner and the McDonalds to bend over backwards in that regard. On the other hand, this represents a sizable investment for all parties and if the state of the photographic industry should change and there would be no seller whatsoever, then the developers would not be in a position at all based on this kind of a limitation to recoup their investment or find a prospective purchaser for the property if it were subject to continued and perpetual rezoning efforts. What we have attempted in, I think, very good faith is to effect compromises to the extent possible, bearing in mind all conditions impacting on this rezoning request. Not only the wishes of these neighbors to the westerly direction but the condition of surrounding property easterly and in the other surrounding directions.

Mrs. Cox: Well, what I think we need to remember here is that we're talking about a residential area. We're not talking about an area that now has a lot of commercial development in there. The Comprehensive Plan says Agricultural and Residential -- that is what the plan does say. I think you have to look at each individual request, especially when you go over the bounds of the comprehensive plan and I think that in this area we do have residents and -- that's right -- you did knock a lot of those

things down in C-1, because when it came through on First Reading there was no way I would ever support it on a blank check of just the C-1 without tying it down. In other words, I really feel that what you say you are going to put there should be put there and if it can't go there then it needs to come back and we need to say what is going to go in there. And I can understand why they need not just the photography shop but these other things. That is a large building and they are going to have to do some other things I would imagine to pay the utility costs on a building that size, rather than just be a wedding photographer. But, you know, I'm sorry the neighbors don't want it ever changed to a C-1. But, folks, I'm afraid it's coming and I'm afraid that what we need to do here is to tie down or pin point the things which are aesthetically as acceptable to the area as we can and also, the sign that is presently located over at the other photography studio -- with a sign no larger than that sign could be put up there, I would have no problem. But I just cannot support it unless those things are agreed to. I know that is not making anyone happy. It is not making the neighbors happy, because you don't want it rezoned. It is not making the petitioner happy -- so I am batting absolutely zero in making anyone happy. But I do feel that something is going to happen to that corner. And, folks, let me tell you -- I've seen a lot of apartments come up in the area and I think something (and this is my own opinion -- I've sat here for seven years and seen development) I think that you would be highly more objectionable to apartments in the area than to this type of activity and that is my personal observation.

Commissioner Willner: I agree - I certainly agree. You're going to have to put something in there that is affordable, that can up keep the building and they're certainly going to have to make some money to do that. And I think what they are doing here is probably one of the things that the residents might want. But I can see that they don't want the rest of it and I will probably agree with that. Have you a list of the things you've deleted from the C-1 zoning?

Mr. Weitzel: Yes sir; those are enumerated in the use commitment and they've been highlighted on this copy.

Mr. Willner: Where do you want to start? Are we in Use Group #2?

Following brief comments from Mrs. Cunningham of Area Plan and Mr. Weitzel, Mr. Willner asked, "Under C-1 you have apartments?"

Mr. Reuter: I realize, as I said awhile ago, that they are undertaking quite an operation here and the money they are investing -- if this business fails -- what comes in next? I realize to pin them down to just the business they are going to start or to sell it to someone else if that business goes kaput like a lot of businesses go, then they'd be stuck with the building. I think at some time at some place I heard somebody say that they could re-sell it as an apartment dwelling. Okay, say that you would like to restrict this further and knock out some more stuff, and the neighbors would be willing to go along -- I'd let this item right here (which is dwelling for three apartments) which, if their business fails, they could re-sell it under this rezoning here as a 3-family dwelling. There is no way you could make me say I want it up there. I don't want anything worse to happen to the building either. But I've lived out in St. Joe, Indiana all my life. I was born out there. And it is an historic building and I'd like to see it kept that way. And I think (I drove by McDonald's place, also; I didn't know what kind of people they were or anything) they have a nice home there -- well maintained and I don't think I have any objections to these people starting their photography as far as the traffic. If I get too much, I'll go down front and tell them they will have to tell each individual customer who comes in there which way to get



out of the place. But it's the people after them that I'm worried about. But I think it would solve our problem if we could do what I suggested earlier.

Mr. Borries: He said he had no objection -- but that if they re-sold it it would be specified to go into Use Group #4 (multiple-dwellings).

Mrs. Cox: It would be the Use Groups they have now and if the business fails, the only other thing they could put in there (if I'm understanding this correctly) would be multiple dwellings.

Mr. Borries: That is what he said.

Mr. Weitzel: Which has been one of the problems; the property has not been marketable as a multi-family dwelling facility for three years.

Mrs. Cox: Well, I don't think they want a Boarding House -- and I don't know why that isn't crossed off the list.

Mr. Weitzel: The exceptions, Mrs. Cox, in that commitment -- Mr. McDonald has just reinforced to me were exceptions that we thought (and Mr. Ziemer thought and Mr. McDonald thought) were the ones that represented a consensus from that Saturday meeting.

Mrs. Cox: What size sign would you need?

Mr. McDonald: The problem with the sign -- a 70 sq. ft. pole would be okay. But if other businesses come in, you have to have 70 sq. ft. for a total for possibly two or three different businesses.

Mr. Weitzel: He's talking about those ancillary businesses -- the wedding service, the tuxedo rental, etc.

Mr. McDonald: The sign we have in our yard now that you said you saw is fine for just the one business. But you need a total of the 70 sq. ft. if you wind up with three businesses.

Mrs. Cox: Sir, you don't plan on operating these businesses? You're going to rent out....?

Mr. McDonald: We're going to operate the one business (the photography business). From there, we hope to lease it in order to pay the utility bill (like someone said a while ago). Some way we have to pay the utility bill. So you've got to have certain options in order to get enough income off of it to take care of it. So there might be more than one sign, which could also be within the 70 sq. ft. Or, one larger sign with three businesses, possibly

Mr. Weitzel: You're going to limit the height of it so long as it does not exceed the 70 sq. ft.?

Mr. McDonald: Yes.

Mr. Weitzel: It wouldn't be any higher than a certain elevation off ground level?

Mr. McDonald: Yes, that would be acceptable.

Mr. Reuter: You see, these are the kinds of things we weren't told. I was under the assumption all along that Mr. McDonald and Mrs. McDonald were going to operate the photography shop, the boutique, the rental service, etc. Now it comes out that there are going to be other people operating other portions-- and I don't know whether I'm in agreement or would be satisfied with your operation going in there.



Mr. Weitzel: The utilities (Mr. McDonald informs me) run about \$1,000 per month during the winter. And one of the problems obviously in maintaining a property like that is creating a cash flow that can service the utilities and the insurance and the taxes, let alone any profit for their business. It is a sizable investment they are undertaking out there.

Mrs. Cox: Well, I can see like a sign that wouldn't be too objectionable on a nice little post with a chain that says "McDonald Photography", "Such and Such Tuxedo Rental", etc. Not a great big blasting kind of sign.

Mr. McDonald: Right, just large enough to have their names on it, etc. I don't think it will get to 70 sq. ft., but I haven't sat down and drawn it up to see. It may only be 40 sq. ft. or 50 sq. ft. But if you really limit it, then you need to do a study on it to see how large it would actually have to be -- and that hasn't been done.

Mrs. Cox: Mrs. McDonald, you said a total of three (3) signs?

Mrs. McDonald: A total of three (3) people. There are two (2) apartments upstairs or two areas upstairs that have been used as apartments and we were hoping to have one as a tuxedo rental or that sort of thing and a smaller one as a gift type deal -- wedding flowers, candles, anything that complemented the wedding business. But I thought there would probably be one or two people to take the whole upstairs. We'd love to have just one person take it -- but that may not be. There may be two different shops up there and we'd need a total of three names on the sign. The sign that we have is fine for us; and I thought another sign that size or a sign twice that big (which is where we came up with the 70 sq. ft., I think) to hold our name and to hold two more names. I went out and measured our sign and we thought we'd need that much for us and that much for the other two. The other two could split a sign that big.

Commissioner Borries: Are we ready for a motion?

Commissioner Willner: Yes.

Commissioner Borries: If there is no further discussion then.

Commissioner Cox: You make the motion, Commissioner Willner, and I will see what I can do with it. I hate to postpone anything, but do we need another month to find out? Mrs. McDonald or Mr. McDonald, do you have people in mind who are going to operate this tuxedo rental and wedding flowers?

Mrs. McDonald: Yes Ma'm. I have them in mind. I'm hoping my sister will take the apartment upstairs, because I'm concerned about having somebody up there who won't destroy the property and lock the doors at night. She is very serious about it, but we have not committed to each other. If not, I have talked to about three other people who I know in the trade and all are interested -- but there have been no commitments made.

Commissioner Cox: I understand. Thank you for your honesty. And I think it would ruin the whole landscaping, because there is a beautiful gazebo area out there and I just think a great big sign would really distract from your building, too.

Mr. Weitzel: May I make a comment before you make your motion. In hearing the sense what the Commission is saying, I wonder if it might not be prudent to defer this for a month, because we honestly thought when we made this commitment that that was a consensus of what the neighbors had indicated they found acceptable. And what the Commission is saying now represents, I think, an unacceptable further limitation to Mr. McDonald, who is, I think, unwilling to undertake the development of this property if he is restricted to any use other than the uses specified in

the petition reverting only to an apartment use. The property has not been marketable for three (3) years under that prior use and I think he is unwilling to undertake a development requiring this kind of a cash commitment and time commitment with those sorts of prospective limitations. So what I am thinking is perhaps we could explore these limitations further with the neighbors in the ensuing month and come back to you with a commitment, if we can arrive at one that reflects apparently a more true consensus than that which I thought was reflected.

Commissioner Borries: Well, we appreciate your efforts there and I hope we can address some of the residents' concerns.

Mr. Weitzel: I guess I didn't properly state the McDonalds' wishes. They are telling me that they feel they have made actually all of the accommodations that they can make based on their projected development of this property and the commitment reflects the extent of the good faith compromises they are able to make, given not only their intended use but the prospects for this business. It is a gamble for them in a sense. I think they have shown at their location on Mesker Park Drive that they are responsible persons and this is certainly going to represent a significant investment for them and I think their position would be that the commitment we expressed is their good faith effort to compromise, and given all of these attended factors, as much as they can and I guess they would like to see some sort of a resolution tonight based on their commitment.

Mr. Borries: I tell you, I enjoy very much listening to people and I try to pay a lot of attention to what is being said so I can keep an open mind and make up my mind and accept people at their word. And I would assume that is exactly what I would have to do. I would just have to say for the record that I would not be in favor of any other changes in this neighborhood in relation to what is being done. So that is what this Commission has to do. This Chair cannot make a motion and I think that is where they have to come forward here to do something and reflect the desires of the residents. On the other hand, I am always haunted by the fact that in an area that some residents probably didn't feel that whatever change -- there was an old school down in another township (Union Township) that has turned out to be a disaster and I have been in court on this. So I am saying that I think if we can proceed to try to address your concerns, but on the good faith of what these people are saying, we're trying to find some middle ground here, because the other alternatives could be a heck of a lot worse. If you go down to Union Township what you're going to see (I don't usually like to say this, because I don't like to prejudice this Board) -- but we've wrestled here and I hope we can come to some agreement on this. Because I'll tell you, if you go down to Union Township (and we've been through court cases on this, I've walked through that; this Board has walked through that...and it's a mess. And he's even been convicted in court and the thing is still just frustrating and it is zoned agricultural -- and that is a school. So you have to kind of look at this thing. We want to preserve the neighborhood. We're not going to commercialize the whole neighborhood. This is an unusual property here and I think you all understand that.

Mr. Weitzel: It has been vacant for three years, Commission Members. It is an alternative that is not fair to anybody in that sense. If a caretaker were not present the property is subject to vandalism. I think we all know what happens when a property of that significance remains vacant for any extended period of time and that could be one of the alternatives. If it's not saleable as an apartment facility (which its pre-existing use was and hasn't been) these people have basically stepped up to the mat and indicated their good faith effort to effect all the compromises they thought were being exacted and have a proven track record in their business and a sizable

commitment on their part financially and personally. Again, I guess I don't have anymore to say on the issue and I think the McDonalds have expressed their concerns.

Mrs. Cox: Mr. McDonald, in Use Group #4, this boarding house -- do you have to have that in there? Could you eliminate that?

Mr. Weitzel: Surely

Mr. McDonald: We agree to take out boarding house.

Commissioner Willner: One more -- contractor under Use Group #2. A contractor always has a very messy place. It's always outside -- a contractor has to store his equipment around the house.

Mr. McDonald: There is not really a place there to store contract equipment.

Mrs. McDonald: All we wanted was to be able to sell it if we didn't make it.

Commissioner Willner: Okay, I'm going to make a motion that VC-5-88 be approved on Third Reading, with the stipulations for the use commitment and the additional deletion of contractor and boarding house.

Mrs. Cox: How about the sign? Can we depend on you to make a.....

Mr. McDonald: When I came before the Board to do 5303 Mesker Park Drive, really all I did was assure them that I would have a sign that was in good taste with the keeping of the neighborhood -- and I will guarantee you that. We will do it right. We will do it nicely. It will not be a flashing sign. It will not be excessive in size. But like I said, you have to do a study to determine exactly. Maybe it won't be more than 40 sq. ft. in total for three businesses instead of 70 sq. ft. But I hate to put that limitation on it without sitting down at a drafting board and seeing how much space it is going to take. But I will assure you that it will be tasteful, small sign within keeping of the neighborhood. I got by with that when I did 5303 Mesker Park Drive. Can I do that now?

Mrs. Cox: Did you include the sign, Mr. Willner?

Mr. Willner: They've already stipulated to 7 ft. x 10 ft., so I go with that.

Mrs. Cox: Okay, I'll second the motion.

Mr. Borries: There has been a motion and a second. Based on the comments then (and they will be lengthy, Joanne) we will ask for a roll call vote at this time.

Commissioner Cox, yes; Commissioner Willner, yes; Commissioner Borries, yes. Motion unanimously approved by roll call vote.

Mrs. Cox: We want you to make that the showplace of the entire area out there now. It is a beautiful piece of property.

Mr. McDonald: We will try.

Commissioner Willner: I concur. To you residents, if it doesn't work out, please come back and tell us about it.

VC-6-88/Petitioner, Land Trust: Mr. Borries said there is one more petition in this series this evening -- VC-6-88. the petitioner is Land Trust No. 116395 Citizen's National Bank. The request is from A to C-4 and Mr. Sam Biggertaff is here to make some comments in behalf of the petitioner.

Mr. Biggerstaff: Yes sir, I'm the Surveyor for the Petitioner and Mr. Fred Barber (who is with me) is their agent. We have a plat here that may show you a little better than the one you have as to what is being proposed, the easements, etc., on the property. Mr. Biggerstaff proceeded by showing the Commissioners the plat and pointing out designated areas (sewer pump station, easements, etc.). He said the ditch is not included in the property because the lady who sold the property retained 33 ft. for herself. The lady who owned the land sold Elpers 40 acres, except 33 ft. off the north side and 16-1/2 ft. off the east side in 1907.

Mr. Borries: The Petitioners have made there case. Is there anyone wishing to speak to VC-6-88? I will note for the record that there was very little comment made at Area Plan. The Petition was approved with 10 affirmative and 0 negative votes.

Mr. Willner: I move that VC-6-88 be approved on Third Reading.

Mrs. Cox: I second the motion.

Commissioner Borries: It has been moved and seconded. As is our custom here, we will ask for a roll call vote.

Commissioner Cox, yes; Commissioner Willner, yes; Commissioner Borries. Motion unanimously approved on roll call vote.

RE: CARANZA DRIVE SEWER PROJECT

Attorney John said that Dan Carwile from Attorney Miller's office is here to address the Caranza Drive Sewer Project.

Mr. Carwile: Andy Easley and Darryl Veach are going to be meeting this week to discuss the preliminary design phase for the Caranza Drive-Kembell Drive sewer system. Once that is approved we go into the final design phase, on which the bidding will be based. We then go through the process of bidding and awarding bids. One more hearing is required by law. I only mention this to put this thought in your mind. When we prepare the assessment roll after the project is complete, that assessment roll is then set for hearing and those property owners who are affected get an opportunity to come back in and give you opinion of what they think of the assessment roll that has been prepared. It has been some time since we had the last hearing. Essentially, the property owners only get two bites at the apple. They get that first bite of the apple that we had last summer, in which they get an opportunity to express their opinions about the benefits and the cost and what is going to happen to the property. Then they get an opportunity at the assessment stage. It may be very beneficial -- and it may smooth over some ill feelings out there -- to allow those folks to come in one more time to say -- hey, we've got three different plans we're looking at right now for the construction; we're also thinking about assessing on a front footage basis -- to give those folks one more shot at the apple prior to that assessment stage. I only come to give you that report so you can at least start to mull that over a little bit as a consideration.

Mr. Borries: Dan, thank you for your patience. Does anybody have any questions of Dan regarding this Barrett Law or any of the material he mentioned?

Mrs. Cox: There are three plans -- and you don't know exactly which one you want to use at this time and you want some input from the residents?

Mr. Carwile: No, I think probably there is a real good idea of which plan is going to go and Andy can address that a little better. But right now it is my understanding....Andy, you may want to finish this....

Mr. Easley: I think what we're discussing is that when we actually get the bids -- before you award a contract -- just have a quick meeting to explain what it looks like it is going to cost them per house. In case everybody gets all upset and the majority says it is too much money -- we can't afford it -- you could drop it and somehow get them to pay for the engineering. It's just a thought. Not so much to give them a chance to drop it, but just to say this is what it is going to cost -- so you can start saving your money to pay your assessment. What we may be doing is giving them two chances to complain about their assessment by giving them two hearings. It is something we have discussed and it is going to be a long time between hearings. We met back in July and by the time we get the assessment roll prepared, a notice sent, and a hearing on that -- it could be summer again. So there is a 12 month period. Some of those folks may want an opportunity to again say, how are you going to be doing this? But as you noted, that may be a meeting that is a repeat of what we had last summer and maybe just a premonition of what we are going to have at the end of this summer.

Mrs. Cox: Well, I would like to see what you are doing -- if I have to come to a public hearing I'll be glad to. And when we met with the contractor we knew these were their monies. You know, you're always conservative with public monies and you should be. But this is individuals' monies and we asked every contractor we talked with to be cost effective -- to be very frugal and to pay good attention to that aspect.

Mr. Carwile: And I think that has been some of the concern expressed by Andy, Darryl Veach, and David Miller in saying it is going to come out of their pockets and we need to give them an opportunity to address it.

Mrs. Cox: And I see nothing wrong with that. But, certainly, we're not going to go back and change our minds now about going ahead and doing it. I mean -- that needs to go in.

Mr. Borries: Thanks, Dan.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Work Report/County Garage: Mr. Bethel submitted copies of the Weekly Work Report for employees at the County Garage for period of March 14 thru March 18, 1988.....report received and filed.

Gradall: Baumgart, Old State Rd., Baseline, Wright Dr., Outer St. Joe, Mohr Rd., and Happe Rd.

Patch Crew: St. George, Mohr, Mill, Mesker Park Dr., Red Bank Rd., Kansas, Baseline Rd., Boehne Camp Rd., Darmstadt and Mt. Pleasant

Tree Crew: Nurrenbern, Boonville-New Harmony, Kansas Rd., Schlensker, Hillview and McCutchan Rd.

Trash Crew: County Line West, S. Weinbach and Kansas Rd.

Graded & Rocked: County Line East, Goebel, Kneer, Motz, County Line West, Wright Dr., Sensmeier & Buente Rd.

Rocked Approaches To Mail Boxes:

Upper Mt. Vernon, Cremery Rd., St. Joe Rd., and Old Princeton Rd.

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

- Replaced guard rail on New Harmony Rd.
- Delivered culvert to outer Darmstadt Rd.
- Cleaned culvert on Boonville-New Harmony Rd.
- Installed culvert on Outer Darmstadt Rd.
- Installed guard rail on New Harmony and Kern Rd.
- Prepared Wortman Rd. for installation of culvert
- Removed culvert from Happe Rd.

President Borries entertained questions of Mr. Bethel.

Outer Darmstadt Road Bridge: Commissioner Willner said he doesn't have any questions of Mr. Bethel. However, we do need to make a decision on the Outer Darmstadt Rd. Bridge. Can we do that next week?

Mr. Bethel said he will have the information ready for the Board.

RE: OPEN BURNING ORDINANCE

Attorney John said he has the Open Burning Ordinance as submitted by Attorney David Miller. He just received it in the mail today. Attorney Miller will be at next week's meeting. He has made a couple of changes so the Board may want to defer the matter and discuss same with him at that time.

Mr. Borries said he still doesn't have guidelines from the U. S. Forest Service yet either.

RE: COUNTY ENGINEER

The Chair recognized the County Engineer, Andy Easley. Mr. Easley said he doesn't have anything tonight requiring action on the part of the Commissioners.

RE: TELEPHONE REQUEST

President Borries submitted the following request from Legal Aid:

March 16, 1988

County Commissioners  
3rd Floor, Administration Building  
Civic Center Complex  
Evansville, Indiana 47708

Dear Commissioners:

In the past year this office has been fortunate enough to have University of Evansville students as interns. They do various tasks for us, including answering the telephone. This task does present a problem, though, as it can sometimes displace our regular employees. We would like to install a new telephone in our extra office for this intern to use. We are not requesting a new line, but simply a telephone that would operate on all three (3) existing incoming lines (426-5173, 426-5174 (a roll over number from 426-5172) and 426-6756 (a private number for the judges to reach us). Please advise us as to the cost of such an installation and when we might expect the installation to take place.



Sincerely,

/s/ Sue Ann Hartig  
Executive Director

Mr. Borries said Jim Lindenschmidt has the cost figures. It is called the 240 phone and the cost would probably be close to \$325.00 (a one-time charge) and they have the money in their budget. A motion was entertained.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the request was approved. So ordered.

RE: TRAFFIC SURVEY

President Borries said the Commissioners have a traffic survey from the Sheriff's Department on Boehne Camp Road, which was conducted at the request of the Commissioners. It contains information on traffic speeds for March 5, 6, and 7, 1988 and is very complete. The average speed of all vehicles (both northbound and southbound) on all three days was 36.04 mph. He thinks they just need to take it under advisement tonight.

Mrs. Cox said, "I thought they told me 43 mph."

Mr. Willner said there is another report from Mrs. Zigenfus of EUTS.

Commissioner Borries said for the record the report from the Sheriff's Department is available if either Mrs. Cox or Mr. Willner want to peruse same. He also wrote Rose Zigenfus about this.

Commissioner Willner said there should be copies of each report in the Commissioners mail baskets.

RE: OLD BUSINESS

Commissioner Borries said he was going to mention the Open Burning Ordinance; again, he doesn't as yet have the guidelines from the U. S. Forestry Service.

RE: SCHEDULED MEETINGS

Tues.	March 22	9:00 a.m.	County Assessors (Room 307)
Wed.	March 23	2:00 p.m.	Council Personnel Committee (Room 303)
Wed.	March 23	2:30 p.m.	Council Finance Committee (Room 303)

RE: CLAIMS

Board of Public Works: Claim received via Andy Easley through Local Roads & Streets to invoice for 45% of the cost of installation of the detector loop at Covert and Green River Rd. This is near the new Covert Avenue Extension. Our amount would be \$545.95. Again, the County pays 45% and the City pays 55% of the total cost. There is already a light there. What this detector loop does is somehow or another it triggers the light. We're paying our portion of what we did to the road.

Mrs. Cox said that it is now maybe all in the city, but we still have to hold onto our commitment.

Mr. Willner said, "I don't know as I made a commitment for traffic signals."

Mrs. Cox said, "Oh, Robert; this is traffic signals."

Mr. Borries said, "Sure it is."

Mr. Easley commented, "They saw the little lines in the pavement and they put that loop there. It is a wire; then they backhoe it."

Mr. Willner asked, "Is any portion of that in the County?"  
Let's find out. No big problem."

Mr. Easley said that Rose Zigenfus submitted the claim to him and asked him to present it.

Mr. Borries explained, "It is in conjunction with the Covert Avenue Extension from Green River to Fuquay Road. We paid 45% of that portion of the road. Could you get an answer on this?"

Mr. Easley said he'd get an answer.

RE: EMPLOYMENT CHANGES

County Highway Department (Releases)

John M. Garrett	Laborer	\$8.58/Hr.	Eff: 3/4/88
Mike Glover	Laborer	\$8.58/Hr.	Eff: 3/14/88
Roy W. Tuley	Laborer	\$8.51/Hr.	Eff: 3/4/88

County Highway Department (Appointments)

John M. Garrett	Laborer	\$8.51/Hr.	Eff: 3/4/88
Mike Glover	Laborer	\$8.58/Hr.	Eff: 3/14/88

Treasurer's Office (Appointments)

Michelle Jackson	Clerk	\$35.00/Day	Eff: 3/16/88
Patricia Tutt	Clerk	\$35.00/Day	Eff: 3/17/88

Burdette Park (Appointments)

Terry Jameson	PTGC	\$4.00/Hr.	Eff: 3/7/88
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Clerk of Circuit & Superior Courts (Releases)

Deborah Ann Mottley	Bond & Fine	\$6.00/Hr.	Eff: 3/19/88
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Clerk of Circuit & Superior Courts (Appointments)

Vickie L. Cavanaugh	Bond & Fine	\$6.00/Hr.	Eff: 3/19/88
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Election Office (Appointments)

Charlotte Shetler	Dep. Clerk	\$4.85/Hr.	Eff: 3/7/88
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Circuit Court (Appointments)

Brian A. Wilson	PTBB	\$5.00/Hr.	Eff: 3/8/88
Edna M. Enlow	PT Clerk	\$5.00/Hr.	Eff: 3/7/88

Area Plan Commission (Releases)

Kathryn Sue Young	Dr. Tech.	\$14,567/Hr.	Eff: 4/8/88
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German Township Assessor (Appointments)

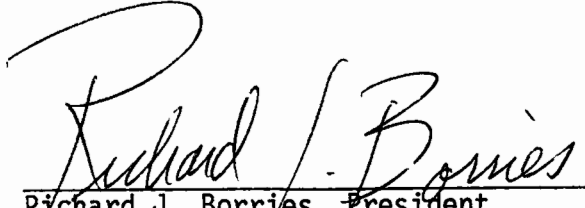
Gary W. Wagner	Assessor	\$20.00/Day	Eff: 3/8/88
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There being no further business to come before the Board,  
President Borries declared the meeting adjourned at 10:45 p.m.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R. J. Borries R. L. Willner S. J. Cox	Sam Humphrey	Curt John
	<u>COUNTY HIGHWAY</u>	<u>COUNTY ENGINEER</u>	<u>AREA PLAN</u>
	Bill Bethel	Andy Easley	B. Cunningham
	<u>PURCHASING</u>	<u>OTHER</u>	
	Tom Dorsey	Mike Weimer S. Bohleber, Atty. M. Schopmeyer, Atty. Shirley James, WIA Dave Williams S. Weitzel, Atty. Mr. & Mrs. McDonald Albert Wolf Gerald Reuter John Buckman Dan Carwile Jim Lindenschmidt Approx. 125 Individuals (Unidentified) News Media	

SECRETARY: Joanne A. Matthews

(Proofed by Margie Meeks)

  
Richard J. Borries, President

  
Robert L. Willner, Vice President

  
Shirley Jean Cox, Member

MARCH 24, 1988

TRANSCRIPT OF PROCEEDINGS

PUBLIC HEARING RE COUNTY ROADS

BY

VANDEBURGH COUNTY BOARD OF COMMISSIONERS

IN SPECIAL SESSION

HELD MARCH 21, 1988

6:30 P.M.

MINUTES  
COUNTY COMMISSIONERS MEETING  
SPECIAL SESSION - PUBLIC HEARING ON COUNTY ROADS  
MARCH 21, 1988

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#### ATTACHMENTS

- 1) Petition to Repave Oak Grove Road
- 2) Petition to Repave Vernonwood Court
- 3) Petition to Repave Buente Road between St. Wendel Road and Boonville-New Harmony
- 4) Request to Repave County Line Road between Baseline Road and Boonville-New Harmony Road
- 5) Petition to pave Motz Road
- 6) Letter from German Township Volunteer Fire Department re Motz Road
- 7) Letter from West Side Improvement Association re Numerous Roads
- 8) Photographs of Short Mill Road between Highway 65 & Mesker Park

Three (3) video tapes re Motz Road were also loaned by Mrs. Jeanne White to the Commissioners for viewing. (They will be picked up when the Commissioners are finished with them).



MINUTES  
PUBLIC HEARING RE COUNTY ROADS  
MARCH 21, 1988

The Vanderburgh County Board of Commissioners met in a special session at 6:30 p.m. on Monday, March 21, 1988, for the purpose of conducting a Public Hearing with regard to County Roads. There was an estimated crowd of some 150 to 200 persons from throughout Vanderburgh County in attendance.

The meeting was called to order by Commissioner Rick Borries. He welcomed the attendees and said the Commissioners appreciate their attendance this evening. This is a great turnout and, as evidenced by the participants' willingness to come to the meeting, they are concerned about our County roads. Input from the attendees will be welcomed. However, in order for the meeting to proceed in a smooth fashion he would like to perhaps start with the front row from left to right. Every year we construct a preliminary list that is just that -- a list compiled as a result of call-ins from various residents, the Sheriff's Department, the County Highway Department, the County Engineer, etc. We try to cost out and develop a road paving program based on those referrals given to us through the year. This evening we would like to hear from you and hear your concerns and, obviously, those roads that you feel need attention. He would also like to say that many of the participants may live on the same road. If so, as a quick exercise in democracy, he would like for these individuals to elect a spokesman to voice the concerns. There is a 7:30 p.m. meeting to follow, so the hearing on roads will have to move rather quickly. Also (again, in the interest and concern for each of us) he would ask the participants to try and remain as quiet as possible, so all of the testimony can be included in the record. When testifying, individuals should state their name and address for the record. The Board has an excellent secretary in charge of recording the minutes, so it is very important that accurate names and addresses are recorded.

The Chair recognized an individual on the front row.

Ms. Faye Clements of 4013 Hunter's Trace in Evansville, Indiana, (47715) identified herself, "I drive a school bus in the County on Burkhardt Road, and I have tried repeatedly all this school year to get something done about it. It is very dangerous. I have another friend who drives the road with me and it is really getting to the point where people (I know I have to go down through there -- I own my own school bus -- and I've quite a big repair bill this year. My mechanic has told me it is because of the chuck holes. At one point my radiator was hanging on by one bolt when he finally repaired it. I have to go down through there very slowly (and the cars are very anxious I know to get around me and I waive them around me as much as I can.) But I have to go very slowly. Sometimes it is so bad that I have to get in the center of the road to try to avoid chuck holes and then the cars try to pass me as I'm trying to unload children. I've had one little boy almost get hit there, and I have talked with the school officials about it and they told me they have turned it in. But nothing has been done all school year. The safety of the kids and my expenses are really what I am concerned with, and I just wanted to bring it to your attention to see if I could get something done about it, please. Thank you."

Commissioner Borries: "Just one quick question. Are you referring to Burkhardt Road north of Boonville-New Harmony Road?

Ms. Clements: "It is north of Old Boonville Highway."

Linda Blume: "I'm Linda Blume and we live at 10535 Hillview Drive. It is a Wadesville mailing address, but we are in Vanderburgh County. The last three years I've been talking to Bill Bethel about our road. We have had several major holes. Three years ago he came out behind the trucks and the guys just used the shovels and were throwing asphalt in the holes in the ground and pat them down and that would be about all. Last year I did get ahold of Shirley Jean Cox and brought the problem to her and she said there had not been a work order on our roads turned in at all. We have lived out there ten (10) years and several of our neighbors have lived out there fifteen (15) years and the best that we can think back, our roads have not even been paved -- other than the asphalt thrown in a few holes in at least sixteen (16) years. They have not come out and worked on the ditch problems or anything like that. This is Hillview Drive that runs off of St. Wendel Road and it comes to a dead-end at Slate Road. It is about 2-1/2 to 3 miles long, but it is a major thoroughfare. Hillview Drive has a lot of houses on it (at least 60 houses) and it is a cut-off road that people take a lot of times from Hwy. 66 to St. Wendel. There is a lot of travel from G.E. and other people cutting over Hwy. 62 that way. We also would like a counter put on the road to get an idea of how many people go up and down through that road. We've had the school bus drivers and the School Corporation to call it in. I got a picture and sent it in last year. The bus wheel was in a hole in front of my house. When she stops, it is hard for her to even take off. They came out and fixed that hole and let the rest of them go. But we haven't had anything done to our roads in at least sixteen or seventeen (16 or 17) years."

President Borries asked if anyone in the next row wishes to speak.

Randy Fahrlander of 4250 Bayou Creek Road introduced himself. "Our road has been patched or vulcanized, if you will, for as long as I can remember. The last time it was paved was over twenty (20) years ago (I mean really paved.) It was paved with the chip and seal method. It has broken down and it has been patched with the dump and run method (that's dump the asphalt off the truck and run over it). I don't think there's actually been a steam or asphalt roller to go over it, so now it has been patched off and on for the last four or five years (I've lived there for about eight years, but I've known people there for over twenty years and that is how I know that was when it was last officially paved.) It's been a nuisance and has caused me some problems. I know some of the other neighbors have also had mechanical difficulties with their cars and trucks, etc. In fact, everybody on Bayou Creek Road raise your hand (some 20-25 individuals raised their hands). We could have gotten petitions, but didn't know that until the last minute. But we would appreciate your coming out to take a look at it, because it really needs it. From Schmuck Road back, Schmuck Road has been paved twice since this has been fully paved. Schmuck Road and Lower Bayou Creek Road got paved about two days before the Election. It is an eyesore;; you drive about a mile and say, 'Wow, we've really got a road here now!' But you just have to go over the bumps; it is decaying pretty badly since this past winter. Would appreciate anything you can do."

Hugh Dunn: Mr. Dunn identified himself. "I'd like to speak for the business people who own businesses/manufacturing plants on Short Maxwell Avenue (in the 6000 Block) where it intersects with Burkhardt Road. I've been out there for many years, along with J. W. Wells and it has gone from a few businesses and manufacturing facilities to a lot. We have a lot of dust, a lot of potholes. To my knowledge there has not been anything done to the road since we've moved out there. We do have some complaints

on computers saying they are getting dust and not operating properly. So, I'd like to ask if anyone else from East Maxwell is here? (A few attendees raised their hands and Mr. Dunn continued: "I'd like to ask that something be done to that short stretch of East Maxwell Avenue."

Commissioner Borries queried Mr. Dunn again concerning the location.

Mr. Dunn responded, "My name is Hugh Dunn. My business is at 6101 E. Maxwell."

An unidentified gentleman stood and stated, "We had a delivery truck axle busted last week and it cost \$500 and they won't deliver anymore freight to me until something is done."

Mr. Dunn said, "I stress that it has gone from a few businesses and manufacturing facilities to a lot and it is heavily used now."

Mrs. Cox: Mr. Dunn, may I ask, does it run from Burkhardt Road west to dead-end for approximately 1/4 mile? Is that the right road?"

Mr. Dunn: "That sounds right. It is called Short Maxwell."

Mrs. Cox: Is it near a subdivision?"

Mr. Dunn: "It intersects Burkhardt Road and then it goes about 1/2 mile west."

(There were comments from another unidentified gentleman in the audience, but they were inaudible because he was speaking from near the back of the room, rather than at the podium. (It was noted that it goes into Oak Grove Road, I believe.)

Lawrence Lowe: Mr. Lowe identified himself and said he is representing the West Side Improvement Association. "We still have some roads out there that need a little bit of repair, too. Most everything is on that piece of paper I gave you there:

Locust Lane

Happe Road from New Harmony Road to dead-end north of Mill Rd. is in pretty bad shape. In fact, I think I had that on my list last year.

Mesker Park Drive from Highway 66 (Diamond Avenue) to Route 65 (3.8 miles)

Little Schaeffer Road - Diefenbach to Koring Rd.

Koring Road - from New Harmony Rd. to Upper Mt. Vernon Road is traveled quite a bit by University traffic.

Schutte Road - traveled quite a bit by the students from Broadway to Highway 62 up to Peerless Rd.

Tree Top Lane - off Middle Mt. Vernon Road to dead-end is in pretty bad shape.

Brooksdale - to Little Schaeffer

Little Schaeffer Road from Middle Mt. Vernon Road to Koring Road.

Middle Mt. Vernon Road - from Peerless to the County Line is getting cracks in the center of the east side of your traffic and is getting a few holes in it. In 1986 (according to your records -- and I have the records, too) there was \$78,000.00 allocated to Middle Mt. Vernon Rd. from Jobe's Lane to the County Line Road (Posey County Line Road). It was paved from Jobe's Lane to Hwy. 62 and they patched it the rest of the way. Last year they came out and did 2/10 miles from Hwy. 61 up to Peerless and West Terrace and they still haven't finished from Peerless on to the County Line.

LeMay - the first road on the other side of Agathon (which runs north and south) and runs back into a little residential area. I think maybe there are some lots that didn't belong to the developer out there (about 2/10 mile hasn't been blacktopped) and LeMay needs to be blacktopped on around and

connect with Mels Drive and Biddle Court and Crestmont. It has several bad spots.

Tekoppel - in the Tekoppel area there are four small streets off of Vanness about a block long that the residents have requested to be paved. (Cort, Gaynes, Walcott and Kedzie).

"There is another list someplace -- but I don't have it with me. In fact, the fellow who turned it in even has some roads on it that were paved last year."

The West Side Improvement Association would also like to suggest Rosenberger be widened to accommodate the new commercial developments in the area. Also, the ditches on Rosenberger need reworking."

Commissioner Borries: "Thank you."

Mrs. Cox: Mr. Borries, just a comment on Mr. Lowe's report and for his information. LeMay Drive directly off Middle Mt. Vernon Road (the part that is still rock) has not been accepted by the County for maintenance. We accepted the asphaltic portion up above there, but not off of Middle Mt. Vernon Rd.

Timothy Wood: Mr. Wood was recognized by the Chair and stated: "I live at 915 LeMay Drive. I was told it was approved and apparently it is not. My question is, what would it take to get it approved? And if so, or if not -- is there a possibility of closing off the gravel portion of that road? It was closed off at one time and it dead-ended at University Heights Subdivision. The rest of it is all privately owned by five of us. I'm tired of the gravel and everybody back at University Heights uses that road. If they're going to use it, I'd like to see it get blacktopped. But if we can't get it blacktopped, I'd like to close it off, because there are just three or four of us who goes up and down that road that owns property there. University Heights probably has some 150 houses; but everybody on the west side of University Heights uses LeMay Drive. That is the only question I have."

Commissioner Borries: We will wait until we receive some kind of written request from you and then take that under advisement and have our Highway Staff look into that before we could make any decision in the matter.

Rick Richardt: Mr. Richardt was recognized by the Chair and stated he resides at 7416 Pine Ridge Drive (just off Schutte Road). The gentleman previously mentioned Schutte Road. Pine Ridge Drive is just a short road off Schutte Road. I've lived on Pine Ridge for thirteen (13) years and as far as getting anything patched -- forget it. I don't know, it is just a forgotten land, I guess. Until this last fall we hadn't seen any kind of patching and they came down about half ways of the road and quit -- you know, they didn't carry on down any farther. The road is really beyond patching, but I guess maybe the patching crew came up with this also -- but, if possible, we would sure like to see some asphalt out there (even if it is just patching)-- just off Schutte Rd. about .3 or .4 miles.

Jeanne White was recognized by the Chair and identified herself and stated she resides at 9525 Motz Road. "I represent quite a few people who live on the road (they are all here -- a lot of them out in the hall) and I have 313 names on a petition. These are names of friends and families who live on Motz Road. There are 19 homes on the road and 17 children. It is a one-lane gravel road -- never been paved. Mr. Bethel has been out numerous times. There is a large amount of water run-off off of St. Wendel Road that washes the rock away. There are no shoulders. I am also here representing Stocker's Tree Farm (which is at the end of the road) which during the peak season in the fall people from Evansville are coming out to pick out their

Christmas trees and they come and get them with carloads of children. They are traveling down a one-lane road with a 90 degree blind curve and two blind hills. Until recently we had a sign that said "Honk Before You Go Over", because there was no way other cars coming were visible. I brought video tapes of the road and after the meeting I'd be happy to show them. I brought the tape player. We have 17 children and some of these children have to walk up to a mile to get to a school bus. In the afternoon when parochial schools and grade schools let out, we have secondary school buses coming to St. Wendel Road. We have tapes of two and three school buses at a time -- little children walking down this gravel road -- six or seven mothers' cars parked in the middle of the road and people trying to turn off St. Wendel -- and we feel that this is a real safety hazard for these children. There is new land that has just been sold with new homes coming onto it, and we feel we've really been overlooked. I think if you will look at the video tape that you will see some of the gullies down the middle (and I think Bill Bethel will attest to this) have been up to six (6) inches in the winter and we've had to drive off into the ditch to get around them. The County comes out, grades, puts on a little more gravel and the first hard rain -- the gravel washes all the way down. But the main problem is that we have children riding horses or whatever and with this 90 degree blind curve and embankment, there is no possible way to see around that curve and there is no where to get off. On one side you have a 7 ft. drop-off and on the other you have two big trees. We're afraid that before long there is going to be a real problem with someone getting hurt. We've also talked to the German Township Fire Department, who said that at this time if one of the houses back on Motz Road would catch on fire there is no way emergency vehicles can get around a fire truck if one of them would become mired down in the mud. There is no way we could get to anyone back there. We really feel like this is a major danger to a lot of families who moved out there, especially to the 17 children who live along there. At this time we cannot get any school bus service. We feel that if the road is paved and made wide enough for two cars to pass -- Mr. Stauffer has said we could have some of his ground down there and another gentleman has said we could have some of his ground to make a turnaround for the school bus to come down, turn around and go back. But for some of these children to have to walk a mile in the snow, this is kind of like something your grandmother tells you about -- and especially with the mud problems. When you step off the road you can go up into mud over your ankles (we also have videos of that). We really appreciate your taking the time to look at them and seeing our problems, because we think you will agree with us that there is potential danger -- especially to the children -- and we feel like it is worth our time to get it taken care of now. I've been out there six (6) years myself and I've almost been hit twice. I now have a two year old daughter that I'm really, really worried about and I've called the County many times and complained about it and Mr. Bethel said he would try to get something done this year. I've talked to a couple of Commissioners who know about the problem and I really feel that if we don't do something right away, with it being a one-lane dirt road and the commercial traffic (40 to 50 cars per day sometimes) we're going to end up with serious problems and possibly some deaths. I think it really needs to be looked into because we've just been kind of forgotten. Motz Road is northwest of Vanderburgh County and it jogs off to the left off St. Wendel Road, which is a very widely traveled road. I do have a lot of people here from Motz Road (if everybody will raise their hand and there are some in the hallway) and most of these people have children and I know some of the children have to walk a mile to get to the bus and we've almost had two or three get hit and we've had a lot of people who had to be pulled out during the Christmas season and Mr. Stocker can attest that we've had wrecks back there and people almost hitting head-on. If you drive down the road, I think you could understand our problem and I don't think it should really be put off. Thank you."



Commissioner Borries: Thank you.

Commissioner Cox: "Mr. Borries, just for the record, I do have a letter from the German Township Volunteer Fire Department concerning the Motz Road situation and I think we will make it a part of the record. It just reinforces what you told us, Mrs. White. So, we will make it a part of the record. The letter is as follows:

County Commissioners  
Civic Center Complex  
Evansville, IN 47708

Dear Commissioners,

A situation is occurring in Northern Vanderburgh on Motz Road that I believe deserves some of your attention.

There are several new houses that have been built on this road and more are planned. The problem is that the road was not built nor designed in a way that we are able to negotiate the road to these new houses.

This road needs to be widened to help prevent a tragedy such as a house burning down because the Fire Department could not gain access.

Any movement on this proposal would be greatly appreciated.

Sincerely yours,

/s/ John M. Buckman  
Fire Chief"

Andy Davidson: Mr. Andy Davidson was recognized by the Chair, introduced himself, and stated he resides at 200 Summertime Lane. "I'd like to compliment the County on what they did last year. Summertime Lane is off Hogue Road between Boehne Camp and Peerless Road. It seems like every other road was hit except Summertime Lane. It's a dead-end gravel road that is right at the bottom of a very sharp "S" curve on Hogue Road. Luckily, we have a contractor who lives on the street who has dumped tons and tons of gravel on the road to somewhat help the chuckholes. If you live toward the end of the street, it is almost hazardous to try to drive down the street. It seems to be the only street between Peerless and Boehne Camp that is not paved in the whole County and there are quite a few people -- of the seven homes on Summertime Lane, three people are here. Thank you."

Commissioner Borries: Thank you, Andy.

Lee Weber: Mr. Weber was recognized by the Chair. He introduced himself and stated he lives at 6420 White Pine Drive. "I'd like to submit some pictures. The road we're concerned with is Mill Road between Mesker and Cynthiana or Highway 65. The pictures you'll see are on that stretch of road and you will find some of the major trouble spots that we're trying to point out on there. The road really needs to be widened. There is a subdivision that we (and several other people here tonight) have increased the traffic quite a bit, not to mention the fact that the road is used for a thoroughfare between Mesker and Hwy. 65 quite a bit by people cutting over to St. Joe or vice versa coming to/from work. Shoulders are non-existent. There is all kinds of overgrowth -- especially during the summer months -- where the branches hit your car when two cars are passing. I really feel like the road is unsafe to travel. I think the German Township Fire Department is also submitting that, like some other roads, it is unsafe. There are washouts that are 2 ft. to 3 ft. deep where a car if it



got off at nighttime could really cause injury. We came to the conclusion if we, at best, could cut out the bad places and repave it. The culverts need to be fixed; the shoulders need to be fixed; ditches have never been cleaned out; the washout road is washing out because of the ditches. There is no good drainage properly done there. At best, if we could at least fix the shoulders and the drainage problem, it would be much more done than just cold patched, as has been done in the past two years that we've been living there. Thank you."

Commissioner Borries: "Thank you. You're going to have to move this way, because we have a lot of people and I know there are going to be a lot of people interested in trying to speak -- if we can move forward. Thank you."

Margaret Effinger: Ms. Margaret Effinger was recognized by the Chair, introduced herself, and said she is here to represent Buente Road (between St. Wendel Road and Boonville-New Harmony Road). "It needs to be paved desperately. It is a thoroughfare and short-cut from St. Wendel to Boonville-New Harmony Road for a lot of people. I live on the road and there are only about six (6) people who live on the road -- but it needs to be paved. I think the last time it was paved was back in 1964. I've called Mr. Bethel now for three years and he keeps promising to pave this road, but I haven't seen it yet. We're really getting disgusted and it just needs to be paved. That is all I have to say. But there are a lot of people here from that area."

Commissioner Borries: "Thank you."

Mary Tharp: Ms. Tharp was recognized by the Chair, identified herself, and stated she resides at 620 Vernonwood Court. "I'm here to represent our residents. There are four (4) houses on our Court. Ms. Tharp presented the following Petition:

March 21, 1988

Vanderburgh County Commissioners

The residents of Vernonwood Court request the repaving of Vernonwood Court, which is located south of Middle Mt. Vernon Road and one block east of Schutte-Peerless Road. Vernonwood Court has had no repairs in the last 17 years according to the longest term resident.

Thank you for your consideration of this request.

The following are all the adult residents on said street:

/s/ Gerald Knowles  
639 Vernonwood

/s/ Phyllis Knowles  
639 Vernonwood

/s/ David Ashworth  
613 Vernonwood

/s/ Vickie Ashworth  
613 Vernonwood

/s/ John Goodson  
614 Vernonwood

/s/ Sylvia Goodson  
614 Vernonwood

/s/ Mary E. Tharp  
618 Vernonwood

/s/ Ruth C. McMillen  
610 Vernonwood

Again, there are only four (4) homes on the street. I called Mr. Bethel last year when they were repaving Williams and Middle Mt. Vernon and asked if our street was on the list. He said come this year he would see what could be done. We would appreciate anything you could do for us here."

Commissioner Borries: "Thank you."

Danny Spindler: "Mr. Danny Spindler was recognized by the Chair, introduced himself, and said he lives at 7209 Bayard Park Drive."

"I listened to the last lady speaker tonight and I find this is one of the few places people come to try to get on a list. I see that here we are again -- this is election year -- back at panic paving. I ask that the Commission consider in the future for these types of meetings to be able to present a plan, I guess, to the people -- the citizens of the County. I think it is a terrible way to be looking at spending upwards of \$2 million of these good peoples' money and not be able to present them with a plan. I would like to compliment the Commission for having the hearing this evening. I'd like to compliment the people for being here - for coming out to voice their concerns. I do think, however, that tonight's meeting should really be one in looking at 1989's plans for roads. We could have been doing that if the roads weren't in such terrible shape. But we had to be looking this evening at what we are going to be spending the taxpayers' money on over the next couple of months. I don't think there is a person in the room this evening that has not seen the County's roads resurfaced only to find within a period of 30 days to 60 days that the utility boards (whether it be water and sewer or whether it be SIGECO) has to cut those roads or perhaps that a culvert had collapsed and we had not been found about it ahead of time and the roads themselves had to be cut and repaired. I think that is a waste of taxpayers' money and I ask that the Commission consider laying out a plan a year in advance and to hold the public hearings at that time for the people of this County to be able to give input to money that should be spent in the following year. The people in this County deserve to hear and know -- I hear this evening that some roads have not been paved perhaps for fifteen (15) year. I think most people are willing to wait for their roads to be paved. However, I do think they have the right to have an idea as to what period of time that will be happening. Not just to come down to a public hearing once a year to see if your street or your problem happens to be on the list. You've heard testimony from the bus drivers, and business leaders in the community who have had to pay repairs. I think that is a very poor way. I ask the Commission to be able to consider laying out a plan for the future of this County on their roads. Thank you."

Commissioner Borries: "Thanks, Dan."

John Redmond: Mr. Redmond was recognized by the Chair, introduced himself and said he lives at 2908 Blossom Lane. "The reason I am here tonight is that in our subdivision they felt it necessary to pave one of the roads, but they seemed to have omitted three others. I was curious as to why the job has never been finished. The subdivision I am talking about is referred to as the Clover Lawn Subdivision off Oak Hill Road. Clover Drive was paved last summer and, for some reason, the other three roads have never been included on the list. When we inquired last year as to the reason why, we were told basically that the funds were not available and that we were at the top of the list for the following year. Upon reviewing the roads listed, I did not see any mention of those roads and at this time I wanted to put in a request that this be considered."

The other problem I've got -- in keeping with other problems that seem to affect the roads, we have some serious drainage problems down there with the possibility of a collapsed culvert....."

The meeting was temporarily halted as Commissioner Borries requested Mr. Lindenschmidt to ask all of those in the hallway who wanted to come in to try to come inside so the door to the hallway can be closed, as the Commissioners cannot hear those who are speaking. Apologizing to Mr. Redmond for the interruption, he again called the meeting to order and asked Mr. Redmond to proceed.

Mr. Redmond continued, "Anyway, we have a culvert that seems to continue to keep washing out and I question very seriously just how much support there is under some of that road around that culvert. It is very obvious around the road that the ground has been collapsing and I am very concerned that one day this road is going to collapse. This is something that I'd like someone to get out and take a look at one day real soon. Another factor that tends to support the fact that we are getting washout is on the far end of the culvert where it empties out into the drainage ditch, there has been a dirt build-up to the point where the drainage out of that culvert is inadequate and there is a constant accumulation of water sitting in that drain pipe all the time. Again, it is probably something that needs to be looked at by another department in the City; but if we are on the schedule for road repaving, I think this is something that seriously needs to be reviewed before they go in and lay the paving down. Thank you."

Commissioner Borries: "Thank you, John."

Glenda Cotton Martin: Ms. Martin introduced herself and said she represents St. Wendel. The road we want worked on is Boonville-New Harmony Road. I believe Mr. Bethel has our petition. We would like Boonville-New Harmony Road from Highway 65 to St. Wendel repaved if possible. I don't have to tell you how heavily traveled it is. We have people going from Evansville to Mt. Vernon and from Mt. Vernon to Evansville and I don't think this road has been repaved in 15 or 16 years and we need it desperately. Last August 8th I was going over the top of the hill and the sway is so bad in that road I looked up and I was about to put my Buick in front of a recreational vehicle (a big mobile home). I went to the ditch and it started raining mail boxes. I came back on the road and got a truck. And it was all due to this sway and the vehicle coming at me -- so that road desperately needs to be fixed. Thank you for your time."

Commissioner Borries: "Thank you."

Arthur Hardy: The Chair recognized Mr. Arthur Hardy, who introduced himself and said he lives at 4301 N. Burkhardt Road. "I would like to get our road repaved from Boonville Highway north, because what happened last year was that Highway 64 and all the truck traffic went through that road to get to prepare it. Temporarily it was patched, but it seems like the patching doesn't seem to hold very good, because in a few weeks time we got another hole there. It should be repaved completely, since the highway along that section is pretty well done and the trucks won't have to go back over that like they did last year. We made a few complaints last year about that and they said you couldn't do much about it because the traffic had to go through there to get the road prepared as far as the highway is concerned (Highway 64). So we'd like to see if something could be done about it this year if possible. Thank you."

Commissioner Borries: "Thank you, Mr. Hardy."

Joan Bassmeier: Ms. Bassmeier was recognized by the Chair and stated she is resident and homeowner at 6713 Cochise Lane. "I am requesting that either Brookdale or Little Schaeffer be assessed for repaving. Both roads have foundation that is cracking. Numerous potholes have occurred making it very difficult to dodge at any time and numerous neighbors have made attempts to patch the road (which is not even holding). Thank you very much."

Commissioner Borries asked, "Little Schaeffer and Brookdale, you say?"

Commissioner Cox: "You are asking for all three, aren't you? Because Cochise Lane....."

Joan Bassmeier: "Yes, Cochise Lane is the worst."

Commissioner Cox: Cochise Lane, Brookdale and Little Schaeffer."

Alan Stahl: Mr. Alan Stahl introduced himself and said he lives on Olmstead Road. "Our road is taking a beating because of the I-164, which it runs into Burkhardt Road. We'd like to see it paved also. Thank you."

Commissioner Borries. "Thank you."

Ott Hasenour: Mr. Hasenour was recognized by the Chair and said he is from R.R. #1, Haubstadt, and he lives on the Frontage Road between Old Princeton Road and Owensville Road. "The road needs some repair; it hasn't had anything done to it since it was built when they put the Frontage Road in along I-164. There is a lot of traffic from the Haubstadt area taking St. Joe Avenue into Evansville and Mead Johnson -- and also the Armstrong area -- the school bus and things travel the road to Gibson County and it also is in need of repair. Thank you."

Mike Phillips: Mr. Mike Phillips was recognized by the Chair and stated he lives on St. Joe Road (not St. Joe Avenue). "I request that it be repaired from Highway 66 to St. Joe, Indiana. We've got that trailer court creating heavy traffic; there're potholes and shoulders breaking off (of course, you've heard this already, but I want to repeat it again). Especially the last week GTE has been out there with heavy equipment and in front of my house (past the woods) they have broken off the road for a foot back -- taking it right next to the pavement. In other words, they dug straight down. There was a steep slope anyway going into the woods, but they dug straight down and they broke off at least that much and it is cracked. You can see the crack where they had the heavy equipment and that is not going to last no time at all with no slope going off that. If they're going to be good for the repairs, it would be a good time to go out there and check on it. I'm probably the only one here from St. Joe. I know numbers is not going to count, but the condition of the road most likely will. Thank you."

Commissioner Borries: "Thank you."

Lawrence Paff: Mr. Lawrence Paff was recognized by the Chair and stated he lives at 6901 Whetstone Road. "If you're not familiar with this short span of Whetstone Road, it is 3/10 miles in length). The area I am speaking of is just about 300 ft. north of Heckel Road. There are approximately 15 homes located on Whetstone and I would say roughly 25 children live out there. Our biggest problem will be coming up in May due to the increase in traffic of the softball players. There are two diamonds now located out here and due to the traffic which will cover about 2/3 of this distance of Whetstone (and I would judge there would be about 75 to 100 cars traveling this span). In the 18 years I've lived out on Whetstone it has not been resurfaced at all. (It has been patched, but not resurfaced like it should be.) Thank you."

Commissioner Borries: "Thank you."

Lee Rader: Mr. Lee Rader was recognized by the Chair and stated he lives on Frey Road. "I'm here tonight with six (6) of my neighbors to try to convince you to include Frey Road on the list of roads you plan to resurface this summer. Frey Road is a dead-end road which runs north off Broadway on Evansville's west side. It is between Felstead on the east and Schutte on the west. Frey Road is approximately 3/10 miles in length and serves fourteen (14) residences. In addition, two (2) homes on Broadway use Frey Road to access their property. We also have another owner who owns considerable acreage who uses his area for a storage garage building. Since it is a dead-end road, all

traffic that goes in has to come out the same way that it entered. Local traffic along with those who think they can get to Highway 62 via Frey Road generate a lot more use on the road than one would expect. The road was last resurfaced in 1970 or 1971 and it is definitely deteriorating. It has longitudinal tracks running the entire length of the road, as the cracks have deepened and widened parts of the surface of the road and many holes have developed. The residents of Frey Road seriously ask you to consider resurfacing the road this year before further damage to bring it back to an acceptable condition. And if I can wake up the fellows who came with me, they'll all raise their hands. Thank you very much."

Commissioner Borries: "Thank you."

Robert Taylor: Mr. Robert Taylor was recognized by the Chair and stated he lives at 6502 Broadway (on the corner of Frey Road and Broadway). "On the 19th of next month I will have been living there fifty (50) years. I've got one more payment to make and it will be mine. But, really, the road now is being patched, which is an indication that it is starting to break up and we're contending that if the road is resurfaced now it will last for many, many years. The old road there had very little maintenance done on it and we would like for you to resurface it if you can possibly do so at this time (since it is a short road and also a narrow road). There will not be any grading needed on it and no culvert installed or anything like that. It will just have to be resurfaced and it makes an ideal place for people to walk and exercise all around in the neighborhood, so I hope you can do something for them. Thank you."

Commissioner Borries: "Thank you. We're getting very near the end of our allotted time. So, if there is information on new roads available I'd appreciate hearing from those people. If we are unable to continue after the next few minutes, if you will leave your name, address, and certainly put down the name of your road, we want to hear from you and we need that information."

Ronald E. Barton: Mr. Ronald Barton was recognized by the Chair, identified himself, and stated he lives on Route #7, Baseline Road. "This is new information concerning Baseline and Bender Roads. The same complaint is that it takes too long to get to these roads. But my main concern is that before you start any patch work or new roads this year or next year, get some new machinery that will put these roads back to the width that they were. They are getting so narrow that to pass a big truck anymore is getting rather precarious you might say. So, please widen the roads."

Commissioner Borries. "Thank you."

Mary Patterson: Ms. Mary Patterson was recognized by the Chair and stated she lives at 4512 South Green River Road. "The road we're talking about is Green River Road south of the levee that hooks into Lynn Road over by Angel Mounds. When the boat dock was put in the traffic down there increased substantially, but nothing was done to Green River Road. Every year they rock it twice and they grade it, but the potholes come back. The dust is so bad that bus drivers intimidate our children and they come home in tears because the bus drivers hate to come down there four times a day and we're afraid someone is going to get hit out on the road. We feel now that the State is putting in the I-164 spur that they will be paving the road for about 500 ft. south of the levee -- so that is a little bit less than we'd have to pave if we went ahead and hooked into Lynn Road. When Lynn Road was paved they went past the boat dock -- all the way past the first set of camps -- so it is not like we have to go all the way to the boat dock. But if you'd consider us, we'd appreciate it. Thank you."

Commissioner Cox: That would be south of the I-164 spur.

Rex Reisinger: Mr. Rex Reisinger was recognized by the Chair and said he lives on Armstrong Road, which is the road that runs between Baseline and Highway 65. "It is approximately 2-2/12 miles in length and there are eight (8) people who live on this road. It is a gravel road and always has been a gravel road. I have lived there approximately 32 years and we very seldom see the County out there, because the majority of the people on this road are farmers and we basically take care of the road ourselves for snow and grading, etc. But we'd like to see it paved due to the fact that there are several places that have a lot of washboarding, a lot of wear in it. There are two (2) public school buses that run daily, paper carriers, milk trucks, a business on this road, etc. Also, it was brought up earlier about the dust. This is an inconvenience to everybody on a gravel road, but it was brought up earlier about the emergency vehicles being hard to get in and out of roads. Well, I happen to be one of the people who do drive an emergency vehicle and in our particular road last year alone there were three (3) emergency situations and when you're on an emergency vehicle -- and especially not familiar with the road -- obviously you want to get there as quickly as possible. But it is very unsafe driving on any gravel road (we're not just talking about us -- but any gravel road) and any road that is going to slow a person down getting there. Obviously I am using the road getting to a fire scene or an emergency. Any other time I can take my time -- but any old time insofar as wear and tear on the car and people coming onto the gravel road, again it is a slow down for an emergency vehicle, loose gravel -- and we do have a couple of bad curves on it that could easily overturn a vehicle (which has happened in our department before). So we'd like to see if Armstrong Road could be worked into the repaving schedule this summer and we'd definitely appreciate it. Thank you."

Commissioner Willner: "Thank you."

Steve Elpers: Mr. Steve Elpers was recognized by the Chair and stated he lives on Wallenmeyer Road in northern Vanderburgh County. "First of all I would like to thank the County Commissioners for the fine job they did paving Nisbet Road last summer. It's a very nice road now. Thank you. I come before this Board with a request to repave Wallenmeyer Road, which connects Baseline and Nisbet. I personally feel the reason it is justified is because we have three (3) buses on this road that run every day nine (9) months out of the year, a mail route, and a lot of traffic going to a local elevator. This road is approximately 1-1/2 miles long. It is impossible to live on this road because of the dust in the early spring and late fall so we, the neighbors, have no choice but to put a little oil in front of our homes, because if we don't we can't even open our windows. So it is a very unhealthy and unsafe atmosphere that way. We have six (6) residents on this road and we all feel that the road could use some pavement on it, because it has never been paved at all. Thank you for your time."

Commissioner Borries: "Thank you, Steve. We are running out of time. I want to say to those people who have not had the opportunity to speak -- how many people here wish to speak? (Several hands raised.) "We will try to schedule another meeting for you. But if you would, please give us your name and the area and the road -- and we'll try to move as quickly as we can on those."

Harold Kempf: Mr. Harold Kempf was recognized by the Chair and stated he lives on Emge Road. "Emge Road runs between St. Wendel Road and Buente Road. It is a one way road. If two vehicles want to pass on that road, they have to get off over on the shoulder of the road. I don't want to take up a lot of time, but it is a road that desperately needs some paving. We get very



little service out there as far as grading. There is very little rock on the road. The last time they graded it it would have been better if they hadn't graded it, because all they do is bring the mud back up on top of the road and it is a dangerous road. There are some curves on that road. As far as farm equipment going up and down that road, the equipment is as wide as the road. We would certainly appreciate your looking into whatever you could do to Emge Road -- chipping and sealing, paving, whatever. Thank you."

Commissioner Borries: "Thank you. We are going to have to recess this meeting pretty quickly in order to allow people to come in for the subsequent meeting."

Frank Knott: Mr. Frank Knott was recognized by the Chair and stated he lives at 6100 Oak Grove Road (between Burkhardt and Royal -- by Kight Lumber Co.). "It is in real bad shape."

Commissioner Borries: "Thank you."

An unidentified lady stood and made comments concerning holes in front of her house on Oak Grove Road, but comments were inaudible because the crowd's noise grew in intensity at this point.

Commissioner Borries: "I am going to adjourn this meeting so we can proceed with our other regularly scheduled meeting at 7:30 p.m. Thank you very much for coming this evening and please be sure to check with us in terms of your road requests."

Mrs. Lani Short of 4500 S. Green River Road approached the Commissioners' table and said she was also there concerning South Green River Road, which had been mentioned earlier and she would appreciate whatever the Commissioners could do to improve that road.

President Borries declared the meeting adjourned at 7:30 p.m.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R. J. Borries	Cindy Mayo	Curt John
	R. L. Willner	Chief Deputy	
	S. J. Cox		
	<u>COUNTY HIGHWAY</u>	<u>COUNTY ENGINEER</u>	<u>AREA PLAN</u>
	Bill Bethel	Andy Easley	B. Cunningham
			B. Behme

OTHER

Lee Weber	Alice Keil
Larry Keil	M. Jonathan Rochner
Theresa Rochner	Danny M. Spindler
James M. Martin	Gale R. Richardt
George R. Murphy	Timothy C. Wood
Jerri James	Jerry W. Wells
Robert Dillen	Randy Bagby
Don DeWig	Lawrence F. Paff
Kenneth L. Kaiser	Lee Rader
H. Ward	Robert R. Taylor
John Carrico	Gilmore A. Hahn
Frank Cota	Robert E. Snyder
Ted Kraft	Ronald Barton
Ray Spaya	August Bender
Gerald J. Bauer	Harold A. Kempf
Charles Felstead	David L. Cummings
Nathan Stacer	K. Stocker
Charles Stocker	Rex Reisinger
Ott Hasenour	Mike Hasenour
Harold Steckler	Donald Steckler

Dave Brenner	Clarence Reising
Faye Clements	Linda Blume
Randy Fahlender	Hugh Dunn
Lawrence Lowe	Jeanne White
Andy Davidson	Margeret Effinger
Mary Tharp	John Redmond
Glenda Cotton Martin	Joan Bassmeier
Alan Stahl	Frank Knott
Lani Short	
Others (Unidentified - 120 plus individuals)	
News Media	

SECRETARY:

Joanne A. Matthews

Richard J. Borries, President

*Robert L. Willner*  
Robert L. Willner, Vice President

*Shirley Jean Cox* 3/28/88  
Shirley Jean Cox, Member

MINUTES  
COUNTY COMMISSIONERS MEETING  
MARCH 28, 1988

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MINUTES  
COUNTY COMMISSIONERS MEETING  
MARCH 28, 1988

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, March 28, 1988, in the Commissioners Hearing Room with Vice President Robert Willner presiding.

The meeting was called to order by Commissioner Willner, who announced that Commissioner Borries is absent today because he is out of town. County Attorney David Miller is enroute to the meeting and the Board will proceed with business that doesn't require his presence.

RE:     APPROVAL OF MINUTES

Commissioner Willner entertained a motion concerning approval of minutes held on December 14, 1987. He asked if Commissioner Cox has any comments.

Commissioner Cox: I have read those minutes. On Page 1 under the request to advertise for bids for air conditioning at Hillcrest-Washington Home, in Paragraph 4, Second Line, there should be clarification on the question "She" should be changed to read "He" has concerning. On Page 7, Paragraph 12 -- we're talking about the Woods Road Bridge. The last paragraph relates to the Rollet Lane Bridge. I'm not for sure how that got in that part. I did thank Councilman Lutz for his granting the right-of-way, but it was not for the Woods Road Bridge, it was for the Rollett Lane Bridge. So I'm not sure where that belonged; I tried to find a place for it in these minutes and I couldn't come up with an exact thought -- unless it is back on Page 13 right before Peach Blossom Lane, when we talk again about our construction plans. That may be where it goes.

On Page 10, Paragraphs 7 and 8 should be corrected from PBC to PVC when it speaks to the sewer tile and pipe in the area.

Secretary Joanne Matthews said this pending set of minutes was typed and proofed by others. She will re-check them and make the necessary corrections.

Commissioner Willner asked if with these corrections and additions, does he have a motion.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, the minutes of December 14, 1987 were approved as corrected and the reading of same waived. So ordered.

Commissioner Willner then entertained a motion concerning approval of the minutes of the Public Hearing re County Roads which was held March 21, 1988.

Mrs. Cox noted a correction on inside cover page concerning Burkhardt Road, the portion in parenthesis should be corrected to read North of Old Boonville Highway, rather than North of Boonville-New Harmony Rd. The correct information appears in the formal minutes, themselves.

With this correction, upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, the minutes were approved as engrossed by the County Auditor. So ordered. Mrs. Cox said

she wants to compliment the secretary, Joanne Matthews, for getting this road hearing transcribed and to the Board so promptly and also Margie Meeks, whom she understands assisted by helping proof the copy. Mr. Willner also voiced his appreciation.

RE: DRAINAGE BOARD MEETING

Commissioner Willner said a Drainage Board Meeting will be held immediately subsequent to the Commissioners Meeting. There are in excess of thirty (30) bids for 1988 Ditch Maintenance projects. He asked permission from the Board to recess the Commissioners Meeting and convene a Drainage Board Meeting long enough to authorize the County Attorney to proceed with opening of the subject bids. Mrs. Cox voiced her approval.

Vice President Willner recessed the Commissioners Meeting at 2:40 p.m.

The Commissioners Meeting was reconvened at 2:44 p.m.

RE: BASF CORPORATION - JOHN BLAIR

The Chair recognized Mr. John Blair.

Mr. Blair: My name is John Blair and I reside at 116 Herndon Drive in Evansville. I was going to speak last Monday night to this, but since the agenda was so full and everything was running late, I thought it best to hold off until this afternoon.

There have been three inter-related stories in the news lately. One of them had to do with last Monday night and the waiver of petition and the talk about image and that sort of thing that was going on. Secondly is BASF. Thirdly, which I'll get to last, is the report last Monday in the Courier about the Vanderburgh County Death Rates exceeding the national state averages. I'd kind of like to inter-relate those three things. You know, I was opposed to the rezoning of the Weimer property last week, based on a couple of things. One of them was that it was in a flood plain and I didn't think that appropriate. I am glad that you passed that pursuant to them being able to get the necessary permits from the Indiana Department of Natural Resources. I hope that the Department of Natural Resources addresses that issue, because building things in a flood plain where you might be introducing hazardous materials such as motor oil, brake fluid, or any other kinds of hydrocarbons into the water supply is not generally a good idea. But that has been passed by this Board and I am not going to stand here and belabour it.

One of the things that that issue did have to do with was waste. I want to point out that the waste problem in Vanderburgh County and Indiana and Evansville and my neighborhood and the United States as a whole is an immense problem. It is not something that is going to go away. In fact, I think that as we enter the 1990's that issues pertaining to solid hazardous waste are going to be the central political issue that all politicians at all levels are going to have to confront. Solid waste consists of paper, cans, banana peels, appliances, automobiles. Hazardous wastes are chemicals with names most of us don't even know how to pronounce. Municipal waste consists of what we throw out -- not only put in bags and put out for the trash man, but also municipal sewage sludge and that sort of thing -- and they are all problems that are going to take a great deal of thought and innovative thinking to come to grips with the problem. I think that I'll even predict that in the 1990's that the emotional issue of waste will be so great that there will be deaths that result from anger, because people will not want to be dumped on and others will want to dump on somebody else -- and the whole idea of "not in my back yard" will come home to almost everybody.

With that in mind, I came here to talk about the BASF Corporation and what that would mean to Vanderburgh County. BASF is a multinational corporation based in West Germany. In 1985, they were given the dubious distinction by the AFLCIO as being the Number One anti-worker corporation in America. They have a rather pitiful reputation insofar as organized labor is concerned, which is borne out by the article in the newspaper yesterday and also by fact -- and the fact that they've had a lockout down at their chemical complex in southern Louisiana since the middle of 1984 that is still on. I think it is interesting to note that BASF has come in here -- a consulting firm from out of town -- looking for a site of nearly 1,500 acres (according to the first report). That is a huge amount of land. I can't think of anything around here that remotely comes close to 1,500 acres. ALCOA is probably less than 1,000 acres. I know that General Electric in Mt. Vernon just recently made it to 1,000 acres, as far as the land that they're utilizing out there. So we're talking about a huge chemical complex.

First we had GE, which I believe came here in the 1950's. I wasn't living in Evansville then, so I'm not really sure. Since then we've had Union Carbide and then we've had some things thrown to us by John Mutz and the Republican administration in Indianapolis. We had the proposed facility for Posey County near the GE facility about three years ago, which was all the way to the point of getting their air permit to allow them to construct this plant before the local officials in Mt. Vernon were even told what was going on. And now over in Perry County we have the environmental services company wanting to come in and build a hazardous waste incinerator under basically the same auspices as the gentleman over there who has close contacts with the Indiana Department of Commerce and John Mutz -- and this is one of the proposals Mr. Mutz is making for Southern Indiana -- to have a hazardous waste incinerator, which will burn hazardous waste created from all over the United States. I suspect one of their main customers (since they are one of their main customers already) is General Electric in Louisville. But in any case, we have Union Carbide., ENSCO, GE and now BASF. BASF is the second largest chemical company in the world. What does it mean whenever we have a company that comes in here wanting as much as 1,000 to 1,500 acres and is promising 500 jobs? What does it mean whenever they come in and say it is proprietary information what they are going to do? They refuse to tell us what they intend to manufacture. Some people have said it is going to be automotive or industrial coatings, but we don't know for sure, because they are hiding under this veil of proprietary business information -- or as the EPA refers to it, "Business Confidential Information" or "BCI". Well, it means that we are going to have something manufactured right at our doorstep -- because this is virtually on the Vanderburgh-Posey County line -- manufacturing something we may not even know what is being manufactured there. If it is a coatings plant, I submit that they are going to use hydrocarbons, which is the basis of most automotive and industrial coatings. If it is hydrocarbons, people in Vanderburgh County are going to have a serious problem on their hands. (I'd like to go to this chart for a minute.)

Pointing to the chart, Mr. Blair said: Hydrocarbons, as you probably are aware, if you fill your tank with gasoline and the gasoline spews out on the ground -- it evaporates pretty quickly -- and even filling the gas tank you can see these fumes coming out and going into the atmosphere. That is called volatile organic compounds -- those fumes and emissions. Anyway, volatile organic compounds are labeled by the EPA as VOC. They are also referred to as aromatic hydrocarbons or hydrocarbons as a whole. They come from two basic streams in a chemical plant. One of them is from stack emissions (which are routine emissions that come out of the vents, out of the top of buildings, out of doors, anywhere. The others are called fugitive emissions, which come from valves and leaky pipes, railroad cars, tank cars, tank trucks, etc. I have the VOC labeled in blue on this chart and,



in this particular instance, they are locating right next right next to the A. B. Brown Power Plant -- that is the land they're looking for -- and that may be the worst possible place to locate some kind of chemical plant as far as Evansville is concerned, because that plant puts out a very large amount of nitrogen oxides or NOX as it is commonly referred to. And, in the presence of sunlight, as nitrogen oxide and volatile organic compounds mix, they form a chemical called "ozone" or O<sub>3</sub>. The oxygen we consume is two molecules of Hydrogen O<sub>2</sub>. O<sub>3</sub> is not something we want to breathe, it is something we wish we had more of up in the upper atmosphere because of the so-called ozone layer that is being destroyed presently but, for the most part, we don't want to breathe that because health effects start at the level of .12 parts per million, which is the level the EPA has said is the maximum that any community can have without violating the air pollution standards and going over into what is called non-attainment. Right now Vanderburgh County is tetering on the edge of being non-attainment. Every summer we go up past .11 and everytime we go over .12 we're told we have a problem with the machinery that measures this and we really don't have a problem. But, in any case, we hover around the standard all the time and we have done that for a number of years now (since about 1979).

With this mixing, that is going to cause more ozone to be in our air around here. I'll show you why that is on this other chart. Mr. Blair proceeded to point to A. B. Brown Power Plant and Diamond Island and the proposed site for the BASF Plant. Mr. Blair said he has a river camp located in designated area and for the last four summers he has watched the wind, which comes right up the river at him (in designated direction). As that wind blows, it is going to blow the emissions from the two designated power plants right over the northern part of Evansville -- and this is an 80% wind in the summer. The interesting thing about ozone is that it takes about 1/2 hour for ozone to reach its maximum concentration after this chemical reaction takes place in the presence of sunlight. A half hour at 7 or 8 mile per hour winds puts the maximum head of this ozone production right over Evansville.

Now, what is the meaning of going to non-attainment for ozone? If we go into non-attainment there are three things that can happen (actually, there are four things that can happen -- and I'll talk about one of those later, and that is health effects). But the three things that affect economic development (which is one of the reasons I'm here talking to you -- knowing that part of the County Commissioners' responsibilities are to foster economic development in the County) is that when you go into non-attainment a number of switches are tripped as far as EPA is concerned. They can cause you not to have any growth in any industry that emits hydrocarbons -- if we go over the limit in ozone. That would be industries such as power plants, other chemical plants, Red Spot in their operation; filling stations would have to take controls; we'd have to put more controls to keep hydrocarbons from escaping into the air, etc. But they also have some muscle behind this, rather than just saying that you can't grow in these industries. They can also place sanctions on further economic growth by taking away all sewer and highway federal money. Now I don't know how many sewers -- I noticed the other day when I was out on Boonville-New Harmony Rd. by the Fairgrounds and I noticed a big sign there talking about the sewer project being built with EPA funds and that sort of thing. Well, that is the kind of thing that could be taken away. With the problems we're facing within the City of Evansville; with our sewer system and the collapses and the other problems we're having, if we were to get strapped with that any time over the next two decades, I suspect that it could cause us some serious problems. Okay, sewer and highway funds -- both of which are cornerstones to Vanderburgh County's economic development potential. This could be eliminated with us becoming non-attainment for ozone.

The third thing that can happen that has muscle (and this is happening in a number of cities across the nation now) is mandatory vehicle inspection. That means that each and every person who owns a car in Vanderburgh County -- if we go into non-attainment -- will have to go to a service station (I don't know exactly how this works in other areas -- we've been fortunate enough to avoid it here) would have to go to a service station, be put on a computerized carburetor check (an emissions check, I guess) to measure for hydrocarbons. And if it is out of whack with what is required by the regulations, there would have to be a tune-up made of that car -- and it has to be tuned up until it gets to the point that it is within the limits. Every vehicle -- there are no exceptions -- all vehicles registered in Vanderburgh County would have to have an annual vehicle inspection to regulate that. I don't think that is going to set too well with people who live in Vanderburgh County, myself, to have mandatory inspection of vehicles.

The fourth thing, of course, is the health standards. I think it is interesting to note that last week we had that article in the paper saying that Vanderburgh County has excessive death rates in heart disease, stroke, and cancer. A little bit of research will tell you that all three of those things relate directly to air pollution. Now I am not going to stand here and say that the reason we have excessive death rates is because of air pollution, but the health offices that were quoted from both the State and local level in that article were wondering what it is about Vanderburgh County that would cause us to have those excessive death rates. I submit that one of the best -- and first -- places to look is at what we are breathing. What are the common elements that we have in our society here in Evansville? We have common water for the most part and common air. And those are really the only two things we all consume regularly. It is easy to stand and talk about excessive death rates in the abstract. But I wonder how many people have a relative that doesn't smoke or doesn't drink, or doesn't carouse all the time -- die at an early age? I had a cousin one time who died of cancer at the age of 23. That really shook me up; in fact, that is one of the things that made me an environmentalist and I think that that kind of thing is starting to happen far too often. So, we've got to start looking for the answers to the problem that we have there. I think it is incumbent upon the people of Vanderburgh County to look at the future ten or twenty years down the line and make a determination as to whether or not we want a further assault onto our health via a chemical company like BASF that has a dubious record of employee safety, etc. I think it is imperative that we look at their reputation, that we look at what could happen.. And, frankly, I challenge anybody, anywhere to take this to task, because these are chemical facts. I have checked them out with our organic chemist. In fact, it was he who suggested them to me (Howard Dunn, who is one of the leading teachers at USI). In fact, two years ago he received the alumni award for Outstanding Teacher at USI. If we do go over this limit, what is that going to mean to us? It is going to mean the things I mentioned. If we allow BASF to come in just across the County Line, it is also going to mean that we aren't going to get one dime of tax base out of that plant. Not one dime. All we're going to get out of that plant are the problems with health, with economic sanctions, with vehicle inspections, and Posey County will get all the tax benefits and will get 500 jobs (which, they say, 500 jobs; they said 100 jobs at Union Carbide and there are 30). Five hundred jobs with the company that the Number 1 anti-worker tag put on it by the AFLCIO. I hope you will study this as we go forward on this and at some point resolve, as a Commission, we want good clean economic growth here, but we aren't wanting growth at any cost -- and I think that is what this is.

Last I'll say that I think this relates to something that I spoke to you about some six or eight months ago now -- and that is the Chamber of Commerce and their economic development efforts. The

Chamber of Commerce has a report called the COSLO Report; I'm not even sure how to spell COSLO, because nobody is privy to that report except from what I understand the only person on the Commission that has a copy of the report is Mr. Borries. In that report, which was paid for by taxpayer money, they have targeted certain industries, which they are refusing to release even the identity the types of industries they'd like to bring in. I had long conversations with people at the Chamber of Commerce a couple of months ago about the COSLO Report when it was first announced that it wasn't going to be released to the public and how I thought it was important to release that to the public so that we could have a debate over those targeted industries if need be. There are a lot of people around who don't want chemical industries and don't want health hazard industries located in their community. But we aren't allowed to see that and the first industry that they come up with is a chemical industry -- a major, huge chemical complex on the western side of Evansville and Vanderburgh County. If I were sitting on this Commission (which I hope to be some day) I would be demanding from the Chamber of Commerce that COSLO Report. I would be making it public; offering it for debate in the public view so we can come to a consensus about the kind of economic development we'd like to have here. Once we come to that consensus, once we make a real concerted effort and know what we want -- we can go after it and make sure and devote all our resources to attracting that kind of industry. Right now -- and I guarantee it right now -- there is going to be a fight if we're going to talk about the chemical industry -- there's going to be a fight until we give up and I don't know when that is going to be. But I don't think that very many people who have a sense of quality of life issues are going to want to live in this area much longer if we welcome Union Carbide, INSCO, and BASF into our fold. I'll be glad to answer any questions about what I've presented if you have any.

Mr. Willner: Mr. Blair, thank you for your report and your graphics. Are there any questions of Mr. Blair? I appreciate your bringing your report to us.

**RE: DEPENDENT LIFE INSURANCE RATE**

Vice President Willner recognized Councilman William Taylor, who was present for purposes of discussing the dependent life insurance rate.

Mr. Taylor:: Thank you. First, I have no financial interest at all in this insurance. The carrier that we presently have (which has been with us a number of years) would be the one who would write it. I would receive no compensation from it. But what it is -- in the last ten (10) years we've had a number of our employees where either their husband or wife was laid off (as a result of Whirlpool or one of the other factories) and with the income that that employee here in the County is making -- most of the employees of Vanderburgh who have children and spouses would if they were employed somewhere else qualify for food stamps. I guess what I am saying is that what happened in a number of cases is that that particular spouse passes (whether it be accident or whatever). As a result, that employee is burdened with trying to arrange funeral expenses and those types of things off of an income which normally isn't adequate to take care of them all when they are a family collectively together. So I called and asked what would be the possibility of a spouse coverage for all the employees of Vanderburgh County. After some search they came up with this program. One of the highlights of this program is that in the event both the employee and the spouse live to be retirement age, at that particular time they could take this term insurance and convert it into permanent insurance at the age they came in. But that is another problem we have. We have a problem with people that have life insurance that is given to them now with the penny or whatever the contribution is -- and when they get 60 to 70 years old and they get ready to leave the County, they cannot afford to pay what that premium would be to convert

that policy at that age. So they are back in the same situation. If they weren't fortunate enough to be able to put some money back in the form of a life insurance policy through the years, they are stuck with the high cost of trying to take care of a spouse in the event that spouse passes. What this is, it would run \$1.76 per month per \$1,000, which would run less than \$10,000, which would be about one-seventh of one cent on the tax roll, but we're somewhere in the neighborhood of \$75,000 -- this is 1%, so it would be .0007 percent of a percent -- so actually \$10,000 per year. And I would think that is just a small fringe we can give to our employees that I really don't believe the taxpayers would have a problem with -- us trying to help our employees take care of their spouses. And this is spouse only -- not dependents. Not children -- just spouse only -- and I would ask that you all place this on Council's agenda for an appropriation. I have spoken to a majority of the Council and feel that we do have a majority that would support this.

Mr. Willner entertained questions.

Mrs. Cox: Why do they define this to add for each dependent spouse? How many dependent spouses can you have?

Mr. Taylor: Well say, for instance, you are the employee. So that makes your spouse (as far as Vanderburgh County is concerned) a dependent spouse.

Mrs. Cox: And the rate will be \$1.76/unit. Did I understand you to say that is per thousand?

Mr. Taylor: No, the units are set up in five thousand. This is a group term program.

Mr. Willner: Thank you, Bill. We'll take it under advisement and see if we can come up with an answer.

RE: COUNTY ATTORNEY - DAVID MILLER

**Commissioner Willner asked County Attorney David Miller for his report.**

RE: COUNTY ATTORNEY - DAVID MILLER

Executive Session: Attorney Miller said, "I have a couple of things to report. First, I regretfully must ask to schedule an Executive Session with the Commissioners as soon as possible, which means I suppose within at least twelve (12) days, because there has to be a 10 day advertising period. The subject of the Executive Session will be matters that have arisen in the Elizabeth May versus Vanderburgh County case, which you are aware is scheduled to come to trial the week of April 17th in U. S. District Court and will, in my opinion, come to trial at that time. It is a very serious case from the County's standpoint. Some matters have arisen which must be discussed in private with the client. I regret Executive Sessions as much as anybody, but in the legal business every once in a while you have to talk frankly without giving your opponent unnecessary advantage, and that is the purpose of this meeting."

Following a brief discussion, the Executive Session was scheduled for Monday, April 11th at 1:00 p.m.

Mary Jo Kingon Matter: "Secondly, on the Mary Jo Kingon matter (you will recall she is the lady from the Prosecutor's Office who has fallen ill and has been on sick leave for quite a while and is still unable to return to work. We were desperately looking for some way in which to be able to continue Mary Jo on a County medical policy while not causing the Prosecutor to lose the ability to replace her on his staff, inasmuch as he has gone without her for six (6) months. He is in need of replacing her but, at the same time, for humanitarian reasons he wants to

continue to help her. We have squeezed and wrenched the language of the Personnel Policy every way we thought we could fairly do it and the situation is that the way our Employee Policy is written (and there are good reasons for the way it is written) it is impossible for the Commissioners to both maintain Mary Jo Kingon on the County Employee Rolls for the purpose only of paying her medical insurance and, at the same time, allowing Mr. Pigman to fill the position. The six (6) month medical leave she is entitled to under the personnel policy expires April 1st (later this week). There are, however, some options I think you should be aware of that are not necessarily of a legal nature but options that Mr. Casey and I discussed at some length that I think should be suggested to you because of her particular circumstances. She is on a Social Security Disability benefit that amounts to \$510.00 per month. That, of course, is very minimal for someone in her situation to live on. If she is required to pay for her medical insurance it will be \$87.00 per month. Under the federal law we are required and are happy to offer to Ms. Kingon the opportunity to continue on the County policy, but it has to be at her cost after this April 1 deadline comes to pass. The good news growing out of all that is that after she is on Social Security Disability for a period of two (2) years, and hopefully she will survive two years and longer (she was not expected to survive at all and she has improved dramatically from what Mr. Pigman tells me) -- but after the expiration of two years on Social Security Disability, Medicare then kicks in and she is entitled to Medicare benefits notwithstanding her age. Between April 1, 1988 and sometime in July, 1989, when she becomes eligible for Medicare medical benefits, the \$87.00 per month that she would be required to pay would amount to \$1,392.00. A skilled and very well known attorney here in town had asked of Mr. Casey whether or not the County could give Ms. Kingon some sort of release money or separation money or something like that in order to pay this. That is not possible either under the Personnel Policy. The only suggestion that we can come up with given these circumstances -- and if Ms. Kingon would agree to it -- would be to suggest (and I do mean to suggest only) that a fund raising effort be made among County employees and any others who wish to contribute -- to raise \$1,392.00 or something slightly less than that, because it could be put in an account and with interest ultimately raise \$1,392.00. And with as many employees as the County has we believe that \$1,392.00 ought to be something we could put together for this lady. That, because of the way our Personnel Policy is written, is the only solution we can come up with. I regret to make that report, but things don't always turn out the way you want them to. So, I will leave that decision to you. My office would be willing to set up (without charging anybody) a trust fund for this purpose."

Mrs. Cox: What happened to the part in the Personnel Policy that speaks to the person who is on leave of absence at no pay and the officeholder being able to employ a person into that position but at no County benefits? Does it not say that in our Personnel Policy? In other words, I was under the impression that if we had 400 plus insurance slots, as long as we didn't add on any more slots these people could be accommodated. That is Point No. 1. Point No. 2, we had an incident happen several years back that turned out very, very well for the individual. They were desperate, and it seems they were kept on the County insurance program longer than the six (6) months period. Although, I'm not for sure.

Attorney Miller: The problem, Mrs. Cox, is that the unpaid leave of absence you refer to may be granted for a period only not to exceed six (6) months. The Personnel Policy specifically provides that unpaid leave of absence (which is what Ms. Kingon has been on) can only be for a period of six (6) months and we have done that. We are up against a brick wall.



Mrs. Cox: You mean we are limited to six (6) months? When Judge Miller stood before us and talked about the different kinds of illnesses and to write a policy -0- we've always had like six (6) months. I thought it could be up to eighteen (18) months

Attorney Miller: All I can do is refer you to Section 4.5 of the County Personnel Policy that, to my knowledge, is presently in effect, Shirley. It is on Page 12 of the current policy and it reads as follows:

"An Unpaid Leave of Absence may be granted after one (1) year of continuous service for a period not to exceed six (6) months."

Mrs. Cox:: I know. But I think there is another section in there somewhere, David.

Attorney Miller: I can assure you that I referred this matter to the Employment Law section of my law firm and....

Mrs. Cox: Well, okay, but I will look it over, too.

Attorney Miller: I hope you can find something. Nobody is perfect; maybe you can find something we could not. But then you should refer yourself to Section 4.7, which provides in Sub-Section (a) that if an employee cannot return to work after exhausting accrued or existing sick leave, an unpaid leave of absence may be granted for a period not to exceed six (6) months with the written approval of the department head or supervisor (which is what we have done) and then Sub-Section (d) says that continuance of insurance during a leave period is subject to any existing conditions of our policy, provided however the County shall continue to pay its portion of any premium attributable to the employee during the first six (6) weeks of such leave. Thereafter, the premium shall be paid by the employee.

Mr. Willner: Thank you, David. Jim (Lindenschmidt), will you notify the Prosecutor and tell him that if he is willing to start such a drive that the Commissioners will endorse it, plus we will (with Shirley's permission) kick in.

Mr. Lindenschmidt: I talked with the Prosecutor's office this morning and they told me that she is going on the COBRA thing and also the Life Insurance Company has agreed to let her stay in that if she pays the premium.

Mr. Willner: You might want to add to that \$1,392.00 to the amount of life insurance premium.

Mr. Lindenschmidt: The life insurance premium is some \$2.00 per month.

Settlement Authority/Sheri F. Wilson Case: Attorney Miller said he previously sent a letter to the Commissioners asking for \$1,000.00 of settlement authority in the Sheri F. Wilson case. He does not believe an Executive Session is necessary to discuss that, because he has told the Attorney for the other side that he is going to get \$1,000.00 of authority and if he doesn't want to settle for that he can look elsewhere. In response to query from Commissioner Cox, he explained this is the young lady who alleges an injury resulting from an insect bite that had very serious consequences to her while she was confined at the Vanderburgh County Jail.

Commissioner Willner entertained a motion.

Commissioner Cox moved that Attorney Miller be provided with settlement authority in the amount of the medical expense which specifically is \$1,661.71 in the Sheri F. Wilson case, with a second from Commissioner Willner. So ordered.



RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Work Report/County Garage: Mr. Bethel submitted copies of the Weekly Work Report for Employees at the County Garage for period of March 21 thru March 25, 1988.....report received and filed.

Gradall: Wortman Rd., Oak Grove, Burkhardt, Happe Rd., Oak Hill Rd., St. Joe Avenue and Newman Rd.

Pull Shoulders  
Belt Loader: Darmstadt, Baseline, Owensville Rd. & Newman Rd.

Patch Crew: Ward and St. George, Mesker Park, St. Joe Ave., North Grove, Frey Rd., County Road by Buslers, St. Joe Rd., Schroeder, Knob Hill, Heckel and Olmstead

Rock Shoulders: St. George Rd.

Tree Crew: Woodland Hills, Buente Rd. and McCutchan

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

- Installed culvert on Wortman Rd.
- Prepared for installation of culvert on Happe Rd.
- Cut up and removed old culvert and hauled it to the Vanderburgh County Highway Garage
- Installed culvert on Happe Rd.
- Cleaned up yard at Garage
- Cleaned culvert on Boonville-New Harmony Rd.
- Repaired culvert on Newman Rd.
- Installed Drop Box on Huebner Rd.
- Repaired guard rail on Montgomery Rd.

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

Washout/Intersection of Middle Mt. Vernon & Boehne Camp Roads: Mrs. Cox said, "Bill, I have two questions. There was a bad washout beginning to almost erode through the pavement on Middle Mt. Vernon Road close to the intersection of Middle Mt. Vernon and Boehne Camp and there has been some fill put in there. I do thank you for that. But who is working to clean out that ditch that is west of Boehne Camp Rd.? I saw Work Release..."

Mr. Bethel: I have Work Release on that right now. But what we are going to do is try to buy some right-of-way and pull that ditch so we can get a shoulder on that road. We have to get a shoulder on that road. Andy Easley has drawn up some sketches and we are in the process now of seeing if we can buy some of that ground and when I have more to tell about it I will bring it before the Commissioners. But at this time we are trying to put a shoulder on that road so it won't wash out. In order to do that, we are going to have to buy some right-of-way.

Mrs. Cox: I would think so, because all of the big concrete posts that were formerly there along the side of the road have ended up in the ditch.

Covered Wooden Bridge/Outer Darmstadt Rd.: The meeting continued with Mr. Bethel reading the following letter:

"At this time in history when the tendency is to revere landmarks of the past, we are privileged to be a part of this trend and, at the same time, bring attention to Southern Indiana and specifically to Vanderburgh County. We are in the fortunate position of having access to an ideal spot to build this wooden covered bridge in a natural habitat on Outer Darmstadt Rd. This prize spot is located in a wooded area with eagle nest, wild animals such as coyotes, fox, deer and all species of birds. To complement this building site there is a 100 year old Artesian well running to a County ditch and an old barn that could easily be rejuvenated and decorated to blend in with the decor. This proposed covered wooden bridge will be 16 ft. high, 24 ft. of roadway, and can encompass any type of machinery traveling through it. The Vanderburgh County employees will maintain this bridge. The surrounding property and grass and greens will be cut with a hand mower and kept so to speak manicured. The State government will reimburse up to \$500.00 for any covered bridge. When complete, we feel it will increase the value of the surrounding property and, at the same time, create a positive image of Vanderburgh County. I have a drawing and today I am asking the Vanderburgh County Commissioners to authorize me to let some bids on this. For \$160,000.00, I have a company that claims they can put in this bridge. This all has to be bid out and I would like permission to bid this bridge out.

The Chair entertained questions of Mr. Bethel.

Mrs. Cox: Do we have a bridge design for this area? As you mentioned, this would be 16 ft. high with a 24 ft. roadway. We didn't talk about the span -- how much span there would be in the water channel. And up in our bridge engineer's materials, do we have a design which would be either a stress slab concrete or type of design other than this, so we can have comparable cost?

Mr. Bethel: We will definitely get that for you.

Mrs. Cox: If we can bid it both ways -- and to see what the comparable cost would be for a concrete bridge or the type that we've been putting in and also your wooden bridge here. You know, I think the things you're talking about -- it is a beautiful area -- I've been out there several times. But these things are just not going to magically happen in the surrounding areas without the property owners in the affected area giving permission for the County to take over and maintain and to do these things, because the Artesian well, I understand, is not on County property. I think that probably could be developed, but I would like to see what the cost of a covered bridge would be as compared to our regular type of bridges we've been building for this type of area and I have really no objection to wooden bridges being used -- not a covered type of bridge -- but for the use of wooden bridges in some of our areas in Vanderburgh County, if they are cost effective. And I think that is what we can determine if we let this out for appraisal.

Mr. Bethel: I'll get bids both ways on it.

Mr. Willner: Is there anyone present who would like to speak to the issue?

David Ellison: Mr. David Ellison of the Big Creek Drainage Association was recognized by the Chair. He introduced himself and said, "I think back in September or October of 1987 we came before the Commissioners and requested that we get a bid for a bridge on this road. How many months ago has this been? And none has been brought forth. At the last two or three meetings I asked what a bridge would be and I've not heard anything. We have a petition up out in the area that we do not desire anything like this. We feel that it is not cost effective. We feel we

can build a concrete bridge much cheaper than this. But until an engineer comes up with one I can't tell you what one would cost -- but they were supposed to have been working on this.

Richard Bringle: Mr. Richard Bringle was recognized by the Chair. He introduced himself and said, "I live about two miles east of Darmstadt, so I am not directly in the neighborhood of the proposed bridge, but near by. I also cannot speak to the economics of the bridge. I think it would be prudent to make sure a bridge of this construction and type would be cost effective, as mentioned. What I would like to support in this design is an aesthetic appreciation. The Town Square in Darmstadt has recently been renovated to reflect an older style of architecture and it seems to be a design of this type is consistent with the intention of the Town Square. There is also a more pragmatic concern and that is I think with the onslaught of the Highway 41 Corridor being developed from the southern regions of the town out toward the north, that the opportunities for a place like Darmstadt to preserve this type of architecture in its midst are going to become increasingly rare. So on the basis of pragmatics and aesthetics I'd like for the Commissioners to give careful consideration to a structure of this type.

Mr. Willner: David (Ellison), are you telling me that your only complaint is cost?

Mr. Ellison: Well, it was our understanding that it would not let water flow through -- it would be restricting the water flow. It was not desirable. Are there designs on any bridges? Is this the only design you've got?

Mr. Willner: I wouldn't say that is a design. It is a picture of what one would think it would look like. It certainly is not a design. I'm just asking, you said there was a petition....

Mr. Ellison: Well, Number 1, it was going to restrict water flow -- and this is what we have been trying to develop in Pond Flat. We spent many, many thousands of dollars doing that. Also, with regard to cost effectiveness, it seemed like it was way out of reach. And the gentlemen who was just speaking of Darmstadt renovating, this certain area is traveled by maybe ten (10) cars per day and you cannot even see it from Darmstadt. It has nothing to do with Darmstadt.

Mr. Willner: Shirley, do you want a Resolution to draw up plans for a concrete bridge and a wooden bridge both at the same time? Do you want to do that today?

Mrs. Cox: Well, I would think we have been talking about this since last year. I guess it is about time to do something. What does it say in the Bridge Report insofar as when this bridge is supposed to be replaced?

Mr. Willner: Last year. In 1985 it was the Number 1 bridge.

Mr. Bethel: The 1987 Bridge Report says the same thing.

Mrs. Cox: Well I'm sure Mr. Hartman has several different standard designs up there that may very well fit this area with a small amount of modification. And if the Company could give us the specs, the spans, etc., well I'd like to see us go ahead and get something in on this.

Mr. Willner: We've got one designed just about three miles downstream on the same Pond Flat Ditch, so if you just want a dollar figure, that is very simple to do. If you want a designed bridge, then you need to say so.

James Morley: Mr. James Morley of Morley & Associates was recognized by the Chair. He said, "Some time last year I had looked at the area on out there -- various bridges and the width of the waterway openings and they vary considerably and the drainage basin varies considerably as you go on out. My question at the moment on this is, are we talking about taking bids on a bridge for a design built bridge without anybody preparing designs and calculating the waterway opening? Or, are we talking here today about having the County Bridge Engineer prepare designs so these can be checked? I don't quite understand. What I saw in looking at various bridges was a lot of wide variety in the size of the waterway opening and the slope of the waterway at particular locations. And it would seem that before you can get prices you have to specify the size of the waterway opening and the size of the bridge.

Mr. Willner: The State has already done the waterway opening, if that is what you want. I think they said 30 ft. was adequate.

Mr. James Morley: Having been recognized by the Chair, Mr. Morley of Morley & Associates stated this thing about the Commissioners advertising for bids on a design-build basis, there is no design at this point in time.

Mr. Willner: None that I know of.

Mrs. Cox: But in order to advertise the bids, I think we would need a design, wouldn't we?

Mr. Willner:: You'd have to have one.

Mr. Morley: I don't think it's appropriate to do that without your having a chance to look at the designs of the bridges. It is something that ought to be very near and dear to the County Engineering staff as to what sizes are being proposed, and that should be checked out.

Mr. Willner: Do you want to make a motion?

Mr. Bill Jeffers: Having been recognized and identifying himself, Mr. Bill Jeffers, Chief Deputy Surveyor, said he was just curious about the comment -- who from the State sized the waterway opening?

Mr. Ralph Patton: The quadmaps show the amount of square foot of flow needed for a certain area. If you look and see how many square miles, you well know that if you go 50 sq. mi. they come down and tell you what it is that you need in there. That was not the case in this particular matter. In fact, what you have above it and below it varies so much there was a catch as catch can situation, because there were so many designs out there on the same creek both above and below.

Mr. Jeffers: Are you saying that the Department of Indiana Natural Resources will not have anything to say about the bridge openings?

Mr. Patton: If it pertains to where the 50 sq. mile of flow is going into that creek they will definitely have the say. They definitely will tell you what it is.

Mr. Willner: If you please, please talk to the Commissioners. If you want to debate, do that some other time. Tell us what you think and we'll go on.

Mr. Jeffers: It is a legal drain and we have high water testimony and we already know what the bridge opening should be and it is far in excess of 30 ft.

Mr. Willner: And what is it you'd like to see there. How many feet?

Mr. Jeffers: As the County Surveyor's representative, I would suggest that the new bridge span from top of existing bank to top of existing bank -- between 80 ft. and 90 ft.

Mr. Willner: What is the one on Woods Rd.?

Mr. Jeffers: It is 94 ft. It is a 66 ft. opening and previously the same design was proposed to you with an 88 ft. opening. It was proposed to you under the premise that if a bridge was put at this point -- in front of County Council it was said that the Department of Natural Resources could come down here and tell us what size that bridge would be. If it didn't fit their design criteria, they could rip it out. That is what was said to the County Council. But what I am saying to you is that the existing bridge is 66 ft. and I will also say at this time that we do have high water testimony at that location and the 90 ft. span I described would be the ideal situation. However, an investigation of the bridge abutments show that they are in good shape and that a bridge of 66 ft. could be put right on the existing abutments with some minor modifications -- 30 ft. wide, 66 ft. long, with maybe 100 ft. of approaching roadway on each end for approximately \$100,000 (rough estimate).

Mr. Willner: Thank you, Bill. Any other comments?

RE: COUNTY ENGINEER - ANDY EASLEY

Heerdink Lane Rd. Project: Mr. Easley said he gave the Commissioners a copy of the memo re the conversation he had with the Indiana Department of Highways Project Engineer on what the costs were running on the Heerdink Lane Road project, which he would file under "good news". We had signed Change Orders and Extra Work Agreements in the amount of \$190,000 and it appears the final cost to the County is going to run a little over \$140,600. So that is almost a savings of \$50,000.

Mr. Willner said, "That is very good news." He asked if Mr. Easley has anything to say about the bridge?

Mr. Easley said if the Commissioners adopt a resolution to replace the bridge and want alternate bids, we will see that they get alternate bids and the waterway opening will be adequate.

Mr. Willner: I think that is what everybody wants. So go ahead and design a wooden and a concrete bridge so we can bid them out. Is that what you want, Shirley?

Mrs. Cox: I would think so.

Mr. Easley: As I recall, the single span design in Woods Rd. was 80 ft. You're talking about 1,000 ft. roadway on Woods Rd. as compared to 100 ft. here.

Mr. Jeffers: The span portion of the Woods Rd. Bridge was bid at about \$195,000.

Mr. Easley: But I question whether we need the 90 ft. here to get the water up there.

Mr. Jeffers: I question that, too. The first proposed wooden bridge was 88 ft.

Mr. Easley: I'm not prepared to discuss it at this time.

Mr. Willner: May I have a motion then?

Mrs. Cox: Well, I would move that we direct our Bridge Engineer, Dan Hartman, to prepare specs for bid proposals for replacement of Outer Darmstadt Rd. Bridge #34 over Pond Flat Ditch.

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

Mr. Easley: Bridge #34 was the Number 1 on the priority list to be replaced.

Dave Ellison: I am not very happy with what went on here today. I was here in September and made a proposal like this and nobody acted on it. Then somebody comes in from out of town and proposes a wooden bridge and, by damn, you turn around and so order it right now.

Mrs. Cox: Well, Mr. Ellison, isn't our ultimate goal here to get the bridge replaced in that area?

Mr. Ellison:: Well, how come the whole time I've come down here (I've come down here every month) and asked about this bridge nothing has ever been done on it. And somebody comes in and it is going to cost \$80,000 more to build and now you are ready to jump on it. Now that just blows my mind. We're sitting here trying to save you \$80,000 and now you are going to act on something that is going to cost you \$80,000 more. I don't understand that.

Mrs. Cox: Well, I don't understand. All we did here today was to authorize the Bridge Engineer to prepare specs for proposals for replacement of this bridge. You said you proposed something.

Mr. Ellison: Back in September -- what happened to that?

Mrs. Cox: And what was it you proposed?

Mr. Ellison: To draw up some specs for this bridge.

Mr. Willner: We just got through doing that. We're doing just what you asked us to do.

Mr. Ellison: Well, how come it takes you six months to do it? That is what I'm saying. Why don't you do it when I ask you? Why do it when somebody comes in from out of town and asks you?

Mr. Willner: Who is from out of town? Who are you talking to?

Mr. Ellison: Whoever is building the wooden bridge, because nobody around here builds wooden bridges, do they?

Mr. Willner: Why I would think so. We've got two in our County that were built -- one with our own people.

Mr. Ellison: I didn't know we had one here. I'm sorry.

Mr. Willner: We have two here.

Mrs. Cox: They are not covered bridges -- but they are on Red Bank Rd. and Boehne Camp Rd. (between Upper Mt. Vernon and Hogue Rd.) and they've been there for I guess probably 12 years or so. But they are not covered bridges -- just wooden bridges.

Mr. Willner: That is correct.

Mr. Easley: Without offending people in the audience, I'd like to comment. Mr. Hartman has been on some priority bridge design work for Green River Rd. and Fulton Avenue in order to get those jobs completed so we might get federal funding through the State. And we have been under a lot of pressure to keep him busy on those projects. The Commissioners and I set the priorities and we welcome your input. But I don't necessarily believe any citizen has the right to demand that we take him off priority work for their pet project -- and I give that comment as cordially as I might give it. But we have an excellent chance this year to get federal State money on Green River Rd. and Fulton Avenue if we can get those plans finished.



Commissioner Willner said it is good news as to the under run on Heerdink Lane. That is very good news.

North Green River Rd.: Mr. Easley said the next item concerns a letter from our Consultant re the soils engineering on North Green River Rd. This was discussed several weeks ago and he believes it was decided that if there were a soils firms in town that was qualified to perform the geo-technical engineering, the Commissioners would prefer they do the work. He relayed these comments to United Consulting Engineers and they did contact STS. STS wrote a letter to United Consulting that said they had too much of a workload at this time to get it done within the time constraints; thus, they could not take on the job. Apparently that only leaves one firm (Alt & Witzig) that they would like for us to consider hiring. There is nobody else in town approved by the State. There are plenty of other firms in the State, but they are suggesting we hire Alt & Witzig to do the geo-technical investigation.

Mr. Willner asked if Mr. Easley has a price?

Mrs. Cox said the point she would like to get across to United Consulting Engineers is that whenever they need sub-contractors to work in this area on our projects, that they should first contact the people who can supply those services in our area and let our people have the work. That was my big concern here. I'm sorry that the time frame was such that STS Consultants could not participate. Anyway, I have no problem; we need to get on with the Green River Rd. project and I certainly don't want to do anything to delay it and I would move that the request letter from United Consulting Engineers regarding permission to use Alt & Witzig for the geo-technical services on the North Green River Rd. project be approved and signed.

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

Mr. Willner asked if the price is within guidelines?

Mr. Easley said he thinks the guidelines have to meet with the State's approval.

Boonville-New Harmony Extension: Mr. Easley reported that Keith Lochmueller brought the Milar for the cover sheet for the Boonville-New Harmony Extension which needs the approval and signatures of the Commissioners. He has the plans. If the Commissioners have any questions on the cross-section, he can address those. It is two 12 ft. lanes with 10 ft. shoulders and the plans are nearing completion and we're almost ready to submit them.

Commissioner Willner said he saw them and he believes Commissioner Cox saw them.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, the plans and profile of proposed State Highway Project RS-7682 (more commonly known as the Boonville-New Harmony Extension) were approved. So ordered.

Bridge Conference: It was noted by Mr. Easley that he has given information to the Commissioners concerning a Bridge Conference to be held April 7 and 8 in West Lafayette, IN at Purdue University. He is requesting permission to send Dan Hartman to said conference. It has some items of discussion that are probably more of a bridge engineer nature, although they are going to discuss some funding. However, he and Rose are pretty much up to date on the funding and the approval, etc. With the Commissioners' permission, he would like for Dan Hartman to attend the two-day conference.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, permission was granted for Mr. Dan Hartman to attend said conference. So ordered.

Mr. Easley said this concludes his report.

Mr. Willner entertained questions of Mr. Easley. There were none.

RE: ORDINANCE RE ESTABLISHMENT OF COUNTY CORRECTIONS FUND

Commissioner Willner submitted an Ordinance concerning the Establishment and Funding of the County Corrections Fund to be approved. He said this is Judge Miller's Court. This is an ongoing Ordinance and we did have one last year. (It needs to be acted upon before the 4th day of May annually.) This allows them to receive deposits from the Indiana Department of Corrections to establish a County Corrections Fund. A motion was entertained.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, the Ordinance was approved and signed. So ordered.

RE: ACCEPTANCE OF CHECK

Bowers, Harrison, Kent & Miller: A check in the amount of \$26.00 for a refund of over reimbursement for the cost incurred by BHKM in behalf of the County in the Angermeier vs. County Assessor matter. A motion was entertained.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, the check was accepted for endorsement and deposit into the County General Fund. So ordered.

Star Midwest, Inc.: A check in the amount of \$1,965.57 for franchise fees was submitted. A motion was entertained.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, the check was accepted for endorsement and deposit into the County General Fund. So ordered. Commissioner Willner requested that an acknowledgment letter be sent.

Colonial Insurers, LTD: A check in the amount of \$2,360.00 was presented. This is a refund on premium for Burdette Park Waterslide. Our agent is still in the process of asking for additional adjustment. He said he is retaining \$432.90. After final settlement he will advise of the final amount. A motion was entertained.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, the check was accepted for endorsement and deposit. So ordered.

RE: REQUESTS FOR ROADS TO BE ADDED TO 1988 ROAD PROGRAM

Commissioner Willner said he has a letter from Margaret Clem, President of the Zoar Church Council on behalf of Church Road from New Harmony Rd. south. This involves Church Lane and Church Road, both of which are in need of repair and Ms. Clem is asking that these roads be placed on the 1988 list to be considered.

Chris Cohn of Cohn's Nursery said that Calf Lane is in bad shape and needs repair.

Norman Weir called on Waterman Drive and Mrs. Huebler called on No. 6 School Road.

There is also a request to check Kirk Drive off of Old State Rd. and Seib Rd. off Orchard Rd.

Commissioner Willner asked Mr. Lindenschmidt to give this information to Mr. Bethel and enter same on list of roads to be considered. He then asked Mrs. Cox if she has any roads to be considered?

Commissioner Cox said the German Township Volunteer Fire Department speaks to Kasson Drive, Mill Rd., and No. 6 School Rd. as the roads in German Township which they feel are in dire need of attention. There is also a large chuckhole near the intersection at Highway 65 and Kasson Drive, and they'd appreciate some attention being given to this. She had communication from G. W. Kempf & Family re Seib Drive. She also sent a letter to the Commissioners concerning Woodridge Place in German Township and there was a picture of their road enclosed. They are asking that Woodridge Place be placed on the 1988 list.

For additional inclusion (because it will involve some expenditures of some monies) we need to add to our road improvement/paving list this year the cut-through or the extension of Honeysucke Lane in Woodland Hills and also Ridgeway Avenue (out off Fuquay Rd.). There was an asphalt overlay put down in that area and it has caused some drainage problems for some other people. She believes at one time the minutes indicate that this asphalt overlay would be removed, but we have yet to do that. This is all she has.

RE: HOLIDAY CLOSING

It was noted by Commissioner Willner that all City/County Offices will be closed Friday, April 1st for Good Friday.

RE: CLAIMS

Veach, Nicholson, Griggs Assoc.: Claim presented in the amount of \$628.10 for road design and plans for the South Green River Rd. project. Mr. Easley has checked and approved the claim.

Bernardin, Lochmueller & Associates, Inc.: Claim presented in the amount of \$11,827.42 for field survey (100% complete) and roadway design (22.1% complete) for Bridge Design for Pigeon Creek and Crawford-Brandeis. Mr. Easley has checked and approved the claim.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, the foregoing two claims were approved for payment. So ordered.

RE: EMPLOYMENT CHANGES

County Assessor (Appointments)

Evelyn M. Lannert	Chief Dep.	\$23,330/Yr.	Eff: 3/29/88
Dorothy Joest	R. E. Dep.	\$20,180/Yr.	Eff: 4/4/88

County Assessor (Releases)

Monica E. Mindrup	Chief Dep.	\$23,330/Yr.	Eff: 3/29/88
Evelyn Lannert	R. E. Dep.	\$20,180/Yr.	Eff: 3/29/88

Prosecutor (Appointments)

Steve Owens	Dep. Pros.	\$29,540/Yr.	Eff: 3/28/88
Michael J. Danks	Dep. Pros.	\$24,762/Yr.	Eff: 3/28/88
James W. Ethridge	Dep. Pros.	\$26,045/Yr.	Eff: 3/28/88
Christian Lenn	Dep. Pros.	\$30,000/Yr.	Eff: 3/28/88

Prosecutor (Releases)

Christian M. Lenn	Dep. Pros.	\$29,540/Yr.	Eff: 3/28/88
James W. Ethridge	Dep. Pros.	\$23,500/Yr.	Eff: 3/28/88
Michael J. Danks	Dep. Pros.	\$22,922/Yr.	Eff: 3/28/88
Steve Owens	Dep. Pros.	\$26,045/Yr.	Eff: 3/28/88

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**Scott Buedel**                  **PTGC**                  **\$4.00/Hr.**                  **Eff: 3/26/88**

Norma Tuley	Clerk	\$35.00/Day	Eff: 3/24/88
Janice Decker	Clerk	\$35.00/Day	Eff: 3/24/88

PRESENT: COMMISSIONERS COUNTY AUDITOR COUNTY ATTORNEY

<u>COUNTY ENGINEER</u>	<u>COUNTY HIGHWAY</u>	<u>COUNTY SURVEYOR</u>
Andy Easley	Bill Bethel	Bill Jeffers (Chief Deputy)

Keith Lochmueller  
Ralph Patton/American Timber Bridge  
John Blair  
Martin Greenwell  
Richard Bringle  
William P. Taylor  
Rev. Eugene A. Schroeder  
Evelyn Bethel  
Jim Anderson  
David Ellison  
James Morley  
Others (Unidentified)  
News Media

Richard J. Borries, President

*Robert L. Willner*  
Robert L. Willner, Vice President

Shirley Jean Cox  
Shirley Jean Cox, Member

MINUTES  
COUNTY COMMISSIONERS MEETING  
APRIL 4, 1988

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MINUTES  
COUNTY COMMISSIONERS MEETING  
APRIL 4, 1988

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, April 4, 1988, in the Commissioners Hearing Room with President Rick Borries presiding.

The meeting was called to order and subsequently opened by Sheriff Clarence Shepard, who declared the Commission in session pursuant to adjournment.

RE: SHERIFF - ILLEGAL TRASH DUMPING

Commissioner Borries asked the Sheriff if he has any comments at this time

Sheriff Shepard said he did not attend last week's Commission Meeting as he was busy with other matters at the time. But the question came up during this past week from the news media to him about whether there was going to be a County ordinance on trash dumping. He checked with Commissioners Willner and Cox today and found out there has been some action taken since last week on this matter, with research by the County Attorney. The County Attorney has advised the Commissioners that we do have a State Statute which we have been enforcing and there is no need at this time if he (the Sheriff) is correct to adopt a County ordinance to cover this....that the State Law will prevail and both the City and the County can use the State Law as they have in the past. Is he correct on that? (Attorney John confirmed that this is correct.) Sheriff Shepard said, "So that clarifies it for me, that I will put a memo out to my people that we will enforce the trash dumping. It is a very hard thing to do, because the truck or the car usually will pull up and sit and make sure nobody is coming within half a mile either way and dump it and leave real quickly. So, unless someone sees somebody or by chance drives by and gets a license number, there is not really a whole lot that can be done.

Mrs. Cox: I know that we are always strapped for personnel, but in view of perhaps the newly annexed portion of the east side of Evansville -- and I don't know what your situation would be, Sheriff Shepard -- you know that better than I, but I would hope that maybe we could dedicate an officer -- make a dedicated officer for the violation of our State ordinance on dumping and litter. And I think maybe if we could dedicate one individual (something similar to what the City police have now done with leaky loads and dumping -- and I think they've had a lot of good experience along that line) -- would you be willing to look over your personnel and see if you have a person (and this could be a civilian employee)? If you do not have the personnel to do it, I would even be willing to go before County Council to ask for a position of this nature to be funded.

Sheriff Shepard: I would be glad to staff -- we just appointed an officer (not full time) to handle all of the junk cars. We have a number of junk cars throughout the county and a number of complaints on this. The Board of Health has Code Enforcement Officers. Could one of these Code Enforcement Officers be sworn in as a Special Deputy to do that? That is something we could look at.



Mrs. Cox: Okay. You know, a lot of the dumping does not really come under the Board of Health. Sometimes things like this have a tendency to slip through the cracks and we come into that in a lot of situations where it is not really a health hazard and doesn't come under the jurisdiction of the Health Department, but it certainly is a nuisance to our farmers who are trying to plant their fields and find a whole conglomeration of everything dumped out there and to people who live in the outer parts in more or less secluded areas. The County -- I am sure Mr. Bethel here -- will pledge to do our part to try to keep the weeds mowed along the roadsides, which will help the appearance.

Sheriff Shepard: We will be glad to staff it. If you will put me on the agenda for next week I will have an answer for you by then as to what we can do. We just made a number of transfers today for promotions and things like that to fill retirements, so we will have to restructure and have a staff meeting next week. But I am glad that we clarified through Counsel as to where we are on this. Had we not had this law I would have asked for a County ordinance to cover this. Thank you very much for your time.

RE: APPROVAL OF MINUTES

Commissioner Borries entertained a motion concerning approval of minutes of December 21, 1987. It was determined the Commissioners have not yet had an opportunity to review same, so approval was deferred for one (1) week.

RE: AUTHORIZATION TO OPEN BIDS FOR ENGINEERING STUDY ON THE OVERPASS NEAR USI

A motion was entertained by Commissioner Borries to allow the County Attorney to open the bids received for engineering study on the overpass near USI.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox to this effect, approval was granted. So ordered.

RE: COLONIAL LIFE & ACCIDENT INSURANCE COMPANY

President Borries then recognized Ms. Carol Cutter of Colonial Life & Accident Insurance Company. He said she is here regarding a matter that he understands will be of interest to the Commission.

Ms. Cutter: We appreciate your getting us on the agenda on such short notice. We have done some preliminary work on this program, but we just wanted to finalize it here today with the Commissioners. Colonial Life & Accident is one of the county-approved companies who offer disability benefits as an option to the County employees. A part of the new program (well, I say "new", but it has been around for about ten years) is part of the Tax Code called Section 125, which the County is eligible to take advantage of (which Colonial will implement and administer for you free of charge). Basically, what this amounts to is that those employees who are currently paying for any part of their County health insurance, any other optional benefits that they elect with any of the other carriers that the County has allowed to do that, can pay for those same benefits that they are already paying for with dollars -- without having to pay taxes on those dollars. I'm going to distribute a brochure that Colonial has which explains in detail that information -- and you can look at the example in the center of the fold-out giving an example on the payroll deduction. What it tells you is that they take a typical example of someone who is currently making \$430 some odd dollars per pay who is paying a \$17.00 or \$18.00 premium for their health insurance at that point in time. The normal procedure is the payroll department would take that \$430.00 odd dollars, deduct the social security, federal, state and local taxes, and then deduct the premium for that health insurance.

The Section 125 law of the tax code simply says that you may take the amount of premium out first before you apply taxes. This is not a deferment of tax. This is an exclusion of tax. The County Attorney has examined the model plan document and the rules and regulations from the IRS and has given us his approval as far as them complying with those rules that have been established by the law. What this means for the County is simply that you will also save that corresponding FICA tax contribution that each employee reduces their gross taxable income by. According to the computation we have done based on current existing benefits (and this does not include the PERF contribution that the County makes for its employees) in one year you will save almost \$17,000.00 in FICA taxes. With PERF it will be substantially higher. I did not get those figures from DoLores in time today to make those available to you. But I think the original computation based on just existing insurance benefits is substantial enough to let you know what kind of dollars the County will be able to save. There is a stipulation (a Grandfather clause) in the rules and regulations which says that if at any point in time Congress changes this law in any way, they cannot come back on the County or its employees retroactively and penalize them in any way for taxes that they did not pay. So you are perfectly safe in making this program available to the employees. Colonial will explain the Section 125 Program to the employees, working through the various department heads. They will distribute the payroll stuffers to each employee which explains Section 125, answer any questions that those people have and, at that point in time, have them sign a form (which is a voluntary form) as to whether or not they elect to take advantage of those tax savings. I think pretty much what they wanted today was just an official action on the part of the Board relative to implementing the Section 125. If you have any questions, I'll be glad to answer them at this point in time.

Mrs. Cox: It is nice to learn something new; I wasn't aware of this at all.

Commissioner Willner: I talked to Carol earlier and I think this is about a 10-year old statute, but the IRS never really told us how to implement it. I guess they were hesitant for 10 years in telling us it was legal and I think we should go ahead. Colonial Life has said they will do that for nothing for the County. I guess you ought to look a gift horse in the mouth and they will probably tell our employees that they can save them a little more money if they .....

Ms. Cutter: It works both ways.

Sam Humphrey: Can you give us a copy of the current law and the proposed legislation?

Ms. Cutter: Yes sir; in fact, are you the Attorney, sir?

Mr. Willner: No, he is the Auditor.

Ms. Cutter: Yes, we definitely can. The Attorney does have one in his possession, but I have one with me and I'll be glad to give you one.

Mr. Willner: When you talked to the girl down in bookkeeping, that's her boss.

Ms. Cutter: Yes, I'll be glad to provide one for him today.

Commissioner Borries entertained a motion.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, Colonial Life & Accident Insurance Company was authorized to be the County's representative in Section 125 for Vanderburgh County. So ordered.

RE: LYNCH ROAD

President Borries recognized Mr. Keith Lochmueller of Bernardin, Lochmueller & Associates.

Mr. Lochmueller: I have two points that I want to discuss concerning Lynch Road. We felt it was necessary as the progress of Lynch Road moves along to make sure to tell you where the progress is and where you have to have an input. And I think we are to the point of input. We are moving along rather well with the project and the question we have now -- the road is a minor arterial road, which means it is a high speed facility. It is being designed for 50 mph -- and I am sure they are going to be going 50 mph or more from Oak Hill on east and we do not have an answer at this point as to whether there is going to be an Interchange there. But I personally feel there is going to be an Interchange at I-164. If the interchange is there, you are talking about a high speed facility. If you've got a high speed facility, then it probably should be designed for that. The question we have is -- we have two designs and we need your input. We have talked with Andy and Rose. We have one that was in the environmental that it would be a 48 ft. road with four 12 ft. lanes. The other alternative would be 24 ft. of pavement, a 6 ft. median and 24 ft. of pavement. And the pros and cons of both -- the one with the median (I do not have the letter before me) was, I think, \$400,000 and higher with a 6 ft. median. So the cost is more. Now, benefits. In one analysis I have (what research we have done) without a median we, through analysis, have come up with that there could possibly be three (3) head-on accidents per year. If you're looking at cost and amortize that out over twenty (20) years (and I think it is going to be a concrete pavement) that should have a 20 year life at least. We're talking about 60 head-on accidents. Well, 60 head-on accidents at 50 mph to 60 mph -- need I tell you I think somebody might get scratched a little bit? They could be hurt pretty seriously. So I think that that offsets the additional cost. Secondly, I checked with my peers at Purdue University and was talking with Dr. Satterly and I brought the point up to him -- and I did not give him all the particulars -- and his response was -- if you've got a road that is going 50 mph and if you've got 20,000 or more cars, you should have a median. And, he said a barrier. We feel you don't need a barrier at this point in time. A third point that I have was on Washington Street. I really started to question my own opinion at times and I said, do we really need the median? All the research says we do. So, when do those accidents occur? I don't know -- I'm not sure; I don't have any record on that, but I did notice one thing. I drove Washington about 36 mph the other evening when it was very dark and it was raining. And I can understand how we have head-ons, particularly when you're moving at 50 mph. At one time I really didn't go one way or the other. Rose has done an excellent job in getting limited access to control the curb cuts. But I think at this point in time I feel very strongly and my recommendation is that we go with this 6 ft. median. So I need a response to that. That would be one question

The second question that I have -- Rose Zigenfus of EUTS and Andy Easley have not determined the exact location if we're putting in additional roads to tie in to Lynch Road. For instance, I think we have talked in the past that we could add an additional road a mile apart (no additional access) between Burkhardt and Green River Road and then maybe Green River Road and Oak Hill Road -- possibly -- we're not sure of that. But definitely between Green River and Burkhardt. If that happens, in determining where the location is, my question is do we at this point in time in the design, do we go ahead and actually build the left turn lanes for that intersection on Lynch Road? Or, do we not build them and build them at a later date? If you build them today, it would look funny; because you would see a road with left turn lanes and nowhere to go. But it would drive well. Secondly, it would be paid for with federal funds. And, thirdly, if you had to go back

and build it later and you had a 6 ft. median or no median, you have to go for a long stretch of tearing the road up to get the left turn lane in. Our recommendation there, again, would be to go with building a median when the road was built. And I'd like to have response this evening.

Mr. Borries: Thanks, Keith, for bringing up those matters. Any response by the Commissioners?

Mrs. Cox: I have a question. I have a copy of the letter to Mr. Lochmueller (and I can't find my copy) but in there I believe he not only mentioned a 6 ft. median but also an 8 ft. -- a 6 ft. and an 8 ft. median. Now you're recommending that the 6 ft. median would be adequate?

Mr. Lochmueller: A 6 ft. median would be adequate. I don't have a problem with 8 ft., but if we went over 6 ft. or 8 ft. (check me if I'm wrong, Andy) it would open up the environmental statement.

Mrs. Cox: And that was my next question. I understood from your letter that neither of those would necessitate any further environmental studies.

Mr. Lochmueller: That is what transpired at that meeting. I think it was said that neither would open.....

Mrs. Cox: And I understand that these medians are not a raised type of median like we've seen in other areas. They are the same level as the surface.

Mr. Lochmueller: If an accident occurs there, this doesn't stop an accident. Then you could end up putting a barrier median in there and you know what that is. That is a concrete barrier that would be put in there later and that stands up like this (he indicated by raising his hands to an approximate 3-4 ft. level).

Mr. Willner: The median would be 6 inches higher than the surface, though, like St. Joe Avenue.

Mrs. Cox: No. It is not going to be a raised median.

Mr. Lochmueller: You would raise it slightly.

Mr. Willner: I'd want a curb there.

Mr. Lochmueller: You'd want a curb?

Mr. Willner: Yes, just exactly like St. Joe Avenue.

Mrs. Cox: I think this shows a lot of foresight on your part. I wish that we would have shown that much foresight when we did like the present Lynch Road and present St. Joe. We could certainly use some storage space in those medians that we have out there on St. Joe Avenue. And it would have prevented a lot of accidents that we've had specifically at Allen Lane and St. Joe. We don't have them and now we're going to have to address it. I would say let's build it the way we want to now, rather than go back in later and try to make it fit the situation. Personally, I think raised medians are more dangerous than no medians. And even if it's two (2) inches, it's enough to throw your car back into the lane of traffic. I think we really need to look at that. I think that they can be -- what do you call it? -- delineated? -- with the stripes and the reflective markers. I know the one on Ray Becker is very dangerous -- having that elevated median -- and I don't like the one on St. Joe Avenue. I've had to go through and.....

Mr. Lochmueller: If we went with the curb it is going to have to be 8 ft., because we have to have at least 18 inches from each side of the pavement. We have to have at least two (2) inches to raise the curb.

A. Easley: May I make a comment? Rose and I are not really convinced that present Lynch Road between Highway 41 and Oak Hill Rd. isn't functioning well. I don't believe they have a lot of accidents out there and I'm not thoroughly convinced that we need the 6 ft. separated median east of Oak Hill Road.

Mr. Lochmueller: I know we have a difference of opinion. I know that today's speed is much less out there. I think the scary thing is that we might have to go in and re-do that particular section of road. Right now it goes from nowhere to nowhere, but when you open it up to something that is what you have to look at.

Mr. Willner: I'm thoroughly convinced that we should not build anymore major thoroughfares in Vanderburgh County without a median -- period. I have talked to Rose and Andy and they asked me to, I guess, not make a definite decision until they could talk to me and if you can talk me out of it, fine. But right now I feel that Lynch Road that is presently there -- someday we're going to have a median -- just like Highway 41. The State just came down and put medians there...and it's just a coming thing, no question about it. The speed limits are going to raise and even if the speed limit isn't there, people are going to drive it -- whether the speed limit is 40 mph or 50 mph, they are going to drive 60 mph and 75 mph. It happens all the time. I kind of like the raised median, but.....

Mr. Lockmueller: It's back to Gallivan and we will do what we can. If we can raise -- we're going to have to have 18 inches, I think, on both sides and the median itself would then be about 5 ft. But we'll have to work that detail out.

Mr. Willner: Our problem on St. Joe-Allen's Lane is not the raised median; that is not our problem. The intersection is the problem, not the road. And we're going to have two or three of these intersections on the Lynch Road Extension and you might as well, as you say, do it now and do it right.

Mr. Borries: Not to break any new ground -- but I wasn't here last week as I attended a national meeting in Boston. They, of course, have these concrete medians on all the Interstates out there. I always felt a little unsafe with the cab drivers out there. But I felt real safe when I got home until I drove home yesterday (on a Sunday) on Outer Covert Avenue and some guy was in my lane going the wrong way. I don't know what he was doing.-- but I know I was on the right side and this guy wasn't. So I would certainly echo those thoughts. I certainly think we need to plan for at this point in time and the future, so it makes good sense to me to go ahead and make this commitment. Again, all things change; but I don't believe at this point that you're going to get much argument from anyone on this Board about that median.

Mr. Lochmueller: That is how we're going to proceed then with the design.

The Commissioners again expressed their thanks to Mr. Lochmueller for bringing this matter to their attention.

RE: READING OF BIDS ON ENGINEERING STUDY FOR OVERPASS AT USI

Commissioner Borries called upon Attorney Curt John for his report on the bids on engineering study for the overpass at USI.

Mr. John said the bids received were from Morley & Associates and Bernardin, Lochmueller & Associates, both of Evansville. He would recommend the bids be referred to the appropriate department for review and recommendation.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the bids were referred to Mr. Easley.

Mrs. Cox asked if there was any time frame in either bid?

Mr. John said he did not evaluate the bids, he just opened them.

Mr. Willner: I don't think either contained a price.

Mr. Borries: We'll want to set up a time to meet with these firms after Andy has examined these.

Mrs. Cox: I have a question for the County Attorney. At last week's meeting David Miller, our County Attorney, presented to us a finding with relation to the request for Mary Jo Kingon's leave of absence due to her illness and he said that her six months leave would end April 1st. I would like for Mr. John to double check with Attorney Miller regarding looking at Page 5, Section 1.63 (Temporary Employee) and Page 15, Section 4.12 (second paragraph) where it states that employee may be carried on the insurance program at the County's expense for a one (1) year period and then report back to us at next week's meeting.

Mr. John: Yes, we talked about that earlier. I will be happy to talk with David and he will be at next week's meeting and can respond to those sections.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Work Report/County Garage: Mr. Bethel submitted copies of the Weekly Work Report for Employees at the County Garage for period of March 29 thru April 1, 1988.....report received and filed.

Gradall: Mohr Rd., Oak Grove and Newman

Pull

Shoulders: Owensville, St. Joe Ave., and Frontage Rd.

Patch Crew: Burkhardt, Olmstead, Heckel, Eissler and St. Joe

Tree Crew: Woodland Hills and Frye Rd.

Removed snow plows

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

- Repaired culvert on Neubling Rd.
- Repaired culvert on Schroeder Rd.
- Patched washout on Darmstadt Rd.
- Delivered culvert to Bender Rd.
- Finished cutting Volkman and Old State Rd.
- Finished installing guard rail on Mann Rd.
- Rip-rapped on County Line Road, West
- Hauled culvert from Happe Rd. to the Dump
- Removed two culverts and installed culvert on Bender Rd.
- Installed culvert on County Line Road, West
- Repaired guard rail on County Line Road, West
- Repaired guard rail on Green River Rd.



- Cleaned up Bender Rd.
- Rocked Wortman Rd.

Mr. Borries entertained questions of Mr. Bethel.

Mr. Willner: That was all in a week with one vacation day.

RE: CLOGGED CULVERT - OLD STATE ROAD

Mr. Borries advised Mr. Bethel that he has one item; a clogged culvert -- if he could check this out. He thinks it is on our right-of-way on Old State Rd and Brookview.

Mr. Bethel: There is one thing. I heard that this machine the City has -- I understand that was bought with City and County money. Now if I ask them to come out and use that machine, they are trying to charge me. I think I would like some clarification as to whether part of that machine does belong to us. This is a machine that goes out and unclogs sewers and things like that...a big machine with a lot of pressure behind it. They used to do it for nothing and they are now asking us to pay.

Mrs. Cox: Do they furnish the operator for it?

Mr. Bethel: Yes; but we also lend them the gradall and operator and whatever. So I think this is a little matter we should clear up.

Commissioner Borries: Okay; we'll do that. Thank you.

RE: COUNTY ENGINEER - ANDY EASLEY

Commissioner Borries called upon County Engineer Andy Easley for his report. Mr. Easley said he doesn't have anything which needs the Board's action today.

Purchase of Right-of-Way/Boonville-New Harmony Rd.: Mr. Easley said that with regard to purchase of right-of-way on Boonville-New Harmony Rd., we've got about all of that property acquired and he's got some of the people he has to get back to -- they wanted a couple of weeks to think about our offer. He and Lee Stuckey were out last Thursday afternoon.

Fox Pointe Subdivision: Mr. Willner said he has been in touch with Attorney David Miller concerning Fox Pointe Subdivision and he suggests that we start a condemnation suit for the right-of-way that we need in the Fox Pointe area of Lynch Rd. and he told him he would bring that up to the Board. He said there are considerable advantages if we are the first to file that claim. He has written the owners several letters and tried to get them to answer one way or the other and he thinks we should start condemnation procedures today. After due consideration I will make that motion.

Mrs. Cox: That we proceed with condemnation? Because I did read each letter, too, and he had offered a settlement to the people and they refused. So I will second the motion.

Mr. Borries: So ordered.

Mr. Willner: Andy, will you contact David Miller?

Mr. Easley: Yes, I will.

Mr. Willner: You have the legal descriptions?

Mr. Easley: We have the legals. They have had more than the statutory amount of time to consider that offer.

RE: PEACH BLOSSOM LANE REPAIRS

Mrs. Cox asked if Mr. Easley has any further report on Peach Blossom Lane?

Mr. Easley: Yes, I was out there during my lunch hour and I sprayed the location of ten cores that Union Federal has agreed to pay for to verify the thickness of the concrete. In discussing the alternate ways to repair this street, we're beginning to question what do we really have in that concrete. It is supposed to be six (6) inches. As a comparison, Vogel Road (that was paved a couple of years ago east of Green River) was slip-formed by Rudolph with seven (7) inch thick concrete, unreinforced. I was over at lunch hour and I don't think there is a crack in it. It is 7 inches thick, slip-formed. This Peach Blossom is supposed to be 6 inches. Earl Williams was very cooperative with Union Federal. I told him for everybody's protection we ought to know what we are buying so to speak and Hansen said he could make those cores today if I could lay them out.

RE: TRAVEL REQUEST - CO-OPERATIVE EXTENSION SERVICE

Mr. Borries said he had a request and notification re 1988 Training Sessions for the staff from Jack Wade, Co-Operative Extension Agent. The funds will come from their travel account. They have the Agricultural agent, Home-Ec, Youth Agents and Horticulture agent. Questions were entertained. There being none, a motion was entertained.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the request was approved. So ordered.

RE: TRAVEL REQUEST - AREA PLAN COMMISSION

Mrs. Barbara Cunningham submitted a request to travel to the April 14, 1988 meeting of the Board of Directors of the Indiana Planning Association, which is to be held in Indianapolis.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the request was approved. So ordered.

RE: ACCEPTANCE OF CHECK

Check for rent for the Welfare Department in the sum of \$11,503.92 was submitted.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the check was accepted and endorsed for deposit into the County General Fund. So ordered.

Check from the Louisiana Insurance Consultants for refund on the waterslide at Burdette Park. Through some pretty diligent efforts on the part of Jim Lindenschmidt and Dennis Feldhaus, he believes, we have a check in the amount of \$155.81 as a final audit adjustment from Louisiana Insurance Consultants. Also are the copies of settlement with Anna Hampton, along with the company's bills for their services, which says this finally closes out this file. What this amounted to was that there apparently was some refusal on the part of this insurance company to refund a portion of the County's insurance which had been paid for on that waterslide. Dennis simply would not give up, and we finally got the settlement. (Mr. Lindenschmidt noted we received a check previously for some \$2,000 and they were holding some back and this is the rest of it.)

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the check was accepted and signed for deposit into the County insurance fund. So ordered.

RE: ALEXANDER AMBULANCE SERVICE, IND.

President Borries submitted a billing summary for Alexander Ambulance Service, Inc. ....report received and filed.

RE: BURDETTE PARK - FINANCIAL STATEMENT

Also submitted was a Financial Statement for Burdette Park for the month of February.....report received and filed.

RE: OLD BUSINESS

Burning Ordinance: Mr. Borries said, "We have wrestled around with this burning ordinance and so before I left I had Margie accumulate a number of phone numbers for me from the U. S. National Forest Service, the Department of Environmental Management, the Fire Weather Forecaster (I'll say more about that one in a second) and the Indiana State Information Service. I called the local National Weather Service; I called several persons (extension agents and others) trying to get some information here on the National Forest Service guidelines. When I got the National Forest Service, they immediately referred me to the Fire Weather Forecaster. The Fire Weather Forecaster is a person who does just that; they look at these conditions -- they apparently have computer capabilities and data processing capabilities and they are a part of the Department of Natural Resources of the State of Indiana. I mentioned the U. S. Forest Service and asked that before we go through final approval, whom should we call? They said to call the Fire Weather Forecaster. So I talked with two gentlemen, both of whom have been very cooperative (Joe Tutterow and Steve Creech). Steve Creech has sent me some materials which I will duplicate for you. They sent them to my home (I'm sorry I left them there, but I will get them here this week so you will be able to review that.) I asked so that we could plan, to have one of these two persons come down and give us their parameters and suggestions. I will say that they had very positive feelings about what we are doing and said there are other counties also wrestling with this situation. They feel that is of great concern. Apparently, officials in Warrick County have also called them. They were very interested in what we have done thus far. Either Mr. Tutterow or Mr. Creech will be here next week. Hopefully, after hearing from them and any input they might have on our ordinance -- we can finish that up.

In response to query from Commissioner Cox, Mr. Borries said, "I won't say anything negative about the National Weather Service, but they kept telling me that I had to call Indianapolis and get ahold of this Fire Weather Forecaster. So when we got them, they turned out to be a part of the Department of Natural Resources. So they are going to come down. I will get that material to you. They are supportive of what we are doing and said they would be happy to assist in any way. They were interested in kind of looking at models, because there apparently are other counties looking at it. They are aware of the seriousness of the situation because we are still below normal in terms of rainfall. Anyway, I wanted to give you that update and I hope he will be here next week."

RE: SCHEDULED MEETINGS

Wed.	April 6	2:30 p.m.	County Council Meeting (Room 301)
Wed.	April 6.....	6:00 p.m.	Area Plan Commission (Room 301)
Mon.	April 11	1:00 p.m.	Executive Session (Room 307)

With regard to the Executive Session, Mr. Borries said he assumes the County Attorney called the Executive Session. (Mr. Lindenschmidt confirmed that this is correct.)

RE: RESTORATION BY GTE

Commissioner Cox requested that the following letter from GTE be made a part of the formal minutes:

March 24, 1988

Mr. Andy Easley  
Vanderburgh County Engineer  
Room 310 Civic Center  
Evansville, IN 47708

Dear Mr. Easley:

Since the construction of INTELENET is complete in Vanderburgh County, I am reassuring you of our intent to complete quality restoration work. Now that it is Spring, we will be repairing the problem areas in your county.

I appreciate the support and assistance you have given us. If you have any questions, please call me at 219-434-280.

Sincerely,

/s/ R. E. Bolduc  
Manager-Intelenet  
Implementation

Mr. Borries said, "Shirley had mentioned (and this is important) on some roads in Vanderburgh County there had been some construction along the road and everyone was concerned if this was the fibre optic cable with which we had so much difficulty on the First Avenue Bridge and which also was going to be a major item of expense even when we were discussing "B" Street -- that the way the work seemed to be proceeding was not really acceptable to what we (particularly Bob) felt they should be doing....because we did not, in any case, want to be held liable for that fibre optic cable and the expense that would be involved if that thing were broken. So Andy has written a Mr. Bolduc (Manager of Intelenet, which is the fibre optic cable system of GTE) and has received the foregoing letter to be entered into the record. Should there be any accidents on that expensive item, we insisted that we would not be liable for that because we were not doing the work."

Mr. Willner: They have started.

RE: REVISED LIST FOR ROAD PAVING PROGRAM - 1988

Mrs. Cox said her other question concerns the revised list for the road paving program for 1988. When will the Board have an update on this?

Mr. Bethel: I have that in my office and everything is up to date. I hope to run the miles this week and take off the roads that are not ours. I just talked to Andy Easley and we'll get the paving engineer to go with us to determine how much we will have to put on each of these roads. We very much hope to get this done this week and then I will have to go before Council to get the money.

Mrs. Cox: Maybe I can get with you -- perhaps Wednesday -- to give you some of the information I've collected on these roads. Thank you.

RE: CLAIMS

Jones & Wallace: President Borries presented a claim in the amount of \$54.00 for services on condemnation/foreclosure case. A motion was entertained.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the claim was approved for payment. So ordered.

RE: EMPLOYMENT CHANGES

Treasurer (Releases)

Norma Tuley	Clerk	\$35.00/Day	Eff: 3/29/88
Janice Decker	Clerk	\$35.00/Day	Eff: 3/29/88

Circuit Court (Appointments)

Stephen Lehman	PTBB	\$5.00/Hr.	Eff: 3/21/88
Laura M. Pate	PT Intern	\$5.00/Hr.	Eff: 3/28/88
Deborah J. Snyder	PT Help	\$5.00/Hr.	Eff: 3/15/88
Joyce L. Franklin	PT Help	\$5.00/Hr.	Eff: 3/17/88
Randy Chapman	PTBB	\$5.00/Hr.	Eff: 3/22/88
Pamela Jacke	PT Nurse	\$5.00/Hr.	Eff: 3/18/88
Elizabeth Deem	PT Intern	\$5.00/Hr.	Eff: 3/16/88

Circuit Court (Releases)

Scott Sullivan	PTBB	\$5.00/Hr.	Eff: 3/12/88
Michael Lotz	PTBB	\$5.00/Hr.	Eff: 3/4/88
Laura M. Pate	PT Intern	\$4.00/Hr.	Eff: 3/26/88

Election Office (Appointments)

Mary Lee Bassemier	Dep. Clk.	\$4.85/Hr.	Eff: 3/28/88
John Lee Jones	Bal. Ass.	\$4.85/Hr.	Eff: 3/28/88
Gerald Wohlhueter	Bal. Ass.	\$4.85/Hr.	Eff: 3/28/88

County Assessor (Appointments)

Virginia M. Wallace	Reas. Dep.	\$13,978/Yr.	Eff: 3/28/88
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County Auditor (Releases)

Kathy Lowe	Clerk	\$13,978/Yr.	Eff: 4/8/88
(3 Mos. Leave of Absence w/Insurance due to pregnancy problems)			

There being no further business to come before the Board at this time, President Borries declared the meeting adjourned at 3:40 p.m., with the announcement that the Drainage Board will meet immediately following the Commissioners Meeting.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R. J. Borries	Sam Humphrey	Curt John
	R. L. Willner		
	S. J. Cox		

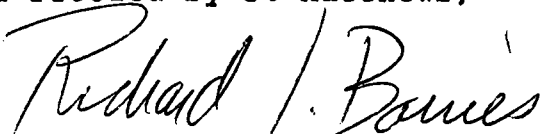
<u>COUNTY HIGHWAY</u>	<u>COUNTY ENGINEER</u>	<u>SHERIFF</u>
Bill Bethel	Andy Easley	C. Shepard

OTHER

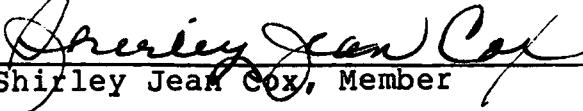
Carol Cutter/Colonial Life Insurance Co.  
Keith Lochmueller/Bernardin, Lockmueller & Assoc.  
News Media

SECRETARY: Joanne A. Matthews

(Minutes Taken, Transcribed & Proofed by J. Matthews)

  
Richard J. Borries, President

  
Robert L. Willner, President

  
Shirley Jean Cox, Member



MINUTES  
VANDERBURGH COUNTY COMMISSIONERS  
APRIL 11, 1988

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MINUTES  
COUNTY COMMISSIONERS MEETING  
APRIL 11, 1988

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, April 11, 1988, in the Commissioners Hearing Room, with President Rick Borries presiding.

RE: EXECUTIVE SESSION

President Borries stated, "To repeat what has been held; an Executive Session at 1:00 p.m. today was held to discuss and receive information of legal matters concerning Elizabeth May vs. Vanderburgh County and other matters of litigation. This was in accordance with the Open Door Law and notices were given to the Media and it was published on March 31, 1988.

RE: APPROVAL OF MINUTES

President Borries noted that the minutes of December 21, 1987 had been presented for approval, and entertained comments.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Borries, the minutes of December 21, 1987, were approved as engrossed by the County Auditor and the reading of same waived. So ordered.

President Borries also noted that there were minutes of March 21, 1988 (an evening re-zoning meeting) and April 4, 1988, and entertained comments, changes or corrections.

Motion by Commissioner Willner and seconded by Commissioner Cox, the minutes of March 21 and April 4 be approved as engrossed by the County Auditor and the reading of same waived. So ordered.

RE: AUTHORIZATION OF BIDS TO BE OPENED ON VEHICLES FOR COUNTY HIGHWAY DEPARTMENT

The Chair entertained a motion to have the Attorney open bids on vehicles for the County Highway Department.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the bids were given to the Attorney to be opened.

RE: DISCUSSION ON CRITERIA USED TO DECLARE A FIRE EMERGENCY OPEN BURNING ORDINANCE

President Borries said, "Last Fall this Board held a public hearing and ask for input from area residents regarding an Open Burning Ordinance that this Commission has been considering for some months now. It has been revised a couple of times and in order to finalize our consideration of this, I made several calls in reference to the one particular item that we had in this Ordinance mentioning, 'Pursuant to U.S. Forest Service Guidelines.' We did not have copies of that, so I called the U.S. Forest Service through Ferdinand, Indiana. I made a call to the U.S. Weather Service here in Vanderburgh County at the Airport and Margie, our Secretary, got a list of several different agencies that perhaps might be applicable in finding out exactly what these Guidelines might be. Several agencies referred me to The Department of Natural Resources and to the person whom I have asked to come today to talk with us and provide us with the information that might need in order to finalize our consideration of this Ordinance. Mr. Steve Creech is with the Division of Forestry, Indiana Department of Natural Resources and one of the offices is a Fire and Weather Forecasting. He has graciously, from our conversation, consented to be here today and we are glad to have you, we appreciate your being here

to give us information that you might have so that we can finalize our consideration of this Ordinance and to provide the opportunity for the Commissioners to ask questions."

Mr. Creech said, "In many states, the Division of Forestry has been given the responsibility for wildland fires, wildland as opposed to structure fire, although in many cases, both types of fires are fought by the same department. It is true here in this County, it is true throughout the State, so we work together with Rural and Volunteer Fire Departments, as well as City and County Agencies to help develop fire plans to handle our end of it, which is the wildland fire and, in doing that for the State of Indiana, we have established five (5) Fire-Weather Forecast Stations and these are operated in conjunction with the National Weather Service and they give us the perimeters that indicate the severity or potential for wildland fires. We look at such things as: Precipitation--the amount, the duration; Fuel conditions--we measure the weight of pre-dried sticks to give us an idea what is the moisture content of the fuel in the forest, fields and grasslands throughout the state. We have weather stations now located in Martin County, Pike County, Harrison-Crawford County, Clark County, Jackson County, and we are soon to have one in Morgan and Monroe Counties as a joint station. So, we have five (5) operations and we should have a sixth station operational shortly. What these stations do, on a three hundred sixty-five (365) day a year basis, is they provide us weather information that lets us, through various programs but primarily through a computer program, to monitor the fire potential and then we convert some rather sophisticated technical information into five (5) adjective classes which are then made available to the public through media or through local agencies such as Fire Departments, that can then put out that information to their constituents. The Adjective Classes were developed, they are very simple, they start with Code 1, which is a low; Code 2 is moderate; Code 3 is high; 4 Code is very high and Code 5 is extreme. What they are, are indicators to the public in common terms of what the potential is for a fire getting started and how difficult is it going to be to suppress. Those are two things that we want to look at....What is the potential of getting one started and how tough is it going to be to put it out once it is started. The problem that we run into is that in the Fall of 1987 we had gone through the whole state, but primarily the southern half of the state was in a draught condition, moisture deficits ranged in excess of 10 inches in some areas. This dries fuel down, it doesn't just dry the soil down and the crop fields, but also the forest litter and the larger materials that are on the ground in the forest dry down as well. As they dry down the potential for disastrous fire becomes greater. We saw Fire Departments that would normally have had very little problem with one or two acre grass fires. These fires were going to ten, fifteen, twenty and in excess of that in acreage, so we saw the potential increase drastically because of these weather conditions. I think what they have asked here is, what can Vanderburgh County do to prevent that loss of property when we have severe fire conditions. You also have to understand that it may have just been a brush-field that caught fire and was burned and very little property damage occurred during that, but you tied up manpower and equipment and if something much more serious could have taken place, you would have had people committed and the response time to this second, more serious incident, might have been lengthy. So, the problem that you run into is not just that you have these forecasts going, but you are committing manpower and equipment to something that may be less desirable than what you would really like to hold them in place for; so, what we are recommending is that, based on our Fire-Weather Information, and right now it is going to have to be based on the Fire-Weather Stations that we have in place, that you decide at what level you want to institute your ban and we take weather at 1300 hours every day and by 1400 hours we can have you a prediction. Our's is in technical terms, so we transcribe that to the adjective classes and let you base your decision on these five adjective classes, but actually you can base it on anything that you want from the perimeters that we have to give to you and then, it is up to you to institute the ban. It wouldn't be us to say, 'Now is the time to institute the ban,' we will give you a range of values and say 'If it falls within this

range, I think you need to consider the ban. If it goes above this range, I highly recommend that you institute the ban.' So, the decision is still in your hands and we are simply giving you some technical information to help you make that decision. In a normal year, normal spring of 1988, 3 to 5 days where you are going to be in that category where you probably should institute a ban. In the fall, it ran ten to fifteen (10 to 15) days, possibly as high as twenty (20) because we ran into problems from about the 1st of November until we started getting rains which was right before Thanksgiving. The other option, later on, I think right now this can be put in place. The other option is to establish a Fire-Weather Station here in Evansville. We do some work with Wesselman Park. The Department of Natural Resources work with those people. It might be an ideal location for a Fire-Weather Station that we would establish for our good and our benefit, but would give you much better data to base your decision on down the road and we are talking about, you just opened bids on vehicles, we have to go through a bid process to get equipment as well, so, we are talking about something that is probably a year away, but that is a possibility. You can use the existing Weather Stations as they are now and with the possibility of establishing one somewhere. Wesselman Park is just an example. It could be somewhere else within the City. The only thing that is lacking really, in some weather stations that you already have established here is: (1) how do you get the data from it? (2) they won't measure fuel moisture, which is one of the critical components of our's. It takes an instrument to measure that, and normally they do not have this instrument. The other weather perimeter such as relative humidity, maximum and minimum temperatures, wet-bulb depressions and all that stuff, they have that already, so you have some of that information here. You just lack really one or two key elements and then the system to process it. We run ours off a program that is developed in Missouri. It is a national program, it's the National Fire Danger Rating System (NFDRS) and that is a National System that is used from the East Coast to the West Coast, Canada and New Mexico. I think the system is here to assist you, and I think that is what our roll and why I came down here today, is from a technical standpoint. We have the information that we think you can use to help you judge when to institute your ban."

The Chair entertained questions of Steve.

Ms. Cox asked, "Steve, in these five (5) Weather Stations that you have indicated (and you said the sixth one is coming on), I would think that probably the closest one to our area is Pike County, which would be Petersburg and up in that area."

Mr. Creech interrupted, "It is Winslow at Pike State Forest, which is just south of Winslow."

Ms. Cox continued, "All of the counties below that, Posey, Vanderburgh, Warrick, Gibson, are often times in a complete different weather vane than what those counties are. Would Pike County have the information for Vanderburgh in their area or do they routinely come down or what areas do they cover?"

Mr. Creech responded, "The Weather Station is an established permanent station and they simply take their weather information, put it in a computer and it is then....."

Ms. Cox interrupted, "But they just get it right around the Pike County area?"

Mr. Creech answered affirmatively. "That is why I think if you look at the number of days and the accuracy, you will find that it was actually much closer than what you think. Where it tends to lose out are on the extremes. That is one of the areas we are looking at. We are looking at the extreme out here, not the low where there is above average precipitation. We are looking at the extremes where you have got extended draught periods. I think it would serve your purpose for now, but I highly recommend that if this is adopted that you consider, or that we consider jointly, establishing a Fire-Weather Station in

Evansville within the County. One that you have access to on a daily basis and one that can give you Evansville weather and not Pike County weather. The computer program prints out (and I will let you have this) ten (10) day fire danger radius. (These things aren't going to mean anything to you except that some of the perimeters out here, as you approach the high 30's, you are in to fairly high potential and if you will look back this was the end of March and we had quite a few fires and I guess the Fire Departments down here were fairly active during this period of time. I think you will find if you look at the weather in Evansville, you would find that especially on this day, which was about the 23rd, or 24th, you probably had some precipitation. Very little, but it dropped it from a 45, which is extreme, which indicates that you probably had a little moisture and some winds.) The data is transposed....I think you may run into a day where Evansville, for example, got some rain that Pike County just had not gotten at 1:00 because those systems angle through here, but I think, with a factor of 95%, that the data would be accurate for your needs."

Ms. Cox stated, "Even Henderson County often experiences the same weather and draught conditions that we do here in Vanderburgh and I know that they have been plagued with a lot of fires, grass fires. How do you go about establishing? Do we just ask, or what is the procedure?"

Mr. Creech said, "It is a good reason for me to put one down here. I have needed one for a long time and we work with Wesselman Park. Matter of fact, we are doing some prescribed burning in conjunction with the Park over there and it would be an excellent place to put a Weather Station and I think someone is there seven (7) days a week. It gives you excellent access to weather data and it is seven (7) days a week. They are very simple to operate. All you have to do is, we would train someone to read the instruments. They go in and if they have an IBM PC type compatible system, they just punch the numbers in and the program leads them all the way through it. It spits out this data and we would simply give you a chart that says if the FLI or whatever the index is between this and this, we recommend that you consider instituting the ban. If it is above this number you definitely should have one in place at that time."

Ms. Cox said, "So, it would be on your recommendation? I mean, you could make the recommendation that one be....."

Mr. Creech interrupted, "I will go so far as to say that if you establish the Ordinance, we will put the Weather Station at Wesselman Park, because we have some of the equipment already and again, they have an excellent site there to do that and we would really like to put one there."

Ms. Cox said, "That is great. That would really serve Posey and Gibson County."

Mr. Creech said, "It would serve the whole town down here basically, because you have got the effect of the water systems here that you don't have in one of those little ones and it would give you much better data down here. I think we have got some people over there who are interested. Not only can they use it for your needs, which is Fire/Weather, they can use it for educational purposes because it is a very educational tool. The Weather Station in itself is educational. So there are a lot of benefits that can come out of this and I don't think that anyone will be upset by your Ordinance, simply because the limited amount of time that you are going to have it instituted and in place. The only days we are looking at are (if we had this day two weeks ago,) you would probably have had your ban in place because of the wind. Wind is the driving force behind all of the weather. If you have given conditions on today and tomorrow, if the wind is 20 miles per hour with gusts to 25 or 30, that will drive this system very high because it is wind that makes the suppression very difficult."

Ms. Cox said, "If I understood you correctly, you said in the spring it is approximately 3 to 5 days."

Mr. Creech responded that this is on the average. "Indiana has two very distinct fire seasons, a spring season and a fall season. A normal season would see a 3 to 5 day period where you would have these perimeters at a height where you would probably want to institute your ban. In a bad season, you would probably have it in place as many as 10 to 15 days, but probably not any more than that."

Ms. Cox said, "My last question is on, with the packet of information that we received and it's called 'Fire Danger Ratings and Color Codes'. Did you devise this?"

Mr. Creech said, "The codes themselves are National Codes. What we did, we tied what we call technical perimeters to them to help other people who have a little bit of expertise to say 'If our fire load index runs between 26 and 31, we are at a very high. It is a way for us to take technical terms and put them down into laymen's terms that you could put out through the media to the general public."

The Chair entertained more questions.

President Borries said, "Steve, we will definitely forward a letter of support to the (is there a particular person that I should address?) Division of Forestry."

Mr. Creech said it could be made to him or John Datena, State Forester.

Mr. Willner thanked Steve for his presentation.

RE: ROGER LEHMAN..BUILDING COMMISSIONER..REQUESTS APPROVAL OF SPECIFICATIONS AND AUTHORIZATION TO ADVERTISE FOR BIDS ON AUDITORIUM AIR CONDITIONING RENOVATION

Mr. Lehman said, "I have given David a copy of a City Ordinance concerning a State Building Code change that needed to be adopted by County and he has told me that this will be taken care of. It is a way that the Ordinance is worded that does not comply with the way the State wants it worded, so we have changed it and had it approved by the City and I have the David a copy of this and he will change it and have it approved by the County."

Mr. Lehman stated, "I have Mr. Clements with me today on the air conditioning modifications at the Auditorium and today what we would like to have is approval to advertise the specifications and plans for bidding for those changes. So I will bring Mr. Clements up and any questions or comments, he will answer."

The Chair recognized Mr. Clements and asked for questions of him.

Ms. Cox asked, "Is there a time element in the bids?"

Mr. Clements answered affirmatively. He said, "We propose to advertise on the 15th and the 22nd and we propose to receive bids on May 9th and award on May 16th. The construction will take place during the four (4) weeks of August, 1988. This has been cleared with the Auditorium manager, who has a lull during the month of August."

Mr. Clements continued, "We have verified the material schedules and we have one piece of equipment that is a problem. We have discussed it with the City-County Purchasing Agent and we have specifications already out for receipt of bids on electrical equipment and we should be able to bid that and have it here by the middle of July. That will be separately bid as an under \$25,000 price item. That is out to the three (3) bidders now to bid."

Ms. Cox asked, "Do you feel the installation of the complete system can be done in a four (4) week period?"



Mr. Clements answered affirmatively. "The electrical and air conditioning equipment can be switched out during that period of time. We should also be able to correct the heating deficiencies during that period of time. There might be a little bit of control work that we would be finishing after that, but that would not interfere with the operation of the building itself."

Ms. Cox asked, "On the advertisement on the bids, where does it say the bids are to be returned?"

Mr. Clements responded, "To the Commissioners Office."

Ms. Cox explained, "The reason that I asked is that sometimes on our Joint City-County endeavors, where people are participating, the bids are sent to other places according to the terminology."

Mr. Clements said, "The invitation to bids indicates that they should be addressed to the Vanderburgh County Board of Commissioners, 308 Administration Building, Civic Center Complex, Evansville, Indiana. They will be received up until 2:30 p.m. the day of your meeting and they have to be opened during your meeting by the Attorney."

David Miller, Attorney said, "I have a copy too and I will check this and the Auditor can bring them up, but I will check to make sure they aren't anywhere else and they also can bring them to the meeting if they want to as long as they are here before 2:30 p.m., but I will check the other places to be sure that we have them all."

Mr. Clements said, "We have furnished a set of the specifications and drawings to the Manager of the Auditorium and also to Roger. We hope to have everything ready to go by Thursday and as long as the advertising goes according to plans, the specifications and drawings will both be available for the contractors."

The Chair entertained a motion.

Ms. Cox said, "I would move that this Board grant approval for the advertising of specifications and bids for the Auditorium air-conditioning to be advertised on the 15th and the 22nd and bids would be receive by May 9th and awarded on May 16th." Motion was seconded by Commissioner Willner. So ordered.

RE: REQUEST FOR MONEY FOR DEMOLITION OF PROPERTY

Ms. Cox asked Mr. Lehman, "I think the time has passed that we can get our money for the demolition. Have you received notice from the State Board of Tax Commissioners regarding the request for the \$2,000 for the demolition of properties? County Council did approve that at their meeting in March."

Mr. Lehman asked, "Do you want me to proceed then?"

Ms. Cox responded, "Could you please proceed? Is that alright with this Board...on the Kay's Health Club?"

The response of the Board was affirmative.

RE: BOB BRENNER, COUNTY SURVEYOR REPORT

Mr. Brenner said, "This is a report of nine (9) years. Actually eleven (11) years to compile it. What this basically is, is a resume. It is nine (9) years of the Surveyor's Office performing bridge work. These are the major bridges that we were involved in. We have been out of the bridge business for two (2) years and there is no use recounting the past two years. You know what you have done since you have had it, but I wish to offer our services to design and administer the construction of Vanderburgh County bridges. I believe it would be good for the taxpayers. We have an outstanding record. This would free your Highway Engineer to do highway work. To do this, all our office would need would be the Bridge Engineer, Mr. Hartman and keep the two

(2) Inspectors, the Bridge Crew and the Assistant Bridge Engineer. There are things that we could do and have out for you within a couple weeks. There are two (2) bridges up on Mosquito Road #34 and #35 or Upper Darmstadt. We could have a bid package and the survey done and be ready to advertise it. There is an aluminum arch culvert that's been lying out at the garage for Montgomery Road that has been there for two (2) years. We could also have it ready to go in within two weeks. I don't expect you to make a decision on this right away. It involves a lot of study and I have thought about it a lot. We have spent two years updating the Legal Drains and the Section Corners. We are at the point now where we need additional work and we think that this is the way for us to go. You will keep 95% of the employees and you won't have to put money out to the Consultants. We are good at it and we would like a chance to show you again."

The Chair asked if the Surveyor's Office had any other matters today.

Mr. Brenner answered negatively, but said, "I consider this in a way a sort of application and maybe in a week or so you can tell me."

RE: COUNTY ATTORNEY

Re: Report on Opening of Bids

Attorney Miller said, "I have opened the bids that were presented for opening earlier in the meeting, and I will advise you that all bids are in proper legal order and carry with them the appropriate bid bonds. There are two (2) separate items being bid upon. The first item is a set of three (3) 1/2 ton pickup trucks. The bids on the pickup trucks are made by: D-Patrick Ford of Evansville, and by Kenny Kent Chevrolet.

D-Patrick bid is for a 1988 Ford F-150, 117 inch wide body, pickup truck with standard equipment included, unit price for each truck is.....\$10,399.00, total price.....\$31,197.00

Kenny Kent Chevrolet bid is for three (3) Chevrolet 1/2 ton pickup trucks, 1988 models, Unit Price.....\$10,420.84, total price is.....\$31,262.52.

Those are the only bids on the pickup trucks."

Attorney Miller said, "There was a request to bid on a full size sedan:

Kenny Kent Chevrolet presents a bid for a full size 1988 Chevrolet Caprice for.....\$11,741.64.

D-Patrick presents a bid for a 1988 Ford Crown Victoria, Four Door Sedan.....\$12,725.00

Those are all of the bids."

Commissioner Willner moved that the bids be given to the County Highway Department and Purchasing Department for their recommendation next week. Motion was seconded by Commissioner Cox. So ordered.

Re: Vanderburgh County Ambulance Claim/Lawsuits

Attorney Miller stated, "The only other report that I have today is not of an Executive Session level. It is with respect to the Vanderburgh County Ambulance Claim/Lawsuits. We have filed all of the actions at this time. They are set for first hearings on various dates in Small Claims Court beginning on April 14th with the latter ones concluding on May 5th. Those are initial hearings at which the individuals will either appear and admit liability or contest liability and have a trial date set; or, if an individual does not appear, a default will be entered. To this date, we have collected a few payments from various of the individuals who action was taken against and we have had contact with many, many others. I have had my staff

prepare a Status Report that I would like to pass on to you. I hope to be able to do this at least once every month until these cases are completed. You will see the name of the person against whom the claim is made, the amount of the claim and a status report for each one out to the right hand side. I will submit those to you for your review and if you wish, questions. I have a number of checks that I want to turn over to the Auditor at this time for direction into the appropriate account or accounts. I did notice, however, that there is one problem with one of them. The very first one listed on that list of Status Reports is Shannon Devinney, who owed \$161.00 for her service and she sent in a National City Bank money order and just as I was looking through here, before finally handing these over, I see that it is payable to the order of the City of Evansville rather than Vanderburgh County, so I would suggest that the Auditor take it down there for that purpose and then run it through the appropriate account."

Ms. Cox said, "I have one question. I can't remember if I asked about the Court Costs, but I am not for sure if I asked about any Attorney fees. When these judgments are awarded by the Small Claims Court, will the responsible party include in the amount that they owe the proper Court fees and Attorney fees or are you just asking for the amount that they owe on the ambulance?"

Attorney Miller responded, "We are only entitled, under the current state of the law, to ask for the amount owed for the service plus court costs. There is no provision in any contract or agreement that they sign for attorney's fees. We are not charging contingent fees on these cases, so we are not taking 1/3 of the amount or anything like that."

Ms. Cox said, "But, it is costing the County for the time to process these and keep track of these, and the Court will not allow this fee?"

Attorney Miller stated, "The Court has no legal basis for awarding Attorney's fees. I will tell you that I am using a paralegal clerk whose billing rate is much less than the \$60.00 an hour to do most of the processing of this work and you will therefore see, on the bills submitted to you, a rate of \$35.00 per hour for this paralegal's time as opposed to the \$60.00 per hour rate and that is what that will be for."

Ms. Cox asked, "These checks that you are giving us today then are part of the Court Costs?"

Attorney Miller responded, "You see, the County is not charged Court Costs. The County does not pay."

Ms. Cox said, "Wait a minute. The County has to send those notices out to people by Certified Mail or by the Sheriff."

Attorney Miller said, "That is true."

Ms. Cox continued, "I know you don't have to pay them when you file them, but the person, then, when they settle their claim, pays the costs of that action."

Attorney Miller explained, "We have taken the position with these people that as long as they pay in full before judgment is entered, if we can get them to pay that quickly, we consider that a savings in terms of the counsel time that would be involved and so, to this point, we have agreed to waive any payment of Court Costs to the Clerk."

Ms. Cox said, "They wouldn't necessarily go to the Clerk. They would go to the County and to the State. That is where the court costs would go. I mean, ultimately, that is where they go. I thought you sent them a letter and told them that if they didn't pay the amount that was owed in a reasonable length of time, their case would be sent to court and then you brought those to us of those ones and we told you to go ahead and take them to court, but it is not costing them any more to go to court than it would be to settle with you beforehand. Maybe it puts

a little teeth in them and makes them pay the bill, but we are using services of other offices that these people are using free and I don't think it is fair."

Attorney Miller said, "If you tell me that, I will do that. All it does is take away a very small incentive that we can give people to pay us before they have to show up in court. They are paying everything they owe other than those court costs and we are trying to save as many trial time cases as we can, but if you instruct me not to agree to the to the Waiver of any Court Costs....."

Ms. Cox interrupted, "Did you send a letter out like you usually do to these people?"

Attorney Miller said, "Those people were sent at least three (3) letters."

Ms. Cox said, "But now here, all of a sudden, we are suing them, and they are paying us. So, they are getting off free."

Attorney Miller said, "I found out the other day that I sued one nine year old. See, Alexander doesn't put down how old these people are, and some lady called and told me that I sued her nine year old boy, but in any event, we are working on them and we have only, as I recall, agreed to waive the court costs on the one for \$161.00, but it has been something of an incentive to get these people's attention and you are absolutely right when you say that we are using County personnel and facilities."

Ms. Cox said, "The School Corporation came over and filed all of those book rental fees and it was mounds and that takes time and energy and not only that, but certified mail is now \$2.00 for a notice and a Sheriff is sending his deputies out and I just ...(The School Corporation did include their judgment plus costs.)"

Attorney Miller stated, "We have done that with everyone who will be subjected to judgment."

Re: Personnel Policy

Ms. Cox asked David, "Did you have a chance to look at the Personnel Policy again?"

Attorney Miller asked, "In respect to Mary Jo Kingon?"

Ms. Cox said, "Just review last weeks' minutes and look at those last two sections please."

Attorney Miller said, "I think I have that here. The Sections you were asking me to look at were on page 13, Section 4.7?"

Ms. Cox said, "David, in the Personnel Policy, page 5, Section 1.63, which explains a Temporary Employee and page 15, Section 4.12, 2nd paragraph, where it states 'an employee may be carried on the insurance program at the County's option for a one (1) year period.'"

Attorney Miller said, "That is a requirement of COBRA. That language has to be read, it seems to us, in conjunction with the language on page 13, regarding medical or maternity leave. Former employees of the County who are ill and disabled or injured, are entitled under COBRA to remain a part of the County Group to not have to find another insurer for a period of (The section on page 15 says one (1) year), it is now actually eighteen (18) months because COBRA was amended; so, Mary Jo Kingon is eligible to remain a part of the County Group for coverage purposes for eighteen (18) months. The medical/maternity leave provisions also have to be incorporated into that and on page 13, it is provided that the continuance of insurance during a leave period is subject to any existing conditions of the County's Medical Insurance Plan in affect at the time, provided however, the County shall continue to pay its portion of any premium attributable to the employee during

the first six (6) weeks of such leave. Thereafter, the full premium shall be paid by the employee. So, you see, there is no doubt that Mary Jo is eligible to remain insured under our Group Policy. There is also no doubt that it creates no greater expense to the County to permit her to remain covered by our policy, even though her leave time has expired. There never has been any doubt that she is eligible to remain insured. The problem is the funding of the insurance premium by the County. That is what Mr. Pigman and we have been looking for a way to do. We have been looking for a way to permit the County to pay her premium after the expiration of all of the extensions and leave times and medical sick leave times that she has had to take. We are unable to find any way to do that."

Ms. Cox said, "Those Personnel Policies were written before COBRA even coming on the scene, and with no understanding whatsoever that COBRA was ever going to come on the scene. Things were presented to this Board for long-time employees that came up that had extenuating circumstances or extenuating illness, which was going to go over that six (6) month period, for a granted leave. That is the main reason. If you will look how a 'Temporary Employee' is defined in that, a 'Temporary Employee' maybe an Employee that works thirty-seven and one half a week, but not the complete year, where it would give us permission to hire a person into that slot to do the work and receive the paycheck, but not get the benefits, because 'Temporary Employees' were not entitled to the benefits. Now, I know if our Personnel Policy doesn't say that, I was under the impression that this was the intent of our policy and I know we had other fund-raising things where people who had to have leaves for different things, to help with their medical expenses. I think if we look back, we did keep people on the payroll longer than the six (6) month period (which is in that one section). One section says six (6) months, one section says six (6) weeks and then you have this section that says one (1) year."

Attorney Miller said, "We are both wanting the same thing to happen. There is no doubt that we are both wanting this same thing to happen."

Ms. Cox said, "When you look at that, don't cite COBRA, because that wasn't even on the team then."

Mr. Miller said, "What I am telling you is, we originally (I did not write this Personnel Policy), but, when the Personnel Policy was written, we took into account the possibility of keeping somebody on the policy for one (1) year. I am saying that COBRA now requires it not to be one (1) year, but eighteen (18) months. I did not cite COBRA as being the reason. COBRA is the reason that it is now eighteen (18) months. I would like to reach the same result as everybody sitting on this Board, but if Mr. Pigman is going to fill the position as he says he must, as a full-time position (and this is what I understood it to be), there is no way that he can do what he would like to do under the terms of this policy."

Ms. Cox asked, "You mean a 'Temporary Employee' would not cover that? A Temporary Employee, and really all of the hours that our full time County employees work....."

Mr. Miller interjected, "A 'Temporary Employee' cannot have insurance."

Ms. Cox said, "That is true, but they can work thirty-seven and a half hours (37 1/2) a week."

Mr. Miller asked, "So, what are you suggesting?"

Ms. Cox replied, "I am suggesting that the 'Temporary Employee' come in and do the manual work that is needed, receive the pay for doing that manual work, but not be put on the Insurance Program."

Mr. Miller said, "That's fine, but Mary Jo Kingon cannot receive them either because she is not an employee at all. She is not an employee of the County."

Ms. Cox said, "She is on leave."

Mr. Miller stated, "I am sorry, but I understood that the leave time expired April 3rd."

Ms. Cox said, "That is because we couldn't get a thing on this. We did not have your interpretation (your interpretation came to the Board in time), but I questioned that interpretation and you said that you would be glad to go back and look at it and you weren't here last week and now you are here today and the time has expired, through no fault of their own, but of this Board as to taking a look and getting a final ruling on this."

Mr. Miller said, "I don't have any different opinion than I did before. I re-read the entire Personnel Policy after you asked me to and didn't reach any different conclusion than I had reached before and I had Messrs. Casey and Rekalski, who work in our Employment Law Section of our office, do the same thing."

Ms. Cox interrupted, "I know David, you are repeating just what you told me two weeks ago, and there was no mention of a 'Temporary Employee' or this other one (1) year period. Everything was six (6) weeks, could be extended to six (6) months. Why do we need it if they don't get any benefits? Why do we need a 'Temporary Employee' in there? We have a per diem. Why did we put 'Temporary Employee' in our Personnel Policy?"

Commissioner Willner said, "So that it wouldn't cost the County insurance. That's why."

Mr. Lindenschmidt said, "Some offices have had Temporary Employees. Lots of them, and they are not entitled to the insurance."

Ms. Cox asked, "Which ones have 'Temporary Employees' that are not on a per diem?"

Mr. Lindenschmidt responded, "The Treasurer, the Auditor."

Ms. Cox said, "A per diem is different than a Temporary Employee."

Mr. Miller said, "I am not sure that is correct. Anyway, if there would have been some way that I could feel comfortable interpreting this Personnel Policy as it now exists, in a way that it would allow Mary Jo Kingon to continue to get insurance, I would have done it and it wouldn't bother me at all if the Board is of that persuasion to change the Policy to take into account situations like this; but, right now, it is not that way."

Ms. Cox said, "I want it made a part of these minutes, that this was the ruling and henceforth everyone will be treated the same. EVERYONE will be treated the same."

Mr. Willner asked, "Are you saying they weren't all treated the same?"

Ms. Cox continued, "I don't think they were, but now that we have a clear ruling and it is everyone's understanding, that is the way it must be...six months (6) is the absolute bottom line for any insurance participation by the County. After that time, it is the full responsibility of the person. They can be kept on, due to another law, not necessarily our Personnel Policy, but they must pay the premium. Just so we have that total understanding. I am sorry that I did not have that understanding from our Personnel Policy. I do now, I respect your interpretation and I just request that this Board henceforth adhere to that interpretation. Thank you."

Attorney Miller stated, "I am not aware of ever having given a different interpretation. Is it your recollection that I gave an interpretation differently."



RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Work Report/County Garage: Mr. Bethel submitted copies of the Weekly Work Report for Employees at the County Garage for period of April 4 thru 8, 1988....report received and filed.

Gradall worked on Darmstadt Rd., Middle Mt. Vernon Road, Green River Road, Hillsdale, Mesker Park Drive.

Pulled shoulders on Frontage Road, St. Joe Avenue, Stacer Road, Mohr Road, and Mesker Park Drive.

Patch crfew on Wortman (Culvert), Bob Court, St. Joe Road, Neu Road, Outer Darmstadt Road, Bob Court Drive, Bujay Drive.

Rip rapped on Short Mill Road and Red Bank Road.

Grader worked on Kissel, Wright Dr., Outer Darmstadt Rd., Senmeier Road, Old Henderson Road, Golden Rule Road, Seminary Road and South Weinbach.

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

- Installed culvert on Darmstadt Rd.
- Installed culvert on Nuebling Road and built drop box.
- Cleaned up Bender Rd.
- Hauled old culvert to junkyard
- Installed culvert on Old State Rd.
- Cut guard rail and hauled away from Old Highway 460
- Cut bleeders East of St. Joe Ave.
- patched hole on Baseline Rd.
- Removed culvert from Stacer Rd.
- Took barricades to Woods Rd. bridge.
- Hauled trash
- Installed extension on Culvert on Magnolia Lane
- Rip-rapped old Volkman Rd.
- Rip-rapped Wortman Rd.
- Cleaned up yard and hauled to dump.

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

Re: Request For Bids To Be Accepted On The Trucks

Mr. Bethel stated, "On the bids for the trucks, I would like to accept the lowest bid, so that I can get them ordered. There is some discrepancy on that car. I would like another week on the car to double check and see if they would give me what I ordered. I ordered the wrong car and that is why it was \$1,000 cheaper than the Ford."

Commissioner Willner moved that the three (3) 1/2 Ton Trucks be ordered from D-Patrick for \$31,197.00 with a second by Commissioner Cox. So ordered.

RE: SHERIFF SHEPARD - RE ILLEGAL DUMPING

Sheriff Shepard said, "I had asked to come back this week and talk to my Officers about trash dumping in various parts of the County. I am not privileged enough to have enough Officers to assign an Officer full time to trash dumping and you know what the problem is. Usually a person goes out on let's say Bayou Creek Road or Graff Road or one of these roads, they will set and park and wait until no one is coming within a half mile either way and dump it and go. So, you almost have to hide in the woods and sit and wait for them. My Officers have been talked to and we will have all of our Officers aware of the facts and try to catch the trash dumpers if they can. I had forgotten, one of Bill Bethel's superintendents at the garage, I swore in as a Special Deputy that lives at Fickas Road and Old Green River Road and that is one of our worst spots of dumping on the Eastside. So, he now has the authority to go over the levee, detain the person until we get there, take their license number and testify in court that they have been throwing trash out there. This is one thing we did. I talked to Shirley James, President of West Side Neighborhood Improvement Association just this last week and I am going to attend a meeting with her people on the Westside and discuss the problem of maybe patrolling the road by the people that live in that area, taking license numbers down and things like this. I would open it for suggestions, or a little thought on your part. What about having a collection point on the Eastside and the Westside of the County would be open to private individuals, not businesses. We have done this in the past and the problem was that people would come out at odd hours and dump things out. Why not have a collection point where a citizen could go out and throw out an old refrigerator or a citizen could go out and take their limbs or whatever, rather than commercial trucks?"

Commissioner Borries said, "We tried that once and it did not work!"

Sheriff Shepard said, "I know we tried it and it was a mess, but couldn't we control it a little better? Assign a person out there, a County employee to sit out there during the times for collection and undo the problem of dumping trash out on the County roads."

Ms. Cox said, "I am afraid they would do the same thing that they do now. They would wait until the County employee left and then come in the night or on the week-ends or whenever and I remember we had dumpsters positioned at various stations all over the County and I think the concept is good, but it is just that abuses were made and there was more litter and trash that missed the dumpster in the surrounding area than what made it in often times."

Sheriff Shepard said, "A lot of times the dumpsters were not emptied and they overflowed and people just dumped stuff out beside them and I talked to Shirley James about putting a fence around an area where the trash would not blow out and we were going to discuss this at the West Side meeting in the next couple of weeks."

Ms. Cox asked, "So, there is no one person, like when a call comes in on a trash or litter or anything like that, you cannot feed that call to one specific individual? Are there enough abandoned cars in the County to assign one officer to this?"

Sheriff Shepard said, "We have two officers doing regular Patrol Duty that answer the assignment of abandoned cars. I have Cpl. Strange and Officer Jones, that in addition to their regular patrolling duties, will answer all of the abandoned car runs. I can't assign one person to do all of it. I would have to assign two people, one east and one west because the County is too large. I could do this on a daily basis, of having an officer assigned to answer any trash complaint."

Ms. Cox said, "But you lose the continuity there, and you don't really see, like if one office reports it on such and such an area one day, and another officer on another day, you don't really realize where our really bad spots are. Everybody's job to me, is nobody's job."

Sheriff Shepard said, "Bill Bethel, last year, put guard rails out on Old River Road and also on Outer Weinbach, where that creek runs through, and the trash dumping has stopped because they can't get off the road to throw it in. That's helped quite a bit. We will do all we can. We haven't stopped and we consider that as much of an enforcement as anything else."

Commissioner Willner stated, "There is one thing that the County can do, if you so mind to help, and that is make, like Saturday morning, a free morning at the dump for individuals and the County pays for it. That is one way, if that's what you want, but this other won't work."

Sheriff Shepard said, "Most of this dumping is by private individuals who have a refrigerator that they don't know what to do with, who have a bunch of limbs that they don't know what to do with or a bunch of trash or whatever."

Commissioner Willner added, "I would be receptive to something like this, but no more dumpsters. That is out for me."

Ms. Cox said, "The City now has (once in the Spring and once in the Fall) free landfill at the dump. I would be willing to have, once a week or once a month free dumping. How much does this cost, do you know?"

President Borries said, "We would have to get some figures."

Commissioner Willner stated, "If we catch any illegal dumpers, the fine would be enough to offset that program for the whole year."

Ms. Cox said, "That is all you have to do to make it stop, is to catch a couple of people and make the fine stick and I assume that the State Ordinance is one that you can enforce. Look down at Union Township. We don't want to fall through the cracks here."

Sheriff Shepard said, "We have one of the biggest eyesores in Union Township, that's that old Union Township School out there. That guy with his junk out there. The other day we took one of his cows away from him. He had a chain around its' neck and it was bleeding. He wouldn't let it get near the water."

Commissioner Willner stated, "This has been through the courts."

Mr. Bethel said, "I really wish you would give a lot of consideration to this free dumping one day a week (like on Saturday morning). Even if it is half a day, let them dump free, and we pick up the tab. I believe in the long run, we will be coming out cheaper."

Ms. Cox asked if they based the rate on so much per car.

Mr. Bethel said, "They make us a special rate if we talk to them."

Commissioner Borries said, "I think we would have to talk to them. I would hesitate to commit to a week until we find out maybe per month or find out exactly how that would work per vehicle, but it seems as if we are going to have to continue to resolve to do what we say we are going, to step up the enforcement. I am very glad that we have the Trash Crew to continue their efforts. I was once reminded by a School Custodian...I told him what a big job he had and he said, 'you're doggone right, we have two thousand pitchers and one catcher here' and, it is a big job and litter has a way of accumulating all the time if you just let it go unchecked. So, that's really the benefit of having that Trash Crew on an ongoing way, is to continue to do it. I think the problem seems to be that, always we have that problem with the bulky things that the Sheriff talked about, refrigerators and things like that."

Mr. Bethel said, "I think they would take those things out there if they knew it was free and they wouldn't try to hide them. They wouldn't try to throw them over the levee somewhere where we couldn't see them for awhile."

Ms. Cox said, "I would say that Mr. Bethel would testify that we do have a Trash Detail at the County Garage, but we spend all of the time going back and cleaning up the same places."

Mr. Bethel responded, "We are spending taxpayer's money. We have to pay to dump and I really think that if you would just have it a half day a week this would help. I think it would get rid of all of this big stuff and they won't try to hide it now. They will say, 'I know that Saturday I can dump it free.'"

Sheriff Shepard stated, "We will go ahead and continue our Enforcement Program, like I say."

Ms. Cox asked how many they had caught.

Sheriff Shepard said, "I would have to check to find out. He further stated that this is a Misdemeanor and we have to witness it being done."

Ms. Cox commented, "I was talking to someone in the City and the City has an Ordinance where if they find anything in the trash or the litter that identifies a person, that person can be held just as responsible, even though they didn't dump it, but they paid someone to haul it for them and I guess it puts people on notice to find out where our free dumping is."

Sheriff Shepard said, "You enact an Ordinance and we will enforce it. We are going by State Statutes now and that is not in the State Statutes. If a person sees this and they are willing to file charges and go to Court and testify that they saw it, that is good enough for us. So that is what Shirley James and I are going to discuss at that meeting."

RE: COUNTY ENGINEER - ANDY EASLEY

Re: Claims on Boonville-New Harmony Road

Mr. Easley stated, "The only thing I have is that I need your action on two (2) claims that I have from appraisers:

One claim from the Review Appraiser on the Boonville-New Harmony Road for reviewing the costs of eleven (11) parcels and his claim is in the amount of \$2,025.00 for Robert Goff.

Claim for Purchase of Property on Lynch Road

One claim to Citizens Realty and Insurance for purchasing two (2) parcels on Lynch Road, in the amount of \$1,000.00

The Chair entertained approval on these claims and explained that the claims had to do with right-of-way and work done on Boonville-New Harmony Road Extension and on Lynch Road.

Ms. Cox asked, "It cost us \$500.00 for the purchase of one (1) parcel?"

Mr. Borries explained that this claim is for services rendered pursuant to making offers to Mr. & Mrs. Carl Allinger and to Guthrie May & Co. on Lynch Road right-of-way.

Mr. Easley explained that the claim from Robert Goff was for the Review Appraisal, this is following the right-of-way purchasing criteria.

Ms. Cox asked, "Is that normally what is charged for the purchase, \$500.00 per parcel?"

Mr. Easley said, "I was aware they would charge this much and they were authorized by the Commissioners to make the purchase. On the Boonville-New Harmony Road parcels, I volunteered to do the purchasing on that in order to save the county some money. Lee Stucki and I have been handling that."

Ms. Cox asked, "Is this a flat fee now? Is this what it is going to cost us? There is no documentation with this."

The Chair stated if there were no other questions, He would ask approval of these claims.

Mr. Willner said, "Let me understand....The original appraisal was \$500 each?"

Mr. Easley answered negatively. He stated that Vic Funke charged them \$200 for appraisal and the Review Appraiser is charging also. I think that is in order because there is a fair amount of work goes into that."

Commissioner Willner moved to pay Robert Goff, \$2,025.00 for Appraiser work on eleven (11) parcels, with a second by Commissioner Cox. So ordered.

Commissioner Willner also moved to pay the claim to Citizens Realty in the amount of \$1,000.00. Seconded by Commissioner Cox and asked for a roll call vote. Commissioner Cox votes no. President Borries asked Shirley if she had a problem with this.

Ms. Cox said, "There is no documentation of the \$500.00. I don't remember a fee coming in that high and on the one (the Allinger's), we did negotiate a contract with them and assign a blue claim for the total purchase price, but we haven't even gotten anything from Guthrie May."

Mr. Easley said, "They did present the offer and that's part of what they did."

Mr. Willner said, "This will stand up in Court. That's what we took."

Ms. Cox said, "I vote no, you vote however you want to. There's no documentation on what the \$500.00 is, if that's their standard fee now or what."

Mr. Willner said, "Documentation for service rendered pursuant to making offer on the Lynch Right-of-way."

Mr. Easley said, "We acquired the one parcel and they rejected, or at least have not accepted the offer, the Guthrie May parcel. So, they did what they were asked to do."

Ms. Cox said, "I am going to call Citizens and ask them if that is their standard rate and then maybe I will change my vote at the next meeting, but just based on that, I don't remember it ever being that high."

Mr. Willner said, "I will vote to approve it with the request that we receive further information from them."

Mr. Easley said, "I could ask Kenny Hanson to give an explanation."

Ms. Cox said, "Then I will change my 'no' vote to a 'yes' vote."

RE: APPOINTMENTS TO TAX ADJUSTMENT BOARD

President Borries stated, "The following appointments are to be made to the Tax Adjustment Board. These are the same individuals who served for 1987:

Edward Ziemer  
8320 Carolwood Drive

Lonnie Freeman  
2422 Negley Place

Richard Reising  
5102 Middle Mt. Vernon Road

Jean Marie Baker  
301 Lant Lane

Mr. Willner moved to approve appointment of the listed individuals for the Tax Adjustment Board, with a second by Ms. Cox. so ordered.

RE: REQUESTS TO TRAVEL

Re: Charles Althaus, County Coroner

Request to Travel was submitted by County Coroner, Charles Althaus to attend a two (2) day seminar of Indiana State Coroner Association on April 21 and 22, 1988 at Adam's Mark Hotel in Indianapolis. Monies for this seminar have been allocated for in account number 107-313.

Re: Al Folz, Knight Township Assessor

Request to Travel was submitted by Knight Township Assessor, Al Folz to travel to Indianapolis for Training Sessions for New Board of Review Members to be held at the Indiana National Guard Armory on the 13th and 14th of April, 1988 for the Assessor and Chief Deputy. Payment of \$100 per day to cover expenses is involved. (per attendee)

Re: Alvin E. Stucki, Center Assessor

Request to Travel was submitted by Center Assessor, Alvin Stucki for Rebecca Fulkerson to attend the State Board of Tax Commissioners training sessions for the Board of Review on April 13th and 14th in Indianapolis @ \$100.00 per day.

Re: Bob Steele, County Recorder

Request to Travel was submitted by Bob Steele, County Recorder to attend a conference of all County Recorders on April 21st and 22nd at Columbus, Indiana.

Ms. Cox moved that the requests to travel be approved, with a second by Mr. Willner. So ordered.

RE: VOTING PLACES FOR 1988 PRIMARY ELECTION

President Borries received a copy of Voting Places for 1988 Primary Election and is not aware of any changes on them.

Ms. Cox said, "There were three changes. One of them was a church that sent a letter in that said we could no longer use that facility for voting and Robert's Stadium is having something going on and we are supposed to use Swonder Ice Rink instead."

Changes were 1-6, 1-8 and 1-13.

Mr. Willner moved that the Voting Places be approved and if there are further changes, they will be advertised in the local media as soon as possible.

The three changes mentioned have already been made and will be advertised as such.



Second to motion by Ms. Cox. So ordered.

The Secretary is to handle the advertising of Voting Places.

RE: RECEIPT OF CHECK FROM WELFARE DEPARTMENT

President Borries received a check from the Welfare Department for Rent in the amount of \$11,503.92 for the month of April, 1988.

Mr. Willner moved that the check be endorsed and placed in the County General Fund, with a second by Ms. Cox. So ordered.

RE: OLD BUSINESS

Re: Peach Blossom Lane

No report

Re: Space Requirement for Building

Ms. Cox said, "We are getting close on the Space Requirement for this Building. The Welfare Department is going to be out in June and I understand there are a lot of people that we should be working toward who is going to be moving where and why and etc."

President Borries said, "Jim has collected that material and I am waiting to hear from this Emergency Team. There are some concerns about whether or not this space in the building would be adaptable for this Centralized Dispatch Unit. What special modifications...and I think the Building Authority had submitted a list of concerns and representatives of the Sheriff's Department and City Police, as well as the Mayor's Office have received those. That is a key resolution to see if a separate structure will have to be built or whether or not there would be any plans to house that facility in this particular building."

Ms. Cox asked, "When would that be forthcoming, because if we are not ready to get these people moved in then we are still going to have to pay rent on vacant space and do you know when that decision is going to be forthcoming?"

Mr. Borries responded, "No, because I am not sure that all of the concerns of the Building Authority have been responded to, but I will check on it."

Re: Bridges 103 and 104

Ms. Cox stated that these bridges 103 and 104 are still on her Old Business list.

Mr. Willner said, "I will report progress on them at a later date. We are dealing with the Federal Highway and when they will release those things, I do not know."

Re: Correspondence from State Highway on Bridge/No. Green River

Ms. Cox said, "I don't know if this is Old Business, but...the letter from the Indiana Department of Highways regarding the bridge on N. Green River Road. This is a project, Green River Road from State Road 62 to Heckel Road, including the bridge over Pigeon Creek. I do not see where this was copied to Mr. Hartman and I think it definitely should have a copy of this latest communication."

Mr. Borries said, "We will check to see if he has received this."

Re: Ditch along J.H. Rudolph Company / Notice of Claim

Ms. Cox said, "There was some report regarding the ditch along J.H. Rudolph Company that you wanted."

Mr. Willner said, "Mr. Jeffers is supposed to make a report on that at the next Drainage Meeting."

Mr. Miller said, "I have taken some interest in that letter. You are talking about the letter from the Insurance Company? That letter was also copied to myself and Andy Easley and Mr. Easley is going to look into the question of what is allegedly causing Mr. Rudolph's problem. He is on speaking terms with Mr. Rudolph by virtue of many, many years of contacts with him and I have said to Andy that if it turns out that anything that the county has done or failed to do has contributed to this problem, then we ought to look into doing something to help the Rudolph's at this time, but if not, that is a legal drain and has been there a long time and everybody has some responsibility to take care of themselves. If we are at fault according to the investigations that Mr. Jeffers and Mr. Easley are conducting, or are possibly at fault, then we will work on getting something resolved. If not, Mr. Rudolph is going to have to do whatever he's big enough to do."

Mr. Willner said, "What I find strange is that Mr. Rudolph did not contact anybody and tell them about the problem."

President Borries added, "All of a sudden we get a \$6 or \$8,000 claim in the mail and that's the first time I have ever heard anything about it. It seems like they would have come to this Body and talked to us and it's hard for me to understand how all of a sudden a ditch that has been there for five thousand years can all of a sudden start to eat away somebody's property. Conditions haven't changed that much, but if there is something that we have failed to do, then I think it is up to us to check it out. If not, we will just have a little contest."

RE: SCHEDULED MEETINGS

April 12 - Subdivision Zoning Review - 9:30 a.m. in Room 303  
April 14 - E.U.T.S. Technical Meeting - 1:30 p.m. in Room 307  
April 14 - E.U.T.S. Policy Meeting - 4:00 p.m. in Room 307

RE: CLAIMS

Jones & Wallace

This is for the contractual litigation services in the foreclosure cases. The condemnation for foreclosure cases is \$66.00 and \$12.00 on Mary Evans vs. Vanderburgh County and one on Joann Reed vs. Vanderburgh County in the sum of \$21.00. Total of \$99.00.

Ms. Cox made motion to approve these contractual litigation claims with a second by President Borries. So ordered.

Ashby-Rauscher Agency, Inc.

Appropriation for Bond re-write for Helen Kuebler. Cancellation of Indiana Ins. Co. Bond re-write for Helen Kuebler from state..Credit..\$88.00

R/Write Bond in Fidelity & Deposit Co. #3016 81 73.. \$100.00 for a total due of \$12.00.

Ms. Cox made move that the claim be allowed, with a second by Mr. Borries. So ordered.

RE: EMPLOYMENT CHANGES

Treasurer (Appointments)

Julie Reis                      Part time                      \$35.00/Day                      Eff: 4-5-88

Knight Township Assessor (Released)

Leah Douthitt	Deputy	\$35.00/Day	Eff: 4-11-88
Diana R. Fritchley	Deputy	\$13,978.00/Yr	Eff: 4-11-88

Knight Township Assessor (Appointments)

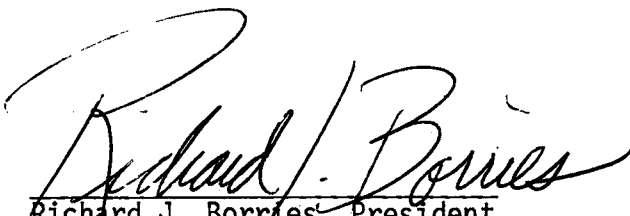
Leah Douthitt	Deputy	\$13,978.00/Yr.	Eff: 4-11-88
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Being no further business to come before the Board, President Borries declared the meeting adjourned at 4:35 p.m.

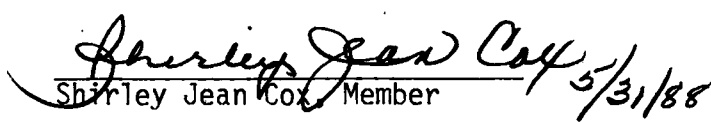
<u>PRESENT</u>	<u>COMMISSIONERS</u>	<u>AUDITOR</u>	<u>SURVEYOR</u>
	Richard J. Borries Robert L. Willner Shirley J. Cox	Sam Humphrey	Robert Brenner
	<u>COUNTY ENGINEER</u>	<u>SHERIFF</u>	<u>ATTORNEY</u>
	Andy Easley	Clarence Shepard	David Miller

SECRETARY: Joanne Matthews

Transcribed by: Bettye Miles  
Proofed by Margie Meeks

  
Richard J. Borries, President

  
Robert L. Willner, Vice President

  
Shirley Jean Cox, Member

5/31/88

MINUTES  
COUNTY COMMISSIONERS MEETING  
APRIL 18, 1988

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MINUTES  
COUNTY COMMISSIONERS MEETING  
APRIL 18, 1988

The Vanderburgh County Board of Commissioners met in session at 7:30 p.m. on Monday, April 18, 1988, in the Commissioners Hearing Room, with President Richard Borries presiding.

RE: AUTHORIZATION TO OPEN BIDS FOR ELECTRICAL EQUIPMENT FOR  
THE VANDERBURGH AUDITORIUM

Commissioner Willner made a motion that the Attorney be instructed to open the bids and so note the general price and come back to us at a later time, with a second by Commissioner Cox. So ordered.

RE: REZONING PETITIONS - FIRST READINGS:

President Borries stated that the following rezonings were to be entered into the record on first reading. Obtaining action or comments here, they will be forwarded to the Area Plan Commission for their meeting on May 4th and then will be considered by this Board on Monday, May 16th.

Re: VC-11-88 - Petitioner, Hadi Shrine Temple

The address given for the property is; 10339 Hidden Road, currently zoned (A), request change to (C-2). Purpose is for a multi-purpose lodge.

The Chair entertained questions or comments.

Ms. Cox said, "I have a question for our Planning Commission Executive Director, who is here in the audience, 'Barbara if our new Ordinance regarding the special use permit goes through, would this make any change in this or would this still have to be a C-2?"

Barbara Cunningham, Planning Commission Executive Director responded, "C-2 is an allowable use and then if they use it for a wedding or something like that they could. A Club is C-2."

Ms. Cox asked, "It has to be C-2? It could not be any other land uses granted on a special use permit or anything like that?"

Ms. Cunningham said, "Mike McCray and I looked at this and decided it should be a C-2."

The Chair entertained comments from remonstrators on the first reading of this petition.

Being no further comments or questions, Commissioner Willner made the motion that VC-11-88 be approved on the first reading and forwarded to Area Plan Commission, with a second by Commissioner Cox. So ordered.

Re: VC-12-88 - Petitioner, Bethel Temple

The address involved in this request is; 3005 N. St. Joe Avenue. The real estate is currently designated as A-Agricultural; the requested change is to C-4. This would be for offices and a shopping center strip.

The Chair entertained comments from the Board.

The Chair then entertained questions or comments from remonstrators on this rezoning.

Being no further comments or questions, Commissioner Willner made the motion that VC-12-88 be approved on the first reading and forwarded to Area Plan Commission, with a second by Ms. Cox. So ordered.



RE: REZONING PETITIONS - THIRD READINGS

Re: VC-2-88-Petitioner, J.H. Rudolph (Port City Division)

President Borries said, "This particular rezoning was introduced and considered by the Area Plan Commission in January of this year. It has been continued, so tonight is there anyone here who will present this particular petition?"

President Borries then asked the feelings of the Board since there was no one there to present this petition.

Ms. Cox said, "I thought that after there was once action at the Area Plan Commission Meeting that this Board had to take action within a sixty (60) day period. There was action on March 2nd."

Ms. Cunningham said, "I believe it is ninety (90) days. I think if you could continue that until the next time and make sure that it is ninety (90) days that you have."

President Borries asked, "I think there are persons in the audience who wish to hear this. Our procedure is that we hold these in the evening so that you interested members of our community can attend; however, in fairness to everyone, we can hear your concerns at this time, if the Board wishes to do so, but we will not vote on it (according to my understanding). I would not recommend a vote on it this evening."

Ms. Cox asked, "Have we gotten a call from the person that was going to present this petition? I think they should have at least called this Board and notified us if they were having problems. People have come up here thinking that it was to be heard. I thought it was to be heard tonight. Could we have Margie to call Sam Biggerstaff (who presented the petition to Area Plan)?"

President Borries stated, "Someone might want to check in the City Council Chambers. Maybe, for some reason, they thought it was going to be heard over there. Sam Biggerstaff is mentioned in the minutes as presenting the petition. It does not say if there is an attorney. Judging by what I read in the testimony, I think there is testimony taken from persons who wish to express their concerns and testimony from the Area Plan Commission, but I don't see anyone else here."

Ms. Cox said, "I would move that we defer this to the end of our rezoning petitions to give chance to try to notify and see if the reason for them not being here was of an emergency nature; otherwise, I think that we should hear this petition. It has been postponed before."

President Borries said, "With your permission, we will delay until we find out if there has been some kind of a mix up and then make a determination here. (We regret to bring you down here to the meeting. It certainly was unintentional to do that) but there has not been any communication here that we can determine at this point, that says that for any reason, they have requested continuance, although it was continued for one or two months."

Ms. Cunningham said, "There was action in March. They did act on it and I have not heard from them since. I thought they would be back to Drainage Board."

President Borries asked, "What action was taken in March?"

Ms. Cunningham responded, "It was denied by Area Plan."

Re: VC-7-88 - Petitioner, Frank W. Forbes

Mr. Jeff Bosse, Attorney, appeared for Mr. Forbes.

Mr. Bosse said, "I am kind of a third-string attorney on this. Mike Mitchell is the actual attorney representing this and he had to be out of town today, so he asked John Staser to handle it for him and John got sick at the last minute, so he asked me to take care of it. Between Frank and me, I think we can answer any questions that you have about Mr. Forbes is seeking rezoning for the property at 525 Kimber Lane. He is seeking a rezoning from the current A (Agriculture) use to R-0 (Office Category). He is going to use this property as his insurance office. A plot plan has been included for your reference. This property is located about 2500 feet northwest of Division Street and Kimber Lane. Kimber Lane is where the Executive Manor Apartments are. To the West of this property is the Toyota Dealership and also the area which has been rezoned by Regency Property for a shopping center. This staff field report which you have also identifies this area as one which will have a mixed use, retail activities, service activities, apartments and light manufacturing. So, this proposed use fits in exactly with the proposed uses contained in that comprehensive plan. There will be very little additional traffic on this area because there are four (4) employees of Frank's and basically they go out and meet their clients at their offices or their places of business, so there will be very little additional traffic on this area. If you have any questions, we will be glad to try and answer them."

Ms. Cunningham said, "May I make a correction? It says Sanitary Sewer available and it is not. Is this correct?"

The response was "there is City Water."

The Chair entertained questions of Mr. Bosse.

Ms. Cox asked, "Is this development located on an accepted street?"

Mr. Bosse responded, "It is a gravel road. I do not know whether it is accepted or not. Down through the City Limits line, I believe might be accepted. I can't tell you that exactly. It is my understanding that it is paved to the City Limits and then it is gravel beyond that."

Ms. Cox asked, "Who put that road in?"

Ms. Cunningham said, "It was a lane, for a farmhouse at one time, I would assume."

Mr. Willner asked, "Is there an existing building on this property?"

Mr. Bosse answered affirmatively. "It was used as a single family residence."

Mr. Willner asked, "Do you intend to use that building and not construct anything else?"

Mr. Bosse responded, "There will be some parking constructed in back and I don't think there is going to be anything else."

Mr. Bosse said, "I had expressed some concern, but did not vote on this (in regard to EUTS Report) measure at the Area Plan Commission. I take it that their decisions are under advisement, but I do have some concerns here. Not against necessarily the petitioners, but the infrastructure that is so important to all of us in this particular area. This area appears to be one in our County that is going to develop rapidly. There have been other requests for rezonings north of the Lloyd Expressway in this general area. In some, off of Vogel Road, wherever there has been rezonings, those persons who have petitioned for rezonings have agreed to help grant right-of-way and install adequate infrastructure (by that I mean, help participate in the road) to the point now, where we have extended, through the efforts of these developers, Vogel Road east for a considerable distance now. At the same

time, there has recently been a rezoning here near where Columbia Avenue, in this rapidly changing area, might go through and those petitioners have also agreed at some future time, to help participate literally in the granting of the right-of-way and moving of their building should Columbia Avenue be extended to Burkhardt Road. My concerns here are not with the intensity of the zoning in which your request is; perhaps would seem reasonable here, but without sewer, (that kind of thing you would have to participate in), but I would have most concern about the road. Would you have any comments on this? (What I am asking is not for this petitioner to have to literally construct an entire road at his or her own expense, but rather at some point, when roads would be extended in this area, would they be willing to participate to the length of their property?)"

Mr. Bosse stated, "Very definitely! First of all, he would, of course participate in the extension of the sewer system. If the road is extended from Russell Lloyd Expressway over to Vogel Road, he would gladly pay his pro-rata cost for the half of the roadway along the 113 foot frontage of his property and there is currently a twenty-five (25) foot right-of-way and if it is decided that should be thirty (30) feet, he will gladly give the other five (5) feet to the County."

The Chair entertained further questions of Mr. Bosse.

Ms. Cunningham said, "If they are agreeable to a Section 4 to participate in the cost, then you could submit that."

Mr. Bosse said, "If we want to go ahead and approve it tonight, we could give you a revised Ordinance which contains the Section 4 in the future, but, what we said is, that we would, first of all, be willing to give the right-of-way to extend from a 25 to 30 foot if the County wants that. In addition, we would pay for the pro-rata cost of for 1/2 of the road for the 113+ feet in front of his property."

Ms. Cox said, "So you are changing the recommendation on the petition for rezoning where the right-of-way required was 25 feet, you are changing that to 30 feet?"

Ms. Cunningham answered affirmatively.

President Borries asked if there was anyone in the audience to remonstrate, speak for or against this rezoning.

Mr. Willner asked, "We are going to change the 25 foot to 30 foot right-of-way off the front of the property and participate in the building of the road in front of his property for 113.4 feet? Now, I am asking, do we need this written and signed before we pass this ordinance? We are going to call this a Section 4, right?"

Mr. Bosse stated, "Our proposal is that we would pay for that at such time as the County decided to put it through from Russell Lloyd Expressway all the way through to Vogel Road."

Mr. Willner said, "I am still asking whether we need that legal document now or whether we can pass this, subject to."

Mr. Bosse said, "I think, subject to what Curt is going to say, we could go ahead and approve it tonight, but we wouldn't sign the ordinance tonight. We would submit a revised ordinance for you and give it to you in the future and you would sign that in the future."

Mr. Bosse continued, "It is my understanding that the road might not be built for a while, but that it would wait until the County decides it is time to develop it and at that time the County would put it in and Mr. Forbes would pay for 1/2 of the road."

President Borries stated, "The County, in the past (referring to Vogel Road), did not put in the road. The road was put in by the property owners and developers, at their expense, built according to County standards, and at some point it will be inspected and turned over to the

County for maintenance. So, I think the procedure would be that we will ask for their participation. To say that the County Unit would build the road, I would not want to commit to that; but we do need the participation, because, again, our concerns here are not to single anyone out, we will go through this, I am sure, with future developers in this area. We are having to ask for this kind of cooperation because we simply don't have the money to fund it all as this area develops."

Mr. Bosse said, "I understand that. Mr. Forbes just informed me that the Sater's, who have the property on the other side, are interested in developing and they would cooperate."

President Borries said, "What we were referring to here, is that Kimber Lane, in all probability, will not be extended all the way north. It might not go past Virginia Street, but looking at the planned Transportation Network that has been produced here by the Area Plan Commission, Kimber Lane will be a portion of that Transportation Network and so that is why we are looking to the future here on this particular matter."

President Borries asked, "Does this satisfy what you all want at this point? They have committed to the 30 foot, they have committed that at such time when the development here warrants it, they will pay whoever the contractor would be at that point, their portion to build the road along the front of their property."

Mr. Willner moved that VC-7-88 be approved with the stipulation that a new Site Plan would be developed to reflect the 30 foot right-of-way and the willingness to participate in the building of the road at a future date. Motion was seconded by Commissioner Cox. Roll call vote was taken. Commissioner Cox, yes; Commissioner Willner, yes; and President Borries voted yes. Motion was unanimously approved.

Re: VC-8-88 - Petitioner, AK-AR Investments

This location is 700 N. Burkhardt Road.

Mr. Steve Weitzel, representing AK-AR Investments said, "AK-AR Investments is an Akron Emporium of doctors Al Korba and Aly Razek who are seeking a rezoning of this property from currently County Agricultural to R-0, to accommodate an outpatient cancer treatment facility which will be managed and operated by their Professional Medical Corporation Therapy Associates, Inc. As your site plans and site maps indicate, this property is approximately 4/10 of a mile north of the intersection of Burkhardt Road and the future Russell Lloyd Expressway when it is completed in that area, now being Division Street. It also indicates to you that at the Area Plan Commission meeting, this rezoning application received unanimous approval with Mr. Borries having abstained. The property would be, as I indicated, operating as an outpatient cancer treatment facility. The comprehensive plan and the Division Street Management Report indicate that this area is to be used in the future, (will be likely developed) as mixed commercial, residential and light manufacturing uses. At the February 29th meeting of this Commission, a smaller tract of property adjacent to this on the north boundary of our property was rezoned C-1. Drs. Korba and Razek currently have an agreement with the property owners to acquire this property if this Commission should approve this rezoning application. The EUTS study has indicated that they would prefer that one curb cut be made on to Burkhardt Road. Our Site Plan shows two (2) curb cuts and at the Planning Commission Meeting we indicated, certainly, that we would be willing to reduce that sign plan to one (1) curb cut so long as it is as the northern boundary of the property because you would see that there is a forty (40) foot easement serving a two (2) acre tract behind this parcel. So, the curb cut that we would propose would be at the northern boundary and I think that would also promote internal traffic flow on our site if that's where the curb cut were located. With me this evening is Mr. Alan Chamberlain, who is the Business Development Manager for Therapy Associates and Drs. Korba and Razek. Should you have any questions of him or any particular questions about this property, he will try to answer them."

The Chair entertained questions or comments by the Board.

President Borries said, "I have one item for clarification in regards to this, the curb cut would be then, as the EUTS Study points out, a thirty (30) foot cut. You can agree with that?"

Mr. Weitzel responded, "I think we would agree to a forty (40) foot cut, would we not Alan, without infringing on the parking that is required. So, either, in compliance with EUTS, we would set aside this requirement."

Barbara Cunningham said, "I have several things, one is, there is no Sanitary Sewer and the second thing is that the Review Committee has looked at this (this is also in the process as a minor sub), the easement that is shown now, with the one that is cut, it has been recommended by both EUTS and the Engineer that the easement be changed to the south side of the property, so that it would be further away from Columbia. They are asking that the easement be shown on the other side."

President Borries asked, "Isn't this south of a previous rezoning that was done on February 29th?"

Ms. Cunningham answered affirmatively.

The Chair called comments from anyone wishing to speak on VC-8-88?

Being no further comments or questions, the Chair entertained a motion for approval.

Commissioner Willner made the motion that Ordinance VC-8-88 be approved on third reading, with a second by Ms. Cox. Roll call was called. Commissioner Cox, yes; Commissioner Willner, yes; and President Borries, yes. Motion was approved unanimously.

Re: VC-9-88 - Petitioner, Donald Bolin

Property located at 5555 Broadway.

Mr. Bolin stated, "What we would like to do is to change it from a C-4 to R-1, for purpose of single family subdivision."

The Chair entertained questions of Mr. Bolin.

President Borries said, "Mr. Bolin, for the record, not that this request is unusual, but it probably makes our job a little easier, you might, for your background, state what this property previously was."

Mr. Bolin responded, "It was the old Westside Drive-In Theater property."

The Chair asked if there was anyone in the audience wishing to speak on VC-9-88.

Ms. Cox asked, "I know there are some developments back in behind that subdivision. Is this subdivision going to be self-contained or will it hook up in anyway to some of the other streets up in the other developments. Are you developing the other one too?"

Mr. Bolin responded affirmatively to both questions.

The Chair entertained a motion to approve this request.

Motion by Commissioner Willner that Ordinance VC-9-88 be approved on third reading, with a second by Ms. Cox. Roll call vote: Commissioner Cox, yes; Commissioner Willner, yes; and Commissioner Borries, yes. The motion was unanimously approved.

Re: VC-10-88- Petitioner, Southern Indiana Properties, Inc.

Mr. Ed Hafer was in attendance, representing Southern Indiana Properties, Inc. and stated the following: "On behalf of Ordinance VC-10-88 to Rezone forty (40) acres of property at the Southeast Corner of Highway 41 and Baseline Road from its current Agricultural zoning to M-2, General Industrial for purposes of industrial development, specifically an intended manufacturing facility. This zoning is in accordance with the Comprehensive Plan for the area which recommends industrial development along the Highway 41 North quarter. It is in keeping with the surrounding area, which includes PPG, Koester Contracting, and other M-2 properties. We will be submitting other information relative to utilities, drainage, roads, etc., when site development plans are finalized. On April 6th this zoning was approved by the Area Plan Commission unanimously with Commissioner Borries abstaining. It has received favorable staff reports and I would be happy to answer any questions that you might have at this time."

The Chair entertained questions or comments of Mr. Hafer.

Ms. Cox said, "I have a note on this rezoning petition that says 'right-of-way required' and it says yes, but it doesn't say how much."

Mr. Hafer responded, "We are currently working with a County Engineer relative to the improvements along Baseline Road and whatever small road that comes down from the North and at the time that those Site Development Plans are finalized, I am sure that we would be happy to meet any right-of-way requests that you may have."

President Borries stated, "I would like to read into the record, the form here that has been completed by Mr. Rex King from the Division District of the Indiana Department of Highways, saying that this agency does have a comment on the project and the comment is, 'Please be advised that the Vincennes District Office of the Indiana Department of Highway has no objection to the rezoning of the land shown in the attached petition; however, any change in the right-of-way access must be by permit from the Indiana Department of Highways prior to any work on right-of-way. Please note that the above approval does not constitute approval for any additional driveways or changes in existing driveways which may be desired or required in a rezoning.'"

President Borries continued, "The County Engineer, Andy, had put in a comment that the legal description is correct -- Baseline Road should have thirty (30) feet South of center line."

Mr. Hafer said, "We ought to have at least that much because of the improvements that we have planned in conjunction with that facility."

The Chair entertained any remonstrators to speak on VC-10-88.

Being no further questions or comments, the Chair entertained a motion.

Mr. Borries said, "The only concern was that we are hopeful and very supportive of these efforts in improvements to the Lift Station. There was concern that should this particular aspect not be successful that you would communicate with us if there would be another kind of firm in there that you would keep us informed."

Ms. Cox asked, "How many acres is this?"

The response was that it is forty (40) acres.

Ms. Cox continued, "I think BASF needs more than forty (40) acres. I don't think we need to worry about that happening out here."

Mr. Willner said, "I don't want to worry about it, that's why I am asking."



Ms. Cunningham stated, "Most Industrial Parks are in the M-2 classification to take care of all that and that is what this is, an Industrial Park area. There is a higher M classification. Is that what you are more concerned about, for those type of uses? That would be M-3. That would not be allowed on this property."

Commissioner Willner made the motion that Ordinance VC-10-88 be approved on third reading, with a second by Commissioner Cox. Roll call vote was taken: Commissioner Cox, yes; Commissioner Willner, yes; and Commissioner Borries, yes. Motion carried unanimously.

Re VC-2-88 - Petitioner J. H. Rudolph (Port City Division

President Borries said, "We have not been able to contact the petitioner or the person who would represent him. Our County Attorney checked City Council Chambers. What is the feeling of this Board?"

Commissioner Willner suggest that they hear the remonstrators.

(End of Side A, Tape 1)

President Borries said, "You have waited patiently and we appreciate your being here this evening. At this time if you have a spokesperson or anyone who wishes to speak regarding this petition, we will listen to your concerns. If you would like to come forward and express your concerns, we would like to hear from you."

Ms. Carolyn Barter of 2609 West Glenview Drive came forward and said, "It is all the way down to the end of the street by the creek and my main concern at this time is the Creek. We have a severe flooding problem every time we have a heavy amount of rain the creek comes up fast and the water has no place to go. I also have pictures that were taken in our backyard and some from the backyards of the houses down the street. We have a concern about the sewer. I don't know what is wrong with the sewer, but there is something wrong with it because it seems like there is raw sewage that comes out of it at least once a week and everytime we call, the answer that we get is the pump is down. There was a gentleman who came out last year and he said that he was checking on all of the sewers and he said there would be some that would be maintained, but nothing has ever been done. This problem still is there. Another things that I was going to ask is, 'At the last meeting we went to, we were told that the rezoning of the property was going to be a printing and heating and air-conditioning and a garden center. Has this been changed since the last meeting?'"

President Borries responded, "Yes, I believe it has."

Ms. Cunningham said, "In reality what they are calling for are offices, R-0 and C-4. When they originally came before the Planning Commission, they asked to have Parcel 1 as C-2 and Parcel 2 as R-0. When they came back in February with this plan, they asked to have Parcel 1 as C-4 and Parcel 2 as R-0. In reality, all of those uses of a C-4 are allowed in Parcel 1 and all of those uses in R-0 are allowed in Parcel 2."

Ms. Barter said, "In regard to the creek, Mr. Biggerstaff said at the last meeting we attended that this would definitely have to be taken care of before there would be any buildings to go up on this property. He brought up the fact of dredging the creek. That is not going to help. We spend quite a bit of money, because the creek was coming in our backyard where the water came up and it was about 10 feet in our backyard where we had built that back up. My suggestion is that they might have to fill it with some dirt, but they are going to have to put something on top of this dirt in order for the dirt to stay there because it will not stay there after it is built up."

The Chair entertained more questions or comments on this petition.

Mr. Billy Kuykendall of 2419 Glenview Drive said, "I, as well as most everybody in here, adjoin the property of the petitioner. First thing I would like to do is, Commissioner Cox made the remark earlier about it would have been a nice piece of courtesy if some representative of the petitioner would have called. That way, we could have gone home and watched tv a long time ago. I think this is the second time (the last time he was ill or something.) that has happened."

Mr. Borries said, "I think it was stated on the last meeting that it was continued and there are legal ways.....and by the way Mr. Kuykendall, let me give you our number, it will save you a trip. You can see if there have been any changes. This petition and the ninety (90) days that Ms. Cunningham referred to in relation to the hearing process, would have expired on the Monday, May 16th meeting. That is the third Monday. It will either have to be heard or withdrawn at that point. If you could call 426-5241 and our secretary will tell you whether or not it is on the agenda. We are sorry for this inconvenience."

Mr. Kuykendall said, "That was going to be my next question and the question remains unanswered as far as I am concerned. 'Is it the obligation of Mr. Rudolph or the petitioner to advise the ones that are concerned, of the next meeting or do we have to rely on the phone call?'"

Mr. Borries responded, "It is not his obligation."

Ms. Cox said, "Yes it is. We have had requests for continuance that come before our Board and if the request comes on Friday, there has to be notice. Of course if you people would have called here in the office, Margie would have said 'yes it is on' because we had received no notice that it wasn't, but there is something. I don't know why we can't get in touch with someone and find out why they didn't come tonight."

Mr. Kuykendall said, "I have a lot more to comment on but I would rather wait until this comes up again."

Mr. Borries said, "It will have to be heard next month. I understand your concern and I cannot offer a reason as to why there is no one here to represent them, but I do feel some sense of fairness here to say that I would hesitate to ask for a vote from this Board without at least someone to be here to tell their side. That's my only point. I can't tell you why they aren't here. We were not notified. In order to save you the trip, that is why I suggested that you call our office. On Monday, May 16th we can tell you if we have heard from them. If we have not, we will try to make some contact and see if they have decided to withdraw it or what."

Ms. Cox asked, "Would you allow a motion from this Board that we notify the petitioners that this petition must be heard at the next meeting, with or without their appearance or have the opportunity to withdraw it and we need to know this before the Monday of the meeting. They should know in two (2) weeks if they are going to withdraw it."

President Borries answered affirmatively.

Ms. Cox therefore made this a motion, with a second by Commissioner Willner.

Janet Barfield of 2437 W. Glenview stated, "This is my property. Would you please state that I was under the opinion from talking to the gentleman the last two times, that we would get a letter informing us to be here. We hear about it through the grapevine."

Ms. Cunningham said, "It had to be advertised twice and we had to do two (2) notifications. Now, it was continued because someone was ill the last time. It was continued to January at Plan Commission to re-advertise and amend the zoning and then it was heard on March 2 and tonight and then March 21st continued because Mr. Biggerstaff was here at your zoning night and said that Mr. Rudolph was ill and it has not been heard, but it was continued to this meeting. So, there was no need to re-notify you."

Ms. Barfield said, "I don't get the paper and I am wondering where, other than by a fluke, find out that it is coming up."

Mr. Borries said, "We don't know either. That is why I had made the statement, we don't (because we don't know who all would be affected by that), send out letters from this office notifying everyone. There is a letter sent to all adjoining property owners whenever any property in the City or the County is going to be rezoned the first time. Once you receive that notice, (kind of when you have to get in the process) and that is why I always make the statement (like the ones that were heard on first reading, those property owners were notified. Not many will show up for the first reading, though by statute, we have to introduce it. Then it goes to Area Plan and their meeting is always the first Wednesday of the month. Then our's is the third Monday evening of every month."

Ms. Cunningham said, "It doesn't matter, if a petition is continued, we generally ask the person who is continuing it to notify those people that we have previously notified. It is just common courtesy."

Ms. Cox suggested that President Borries explain to the people in the audience how a withdrawal and a denial are one and the same and that it does not warrant the petitioner from coming back.

President Borries said, "The Area Plan Commission is a recommending body and we take their recommendation under advisement and then it is sent to us and the whole process from the time it is introduced (really on first reading) through the Area Plan Commission, when they formally get it, is a 90 day period. That is why they would have until May 16th. We do not have the money to send a letter to each one of you letting you know that. I am sorry about that, but hopefully you have had the chance to get that number and I am sure that Margie will be glad to tell you (if we know) and we will, as the motion points out, write the people involved and we will let them know that if they are going to withdraw it to let us know immediately (withdrawal or denial means that they cannot introduce any thing else for a period of one (1) year). Thanks again for your patience and I am sorry to inconvenience you."

RE: FIRST READING ON PETITION TO VACATE LITTLE FOX LANE IN  
ECHO HILL SUBDIVISION/ SET DATE FOR PUBLIC HEARING

President Borries said, "Hear Ye, on this first reading, April 18th, I want to set a Public Hearing for May 2, 1988 at 2:30 p.m. on Petition to Vacate Little Fox Lane in Echo Hill Subdivision."

C. Michael Shopmeier was the Attorney who brought the petition in, but no one was present to represent the petition.

The Chair entertained a motion for the public hearing.

Commissioner Willner stated, "It looks as if I am not going to be able to go to Fox Lane in Echo Hill Subdivision and know anything about the petition that is going to be vacated on May 2nd. I would like some information. How long is the vacation? How wide is it? Are there any utilities in it? I would like to know that now."

Jim Lindenschmidt said, "He did say that he would have letters from all of the utilities and everything."

President Borries said, "There is a petition here."

Ms. Cox said, "We are simply asking for a Public Hearing on May 2nd and at that time I guess we will learn what all is going on."

Commissioner Willner made a motion that a Public Hearing be held on May 2nd at 2:30 p.m. on Petition to Vacate Little Fox Lane in Echo Hill Subdivision, with a second by Commissioner Cox. So ordered.

RE: COUNTY ATTORNEY - CURT JOHN

Re: Invitational Bids on Electrical Equipment for  
Vanderburgh Auditorium

Attorney John said, "I have opened the Invitational Bids for the electrical equipment. One of them happened to be a blue claim from Superior Electric in the amount of \$412.97, apparently for some other work. We received four (4) Invitational Bids:

General Electric of Evansville.....\$21,847.00

Swanson Nunn of Evansville.....\$21,340.70

Graybar Electric Company of Evansville.....\$19,660.00

Superior Electric of Evansville...\$19,396.00

I would recommend that these be referred to either the Purchasing Department or the appropriate department to review and make a recommendation."

Commissioner Willner moved that the Purchasing Department and Roger Lehman, Building Commissioner, review these bids for a period of one week for his recommendation, with a second by Commissioner Cox. So ordered.

Re: Letter from Bernardin-Lochmueller & Associates re Proposed  
Agreement between Board of Commissioners and the Water and  
Sewer Department

Attorney John said, "I have received a letter to Andy Easley from Bernardin-Lochmueller & Associates re. a proposed agreement between the Board of Commissioners and the Water and Sewer Department for certain construction projects on Boonville-New Harmony Road. It appears to be a standard contract which Mr. Easley will probably be able to explain a little more about. I don't really have that many comments, other than I don't believe the County is at risk with this. It is a project that will be paid through other funds for the relocation, and considered a part of the projects that are currently in the works."

President Borries asked, "From a legal standpoint, you have no problems?"

Attorney John responded, "I don't have any problems. It appears (and I have just seen it tonight) to be a standard contract and it comes with the recommendation from your Engineer's Bernardin-Lochmueller & Associates, requesting a signature."

Andy Easley explained, "It is another part of the Utility Relocation Agreement, that is a normal State of Indiana, Department of Highways Agreement and the State will pay 75% of the Utilities that have to be relocated and apparently Bernardin-Lochmueller say that the Water Department will get 100% because they have their own easements. He has requested that this be approved this evening. So I will submit it when I am up on the agenda."

Ms. Cox said, "It says Vanderburgh County will pay 25%."

Attorney John said this was all that he had to bring before the Board this evening.

RE: COUNTY HIGHWAY ENGINEER - ANDY EASLEY

Mr. Easley continued on the above mentioned Agreement with the Water Department. "This is strictly the Evansville Water Department's Agreement and as the cover letter says, the Water Department will be reimbursed 100% for their work, but it still has to go through an agreement."

Commissioner Willner asked, "The Water Department purchased the easement along the West side of North Green River Road for construction of the existing 12" water main. We are not going to buy out of the west side of Green River Road, only the east side. Is that not correct?"

Mr. Easley responded, "Apparently there is some, perhaps interference. We are going to widen the intersection, some turn lanes."

Mr. Willner asked, "Why would that bother the water line?"

Mr. Easley said, "I really can't answer that. I don't think it should interfere, but apparently everybody that has a utility within the right-of-way, maybe there is a fire hydrant or something. They are stating that if there is any relocation, it will not cost the County anything."

Mr. Willner said, "It says the County will pay for 25%."

Mr. Easley said, "No, see paragraph 2."

Mr. Willner said, "We are going to pay 25% of it with Vanderburgh County funds."

Mr. Easley said, "I guess you are correct."

Mr. Willner said, "I don't understand what we are going to engineer nor what the Water Company is going to change, if anything. Maybe a fire plug?"

Mr. Easley said, "If you want me to, I will go get the plans and see if I can determine what it is."

Mr. Willner asked, "And you need this signed tonight?"

Mr. Easley responded, "They requested that it be signed, but I don't know that they said it had to be tonight. He said as soon as possible."

Attorney John asked, "Would you see any problem with a one week delay on this to give us an opportunity to study this?"

Mr. Easley said, "Probably not. He did offer to come over tonight and I said I thought I could present it, but I didn't anticipate....."

Mr. Willner interrupted, "If it was on the east side, I would understand but this says west side."

Mr. Easley explained, "We are taking corner clipping easements and we are taking property off of Ziliak's, at the northwest corner and we are taking property off of Al Mann's Trustee property at the southwest corner and there must be something in there that Bernardin Lochmueller thinks has to be relocated or adjusted or both. So, I will find out."

Commissioner Willner said, "I don't have any problems with signing it and you can report to us."

Mr. Easley said, "I can report to you exactly what our exposure is."

Ms. Cox stated, "Our exposure says \$18,702.62. It's of 7. I don't see Exhibit A. Do you have an Exhibit A?"

Mr. Easley answered, "I do have that here. I am saying I don't have the plans, but I do have the Exhibit A. The thing runs straight, as you are aware, and apparently they want it (I don't know why we couldn't leave it underneath the pavement)....."

Commissioner Willner interrupted, "It's under there now, so what difference does it make?"

Mr. Easley said, "Unless there is some State Requirement that says it can't be under a paved area anymore than necessary. I would have to agree with you. It looks like it comes close to a culvert, but there is nothing wrong with having a culvert on top of the water line. I would have to say that I would like to discuss this with the consultant."

Ms. Cox said, "I don't think its a good practice to run water lines under a road."

Mr. Willner said, "All water lines run under a road."

Ms. Cox said, "Absolutely not..They don't."

Mr. Easley stated, "There are an awful lot of water lines under roads, but people don't deliberately, always put them under asphalt, but sometimes there is no other place to put them."

Mr. Willner said, "They certainly don't run across the road. Where do they run Andy? They all run underneath the road."

Ms. Cox asked, "Where are they going to put them?"

Mr. Willner said, "If this is not in now, we shouldn't be required to put that in either, they are putting the water line across the road to service somebody else. Okay? At our expense and I don't see why it couldn't stay right there."

Mr. Easley said, "There may be an interference with those two culverts, but perhaps we could adjust the elevation of those."

President Borries said, "If you could give us a report back in one week on that."

Mr. Easley agreed to take it under advisement.

Re: Request for Approval on Specifications for a New Roof on  
the Washington Home

Mr. Easley said, "I have an item that I am presenting for Mr. Lindenschmidt in which I am requesting your approval on the specs for a new roof on the Washington Home. Mr. Lindenschmidt would like to set a date to receive bids on this project. These specifications, there is a sketch on the back, that shows the roof. They are written for a Tro-Cal single ply roof that is 6/100 of an inch thick. It is considered a PVC material. Based on weatherometer studies and the roofs that have been in existence, they expect them to last twenty (20) years, although currently they will only give you a ten (10) year warranty. I am very familiar with the installation of this and I have specified it on buildings that I have designed and I am impressed with its performance. Some people may have an opinion on single ply roofs, but they mechanically heat weld it when they seam it and this would be an unbalasted (meaning it wouldn't have any rocks on it), and they fasten a three inch circle that is screwed down on a certain grid and then they bond (heat weld) the roof to this circle to keep it from flapping or blowing in the wind."

Mr. Willner asked, "Is this just on the flat roof portion?"

Mr. Easley said, "No, this is on the slope too. It is not really steel enough, and it's not really practical to put asphalt shingles on it without putting another type of something that you could nail to and I think that under the circumstances it would be best to go with this over the whole thing and I have given it a lot of thought."

Mr. Willner asked, "Are you saying there is not steel under the gable part?"

Mr. Easley responded, "It is a material that has cement in it. I think it is Attechtum (where they use wood excelsior mixed with wood fibers, mixed with Portland cement or gypsum) It is an incombustible material, but it is not suitable for nailing."



President Borries said, "Jim, I think you have heard from Southwest Mental Health Association and I think in order to continue their plans and finalize in the County's portion...."

Jim Lindenschmidt interrupted, "They would like to utilize that building in July. The air conditioning and everything is practically done in that building. The Engineer suggested that we wait on the roof, until that was done, to be ready to go."

Mr. Easley said, "These specs do include 3" of insulation. There is no insulation on that structure, only what little mass of the roof and the cement material which really is not a very good insulator and it will improve the utility bills considerably. I think the 3" of this type of material will give it an R-21 on insulation. I do not know what the existing is."

The Chair entertained a motion.

Ms. Cox said, "I see here in your specifications that you are requesting partial payments be made to the people who are putting this roof on once each month as the work progresses. How long is it going to take them to get this roof on?"

Mr. Easley responded, "The specs that I had to work with are basically the same specs that we build bridges and resurface roads and I wouldn't expect that it would take them over thirty (30) days to put it on there and you are correct in pointing that out. We did not change everything on there although we did get rid of the Indiana Department of Highways references and state road specifications to insert the membrane."

Ms. Cox added, "You are pretty specific on the type to be used."

Mr. Easley said, "There is an R-Equal Section in there. There is various ASTM specs that the material is to meet."

Ms. Cox said, "You say here Solvent Welding Solution shall be supplied by DNA (Dynametic Noble of America), that is pretty specific."

Mr. Easley said, "There is a clause in there that says they can substitute brands, but not quality."

Ms. Cox asked if there were other companies that supplied these materials.

Mr. Easley answered, "I think there are other comparable...."

Ms. Cox interrupted, "Andy, why did you put in here, as supplied by DNA?"

Mr. Easley said, "That is the way we have to write it Mrs. Cox. There is a clause that says "

Ms. Cox asked, "Why couldn't you, under nailers, nailers shall be number 2 or better lumber, nailers shall be pressure treated for fire and rot resistance; creosote and asphaltic preservatives are not acceptable. Why couldn't you just tell them up here what is the welding solution and what is the sealant and what size this is rather than say from TroCal? I don't understand that. Now you have got 'flashing' shall be one of the following types."

Mr. Easley responded, "On page 3 of the Special Provisions, it says, 'Acceptable manufacturers (and we do put Dynamets Noble of America) and under B, it says substitution shall be certified by the manufacturer and include certified copy of laboratory report which lists all tests and clearly show the proposed material does comply. That is the best way that I could handle it."

Ms. Cox asked, "Does comply to what?"

Mr. Easley said, "To the specs that we have specified. That if they want to substitute something, they must get a certified laboratory to show that it meets the specs. You can't tell by looking at them, or sniffing or feeling that they have the proper amount of components that make it last hopefully twenty years and I think that I have done it to the best of my ability. I own a building that has one of these roofs on it if that is any consolation."

Ms. Cox said, "No, it is no consolation."

Mr. Easley said, "I paid for it with my own money."

Ms. Cox said, "It is more of a conflict than it is a consolation as far as I am concerned."

Ms. Cox asked, "Who else has this kind of roof on any of their building?"

Mr. Easley responded, "I have a manual over there if you would like to see it. It's widely used in the area."

Ms. Cox asked, "Can companies just buy this material (local roofers) and put it on."

Mr. Easley said, "I think several roofing companies have a PVC material. There is EPDM Materials (which are black and more like an innertube, they are synthetic rubber). This is one of the few that are white and will reflect heat, as opposed to having a black roof. Again, if you want to take it under advisement and ask some questions."

Ms. Cox said, "And when you write specs, these are pretty doggone specific. And PVC shall be That is just like telling them on a typewriter, a typewriter shall be a certain brand of typewriter."

Mr. Easley said, "They can make substitutions. If they want to bid something else, then it will be up to somebody to evaluate and see if they are equal. You have to start with something. If you write a spec for gasoline, you want a certain amount of the components of the gasoline."

Ms. Cox said, "But you say 91 Octane. You don't say Texaco or Sunoco."

Mr. Easley said, "I think you will get plenty of bids on it."

Mr. Borries asked, "Does more than one distributor handle this product? Is this a generic name or what?"

Mr. Easley explained, "This is probably considered proprietary name for a particular PVC material. I think there are several manufacturers of this in the United States and I cannot name all of them. I know one person who handles it in this area, but there are several manufacturers of it. PVC itself is not a proprietary product, it's made by several manufacturers. You know, PVC pipe, (poly vinyl chloride). Poly Vinyl Chloride has a certain molecular structure and a certain tinsel strength and it is easier in the case of this to use the manufacturer's name of a product that we are familiar with and that is a basis for comparison. Then if they say we have an equivalent of that, if they can substantiate it with their lab tests, then we would accept it, but it's like, in this case, I did not know how else to handle it. I guess I could have deleted all of the references to that, but the substitutions, if they want to substitute something, it is up to them to furnish the burden of proof."

President Borries said, "Let's work through this. We will wait a week. I would like to not wait any further than that. I believe that there are plans to begin to use this and to help in some respects with plans that are being set up for the Fall and like so many other things, we need to get this thing streamlined."

Mr. Easley asked, "Would you like me to get you a list of other people who have used it?"

Mr. Borries said, "I would just like the generic name, if there is one, or if this is the name...whatever this is and ..."

Ms. Cox said, "Delete the specifics."

Mr. Borries asked, "Are there trade names in here that are being used or are there generic terms for some of these? I guess what we are asking is, is this 'Bayer' instead of 'Aspirin' or something like that? Are there generic trade names for this type of material? Shirley, would you be able to, at this point, make a determination, if there are others or if there are just generic names for some of this adhesive or whatever?"

Ms. Cox asked, "Could you say 'membrane .060 inch thick, conforming to the following particulars.' Why do you say it has to be DNA and Sealant shall be Tro Cal Sealing Compound as supplied by DNA?"

Mr. Easley said, "We could put in there 'approved equal.' I do have on Sheet 3 on the back, 'substitutions.'"

Ms. Cox said, "I know they are in a hurry to use the building, I understand that and we made a commitment out there to them to put a new roof on. I am a little bit disappointed that it is still not going to have much of a slope to it to help the run-off."

Mr. Easley said, "A slope could be added, but with a single ply roof, it isn't necessary and would only increase the cost."

Ms. Cox asked, "Do we have money available to do this? Do you know about how much this is going to cost?"

Mr. Easley responded, "You have requested additional funds?"

Ms. Cox said, "I have no objection for advertising for a roof replacement at the Hillcrest Washington Home. I do object to the specifics that you have included in these specs and if they could be deleted and list only the materials that are needed and not refer to either trade name or brand name, then I have no problem with it."

Mr. Easley stated, "I will review it and see if we can make it appear to be broader without sacrificing the quality control."

Andy continued, "The Mackey Grade School roof, using a similar guideline spec and they...."

Mr. Borries said, "Maybe that is a trade name and there are some questions here."

Mr. Easley said, "It is a proprietary name and I think occasionally that somebody writes (in the Purchasing Dept.), if they would sort of like to have a Chevy Truck, they probably specify the ratio of the rear end and a reduction gears and the number of this and that and may say as manufactured by General Motors or equal. Maybe we need to put 'or equal' in there a little bit more, but I thought with the substitution it was broad enough."

Mr. Borries said, "Have the attorney look it over."

Mr. Easley said, "I have a street acceptance letter in Section B of Whispering Hills of Joe Elpers Sub

Mr. Easley stated, "I have a street acceptance letter to be submitted and I would like to ask you, if you have time within the next couple of weeks to look at it. It was a street that was apparently overlooked through a misunderstanding. It is in Section B of Whispering Hills of Joe Elpers Sub and it wasn't on the map. It was submitted to me by his Engineer and apparently we never accepted 1100 feet of the subdivision street. It has been down for probably three (3) years."

Re: Letter from Department of Highways re. Potential Need for Underwater Bridge Inspection

Mr. Easley presented a letter from the Department of Highways as follows:

April 11, 1988

To: President of the Board of County Commissioners  
of All Counties

From: S.R. Yoder, Chief  
Division of Local Assistance

Subject: Underwater Bridge Inspection

A meeting was held between the Federal Highway Administration and the Indiana Department of Highways concerning the potential need for underwater bridge inspection.

As you may be aware, disastrous bridge failures have occurred as a result of substructure support failure caused by water action. It is with this premise in mind that we are seeking your support and input on this vital matter. We believe that each County is in the best position to identify structures which may require underwater inspection.

We propose that once structures are identified, several contracts could be awarded for this work by grouping several counties together. The bridges involved should be the ones over major waterways with substructures located within the normal low water channel elevation year round.

The estimated cost per bridge or per substructure unit should not exceed \$500 to \$1000 depending on the extent of the inspection. This work will be funded with 80% federal and 20% local match. This specialized task will not be part of the routine bridge inspection which is now performed by each County.

Please furnish us a list of bridges in your County that you feel would require this service. If you feel that no bridges in your County qualify, please let us also know.

We would appreciate your response by May 20, 1988. all information concerning this request should be directed to:

Bruno F. Canzian  
Technical Assistance Engineer  
Division of Local Assistance  
100 N. Senate Ave., Room #1203  
Indianapolis, IN. 46204

If you have further questions, please contact Mr. Canzian at (317) 232-5319. Your cooperation and assistance on this matter of mutual interest is much appreciated.

SRY/BFC/sr

Mr. Easley said "We had a huddle with Dan Hartman and our Bridge Inspector this afternoon. We can't, off the top of our heads, think of any that are critically in need of inspection. We will devote some more thought to it and maybe we can come up with two or three. If you think about the big bridges we have, most of the abutments, when the creek is down, are not under water; and we may have a few bridges that have a center pier, such as the Maryland Street Bridge, which I think was founded on bedrock. Dan Hartman thinks that even if they were undermined, they are setting on bedrock and they would not settle."

Re: Woods Road Bridge

Mr. Easley said, "The Woods Road Bridge has been demolished, one abutment has been taken out and the Contractor has requested permission to put in a low water crossing to facilitate taking his equipment back and forth across the creek. He would put in something like two (2) 4 1/2 ft. diameter pipes and put a little fill across the stream, which would not restrict the flow or drainage of the water. If the Commissioners don't have any objections to this, I would like to see him given permission to do that. When they built the bridges over Highway 64, Pigeon Creek and Bluegrass, the State gave their Contractors permission to put a low water across it and it does speed up the bridge construction.

Commissioner Willner moved to allow the Contractor permission to put a low water crossing across the creek at the Woods Road Bridge, with a second by Commissioner Cox. So ordered.

Re: Deerfield Subdivision Street Plans

Mr. Easley gave the Deerfield Subdivision Street Plans and requested that the Commission look at them. They would like to have them approved next week if possible.

Mr. Easley continued, "That is Bill Garrison's subdivision on Mt. Pleasant Road."

Re: Bridge #177

Ms. Cox said, "Andy, you might want to refer to Bridge #177. I think I reported this and I didn't pick up from any of the bridge reports that anything had been done. It is on Koressel Road and the last inspections said they sealed pier joints, repair undermining indents, and this is a fairly new bridge, which was built in 1965 and I know I have many bridges in here that need work on them. We might participate in that program, it doesn't cost anything."

Mr. Easley said, "The Program is, the State would hire a diver, assuming this was a certain area that had suspected scarring problems and we would benefit from having the diver come in and spend a day in the County and we would check them."

Mr. Willner asked, "It cost \$500 to \$1,000 per bridge, doesn't it?"

Mr. Easley answered affirmatively.

Ms. Cox asked, "Don't we pay to have our bridges inspected?"

Mr. Easley responded, "We pay to have them inspected, but that it is not normally part of this. They get about \$80.00 per bridge and they do not normally go underwater. It is not part of the specifications. The state acknowledges that it is not normally part of the specs. Unless it is visible from the surface, they do not go down to check it."

RE: COUNTY HIGHWAY SUPERINTENDENT - BILL BETHEL

Weekly Work Report/County Garage: Mr. Bethel submitted copies of the Weekly work report for employees at the County Garage for period of April 11 to April 15, 1988....report received and filed.

Gradall: Schutte Rd., St. Joe Ave., Petersburg Rd., Big Schaeffer Plainview Dr. and Volkman Rd.

Patch Crew: Little Schaeffer Rd., Hogue Rd., Koring Rd., St. Joe Rd., Anthony Dr., Hillsdale Rd., Browning Rd., Baumgart Pollack Ave., Schlensker Rd., Denzer Rd., Fuquay Rd., Spry Rd., Oak Grove Rd., Vienna Rd., Mill Rd., and Maxwell Avenue.

Tree Crew: Worked on Heinlein Road

Mowing Crew: Worked on St. Joe Avenue

We pulled shoulders on Mesker Park Drive, Short Mill Rd., Happe Rd., Kasson Rd., Number 6 School Rd., St. Joe Rd., Number 3 School Rd., Slate Rd., Hillsdale Dr., and Vienna Rd.

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

- Knocked down headwalls and installed culvert on Darmstadt Rd.
- Hauled scrap to junk yard.
- Cut Pollack Ave. for culvert installation.
- Cut and installed culvert on Schaefer Road
- Riprapped on Fischer Rd., Schroeder Rd., and Schaefer Road
- Made Drop Box on Nuebling Road
- Built Baracades
- Cut tree out of ditch on Schaefer Road.

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

Re: Approval on Bid for Cars

Mr. Bethel said, "Last week I asked to wait on these cars. I put in bids and I thought there were some discrepancies, and there were and I found out that on the Ford and the Chevrolet, there is a lot of difference between the two of them. The Ford would run \$12,725.00 and the Chevrolet would be \$12,435.00. I would like to have the Ford. I think it is the best car and I think the money would be well spent, if the Commissioners so approve."

Ms. Cox said, "Bill, would you give us those again, because last week the Crown Victoria was \$12,725.00 and the Caprice was \$11,741.00."

Mr. Bethel responded, "When I checked the Caprice I found out the difference. They gave us the wrong price on the Chevrolet. They gave us one car down."

Ms. Cox asked, "Who is going to be driving this?"

Mr. Bethel responded that he would be driving it.

Ms. Cox asked, "Are the warranties basically the same and what is the delivery date?"

Mr. Bethel answered affirmatively to the first question and about sixty (60) days to the second question.

Commissioner Cox moved that the Sedan for the Highway Superintendent be awarded to D-Patrick in the amount of \$12,725.00, with a second by Commissioner Willner. So ordered.



Re: Kansas Road Bridge

Mr. Bethel said, "Believe it or not, they have opened that bridge up and they are using it. I did not believe this was possible, but, so help me God, they are. They have absolutely opened it up. Is that our responsibility?"

President Borries said, "It is our responsibility. We will vacate it at our next meeting."

Ms. Cox said, "I notice that you are doing some work with the gradall and pulling the shoulders out on Happe Road and I know that it is down on the list to be considered for repaving for this year. If the Commission will remember, Happe and Mill Road has been a problem area out of German Township, for a number of years, since there have been a lot more homes and they petitioned for us to have four way stops put in and then two way stops and there is a knoll on Happe Road, right before it comes to Mill Road and you can't see over the top. A Gentleman from the German Township Booster Club did talk with me yesterday and the residents out there are willing (the owners) to donate temporary right-of-way or whatever is needed in order to get that hump cut off of Happe Road. The owners names are Ellert, Fleckmeister, and Bill....and Mr. Reising and Mr. Roeder were the ones that were working on this through the German Township Booster Club."

Mr. Willner said, "Give us an Engineer's estimate to take care of that problem."

Ms. Cox asked Bill Bethel if they had their lists ready yet for the repaving schedule.

Mr. Bethel said, "We will probably get it tomorrow. We are going over it with the Engineer from the Paving Company to find out the thickness of this and then Andy will write it out and I have already asked to go on the agenda for the money."

RE: REQUEST TO TRAVEL - LORETTA TOWNSEND/WEIGHTS & MEASURES

President Borries read a request to travel from Loretta Townsend of Weights & Measures:

April 13, 1988

To: V/C Commissioners  
From: Loretta Townsend, Weights & Measures  
Subject: Travel

I am requesting permission for myself and Gary Anderson to travel to Jeffersonville, Indiana on May 11, 12, and 13, 1988 to attend the Annual Spring Conference. There are funds in the account to cover the cost of this. I am also requesting that I be allowed travel expense to cover my vehicle as there is, at present, one van and since I have acquired an additional part time inspector, the van needs to be left as he will be working on the 11 and 13 of that week while we are away.

Thank you,  
/s/ Loretta Townsend

Commissioner Willner moved to approve this request, with a second by C

Commissioner Cox. So ordered.

RE: REQUEST FOR SURPLUS VEHICLE/WEIGHTS & MEASURES

President Borries read the following request from Loretta Townsend, Weights & Measures:

To: V/C Commissioners  
From: Loretta Townsend, Weights and Measures  
Subject: Vehicle

I am requesting that when the Vanderburgh County Sheriff receives his new patrol vehicles sometime in June of this year, that one of the vehicles returned to the Vanderburgh County Commissioners be assigned to the Weights and Measures Department as we now have only one van and with an additional part time inspector we are in need of a vehicle. We will assume the responsibility for the maintenance and the fuel. My reasons are also as follows:

1. When the additional employee is trained to the point that they can be on their own, three of us do not need to be together in one vehicle going to the same place as this is my reason for getting additional help, to cover more territory.
2. I do not want my inspectors in unmarked vehicles.
3. The van will be used for the heavier equipment as a car will not be of any use for gasoline, etc. Due to the fumes and some danger involved but will work for such things as scale inspections and timed devices and package checks which will free up the van for the many other uses.

I am not asking for a new vehicle but one that is in fairly good condition as our repair account is not bursting at the seams. if I am given consideration for the transfer, I will begin immediately to try and get the best that will be turned in by the Sheriff so please let me know

Thanks,  
/s/Loretta Townsend

(End of Tape 1, Side B)

This request is being taken under advisement.

RE: CONTRACT TO DEMOLISH STRUCTURE AT 16930 HIGHWAY 57

President Borries read a letter from the Building Commission to John Wissmer re demolishing structure at 16930 Highway 57:

April 13, 1988

Mr. John Wissmer  
226 S. Third St.  
Boonville, IN. 47601

Re: 16930 Hwy. 57 North

Dear Sir,

Pursuant to their orders issued June 30 and July 22, the Board of County Commissioners have contracted with Floyd I. Staub, Inc. to demolish and remove the structure effective 8 A.M. April 18, 1988 due to violation of terms of orders issued July 22, 1987.

A lien will be filed by the county against the property for the cost of razing.

Sincerely,  
/s/Roger L. Lehman  
Building Commissioner  
for Vanderburgh County Board  
of Commissioners

RE: MARCH REPORT FROM CLERK OF THE CIRCUIT COURT

A report from the Clerk of the Circuit Court for the month of March, 1988 was submitted.....report received and filed.

RE: ACCEPTANCE OF CHECKS

Re: Hillcrest-Washington Youth Home

Southwestern Indiana Mental Health for Hillcrest-Washington Youth Home in the amount of \$155,254.41.

Dear Mr. Borries:

In accordance with our contract for the operation of Hillcrest-Washington Youth Home, I am pleased to send you the enclosed check in the amount of \$155,254.41. This represents the fees the foundation collected for services in the first quarter of 1988. This brings the total collected for the first ten (10) months of operation to \$336,349.20. It has been a pleasure to provide this needed service for Vanderburgh County. We look forward to continuing success in the future.

/s/ John Brown

President Borries asked for approval to sign the check received.

Commissioner Willner moved to sign the check, with a second by Commissioner Cox. So ordered.

RE: CLAIMS

Dan G. Hartman: Claim in the amount of \$202.14 for expenses at Purdue for the County Bridge Design Conference (includes meals, mileage and lodging)

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the claim was approved for payment. So ordered.

Evansville Titles Corporation: Claim in the amount of \$162.00 for abstract cost re. Lynch Road matter, re Vanderburgh County vs. Guthrie May & Co., et al entered in Vanderburgh Superior Court (condemnation)

Motion by Commissioner Willner to approve payment with a second by Commissioner Cox. So ordered.

RE: SCHEDULED MEETINGS

April 19, 20 & 21 - Election Instructional Meetings at 10:00 and on April 20 at 7:00 p.m. all to be held in the Gold Room at the Gold Room in the Auditorium

April 19 - City-County Computer at 2:00 p.m. - Room 303

April 21 - Board of Zoning Appeals at 4:00 p.m. in Room 301

RE: EMPLOYMENT CHANGES

Vanderburgh County Election Office (Appointments)

Clara L. Berry	Dep. Clk	\$4.85/Hr.	Eff: 4/11/88
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Vanderburgh County Highway Dept. (Appointments)

Bruce L. Cook	Laborer	\$8.51/Hr.	Eff: 4/4/88
Bruce L. Cook	Greaseman	\$8.81/Hr.	Eff: 4/8/88
Michael Glover	Laborer	\$8.58/Hr.	Eff: 4/6/88
Sam Robinson	Tool Crib	\$8.81/Hr.	Eff: 4/8/88

Vanderburgh County Highway Dept. (Releases)

Bruce L. Cook	Laborer	\$8.51/Hr.	Eff:4/7/88
Sam Robinson	Greaseman	\$8.81/Hr.	Eff:4/8/88

Vanderburgh County Auditorium (Appointments)

Dwight Taylor	Maintenance	\$8.73/Hr.	Eff:4/15/88
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Vanderburgh County Auditorium (Releases)

Bruce Cook	Maintenance	\$8.73/Hr.	Eff:4/1/88
Geraldine Gass	Secy/Bkkpr	\$577.39/BW	Eff:4/22/88

Weights and Measures (Appointments)

Donald E. Qualls	Deputy Insp.	\$35.00/Day	Eff:4/11/88
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Treasurer (Appointments)

Faith Hart	Counter Clerk	\$13,978.00/Yr	Eff:4/11/88
Kim Ford	Cashier/BK	\$14,565.00/Yr	Eff:4/11/88

Treasurer (Releases)

Faith Hart	Cashier/BK	\$14,565.00/Yr	Eff:4/10/88
Kim Ford	Counter Clerk	\$13,978.00/Yr	Eff:4/10/88

Prosecutor (Appointments)

Porter Dillon	Dep. Pros.	\$15,000.00/Yr	Eff:4/18/88
Bettye Norrick	Paralegal Sec	\$14,500.00/Yr	Eff:4/11/88

Prosecutor (Releases)

Porter Dillon	Dep. Pros.	\$20,500.00/Yr	Eff:4/18/88
Bettye Norrick	Paralegal Sec.	\$13,500.00/Yr	Eff:4/11/88

Prosecutor IV-D (Appointments)

Bernice Roth	Asst. Dir.	\$17,000.00/Yr	Eff:4/11/88
Sylvia Reutter	Asst. Dir.	\$18,500.00/Yr	Eff:4/11/88
Lesa L. Conkling	Secy.	\$15,500.00/Yr	Eff:4/11/88
Sheryl Weiss	Secy.	\$14,500.00/Yr	Eff:4/11/88
Rita J. Ford	Investigator	\$13,900.00/Yr	Eff:4/11/88
Amy Gerth	Secy.	\$13,148.00/Yr	Eff:4/25/88

Prosecutor IV-D (Releases)

Bernice Roth	Secy.	\$15,600.00/Yr	Eff:4/11/88
Mary Jo Kingnon	Asst.Dir.	\$19,376.00/Yr	Eff:4/11/88
Sylvia Reutter	Asst. Dir.	\$17,450.00/Yr	Eff:4/11/88
Lesa L. Conkling	Secy.	\$14,565.00/Yr	Eff:4/11/88
Sheryl Weiss	Investigator	\$13,978.00/Yr	Eff:4/11/88
Rita J. Ford	Secy.	\$13,148.00	Eff:4/11/88

Pigeon Township Trustee (Appointments)

Jeffrey Evans	Investigator	\$15,000.00/Yr.	Eff:4/11/88
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Pigeon Township Trustee (Releases)

Jeffrey Evans	Investigator	\$14,000.00/Yr.	Eff:4/08/88
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Prosecutor-Drug Law Enforcement Program (appointments)

Cheryl Cooper	Legal Secy	\$14,000.00/Yr	Eff:4/18/88
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Knight Township Assessor (Appointment)

Janice M. Bentle	Deputy	\$35.00/Day	Eff:4/18/88
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Circuit Court (Appointments)

Charles Marx	Pt Bailbond	\$5.00/Hr.	Eff:4/4/88
Stephen Fuchs	Pt.Work release	\$5.00/Hr.	Eff:4/9/88
Edna Enlow	Intake Clerk	\$12,625.00/Yr	Eff:4/11/88
Karin Klagge	Guard	\$15,600.00/Yr	Eff:4/12/88

Circuit Court (Releases)

Denise Karcher	PT Intern	\$4.00/Hr.	Eff:3/21/88
Debra Hayden	PT.Intern	\$5.00/Hr.	Eff:3/18/88

Clerk of Circuit & Superior Courts (Appointments)

Janice Dudley	Dep. Clk	\$6.00/Hr.	Eff:4/15/88
Joyce Fields	Juv. Clk	\$535.55	Eff:4/11/88
Sharon Green	Dep. Ct. Clk.	\$558.04	Eff:4/11/88

Clerk of Circuit & Superior Courts (Releases)

Sharon Green	Juv. Clk.	\$535.55	Eff:4/11/88
Frances Gates	Dep. Ct. Clerk	\$558.04	Eff:4/11/88
Joyce Fields	Dep. Clk.	\$6.00/Hr.	Eff:4/11/88

Auditor's Office (Appointment)

Sunny Goodman	P.T.	\$35.00/Day	Eff:4/11/88
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Area Plan Commission (Releases)

Kathryn S. Young	Draft.Tech.	\$14,567.00/Yr.	Eff:4/8/88
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Sheriff (Appointments)

Clint Fussner	Pro.Patrol	\$20,057.00/Yr.	Eff:4/1/88
Ken Roy	Patrolman	\$21,057.00/Yr.	Eff:4/6/88
Danny Armstrong	Corporal	\$22,395.00/Yr.	Eff:4/7/88
Dean Carden	Pro.Patrol	\$20,057.00/Yr.	Eff:4/7/88
Dennis Daniel	Corporal	\$22,395.00/Yr.	Eff:4/2/88
Steve Woodall	Sergeant	\$23,801.00/Yr.	Eff:4/7/88
Eric Williams	Civilian	\$15,668.00/Yr.	Eff:4/4/88
Richard Schautz	Pro.Patrol	\$20,057.00/Yr.	Eff:4/8/88

Sheriff (Releases)

Clint Fussner	Civilian	\$15,668.00/Yr.	Eff:4/1/88
Ken Roy	Pro.Patrol	\$20,057.00/Yr.	Eff:4/6/88
Danny Armstrong°	Patrolman	\$21,057.00/Yr.	Eff:4/7/88
Joe Winfield	Corporal	\$22,395.00/Yr.	Eff:4/1/88
Dennis Daniel	patrolman	\$21,057.00/Yr.	Eff:4/2/88
Steve Woodall	Corporal	\$22,395.00/Yr.	Eff:4/7/88
Tim Heath	Patrolman	\$21,057.00/Yr.	Eff:4/7/88

OLD BUSINESS

RE: FIRST REPORT FROM CHAMBER OF COMMERCE

Ms. Cox said, "Just for the record, I think it would be good to note that we have received the first report from the Chamber of Commerce for the first quarter from the Economic Development aspect."

RE: OPEN BURNING ORDINANCE

Ms. Cox asked, "Are we ready to do anything more on our Open Burning Ordinance?"

President Borries responded, "We are ready to adopt it as soon as I hear from Attorney Miller or the Fire-Weather Forecasting Department to include that and probably drop the one item in terms of the U.S. Forest Service. We will try to have that ready next week."

RE: RECOMMENDATION FROM BOB BRENNER RE PROPOSAL TO DESIGN BRIDGES

Ms. Cox asked about the proposal from Bob Brenner to design the bridges.

President Borries responded that there is no report on this yet.

RE: UNITED CONSULTING ENGINEERS

Ms. Cox said, "I have a note from United Consulting Engineers that is dated April 11, received April 13th, concerning a traffic signal at Green River Road and Spring Valley Road intersection. It is going to cost, to design this, an additional \$5,200.00. Were you aware of this?"

President Borries answered, "Not until I received that communication."

President Borries continued, "We will ask for more information on that. I think this is the result of communication between our local offices and United Consulting Engineers."

RE: NEW BUSINESS

Re: Request that Turpen Lane be reviewed for County Maintenance

Mrs. Cox read the following letter:

April 12, 1988

Ms. Shirley Jean Cox  
County Commissioners  
City-County Building  
Room 305  
Evansville, IN. 47708

Dear Ms. Cox:

Turpen Subdivision has been in existence for about ten years. During this time, the residents have built and maintained Turpen Lane without assistance from Vanderburgh County. It would seem reasonable that some of the county tax money we have paid over this period of time could be allocated to improve and maintain this road, as it represents a significant burden to the residents.

We would like to meet with you at your convenience to discuss the possibility of your accepting Turpen Lane as a county road and would appreciate hearing from you on this matter.

Thank you for your cooperation.

Sincerely,

/s/ Eldora Baumgart  
Ron Duncan  
Gary M. White  
Sandra M. (last name illegible)  
Donna M. Owen  
Deanna J. Egli  
Jim Maddox  
Bill Perkins



President Borries said, "If we can get that forwarded to Andy and to Bill for their recommendation."

Being no further business to come before the Board at this time, President Borries declared the meeting adjourned at 10:15 p.m.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R.J. Borries	Sam Humphrey	Curt John
	R. L. Willner		
	S. J. Cox		
	<u>COUNTY ENGINEER</u>	<u>COUNTY HIGHWAY</u>	
	Andy Easley	Bill Bethel	

OTHERS:

Barbara Cunningham, Area Plan  
Jeff Bosse, Attorney  
Steve Weitzel, Attorney  
Alan Chamberlain  
Carolyn Barter  
Janet Barfield  
Mr. Bolin  
Ed Hafer  
Billy Kuykendall  
News Media

SECRETARY: Joanne A. Matthews  
(Transcribed by Bettye J. Miles)  
(Proofed by Margie Meeks)  
(Corrections, as noted, made by J. A. Matthews)

Richard J. Borries, President

*Robert L. Willner*  
Robert L. Willner, Vice President

*Shirley Jean Cox*  
Shirley Jean Cox, Member

6/13/88.

MINUTES  
COUNTY COMMISSIONERS MEETING  
APRIL 25, 1988

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MINUTES  
COUNTY COMMISSIONERS MEETING  
APRIL 25, 1988

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, April 25, 1988 in the Commissioners' Hearing Room with President Rick Borries presiding.

RE: BID OPENING RE FEASIBILITY STUDY FOR USI OVERPASS

President Borries called the meeting to order and said invitational bids re the USI Overpass are to be opened today.

Commissioner Willner advised that Rose Zigenfus, Director of EUTS, spoke with him this morning and requested that the Commissioners NOT open the bids today. Only two (2) bids were received and she would like to have at least three (3). She will try to come up with another bid before next week.

In response to query from Commissioner Cox, Commissioner Willner said these are invitational bids re the feasibility study for an overpass at USI. Mrs. Zigenfus asked for three (3) invitational bids and only two (2) were received (Morley & Associates and Bernardin, Lochmueller & Associates).

Mrs. Cox: Didn't we have engineering proposals?"

Mr. Borries: Yes.

Mrs. Cox: Rather than to choose just one of those we are letting all three of them have an opportunity to bid?

Mr. Borries: Right.

It was subsequently determined the bid opening will be deferred for one (1) week.

RE: NATIONAL SECRETARIES WEEK

The meeting resumed with President Borries announcing that this is National Secretaries Week and Wednesday is National Secretaries Day. He said the Board really appreciates all the work done by Margie Meeks and Joanne Matthews. Oftentimes with the hectic schedule, the Board does not express their appreciation for everything these two secretaries do. But, truly, these two individuals should be recognized for their outstanding work and it is appreciated.

The two secretaries expressed their thanks to the Board.

RE: POOR RELIEF APPEALS - PIGEON TOWNSHIP

Stephanie Fox/607 Jackson Avenue: The Chair recognized Stephanie Fox and asked that she approach the podium, state her name and address and the nature of her request.

Ms. Fox identified herself and said she resides at 607 Jackson Avenue. She went to the Pigeon Trustee's Office to seek assistance and they tried to say that the guy she was living with was still in the household (which he is out of the household -- they had a disagreement and he moved out). He moved back in, but that was after she went down and filled out the application. So she went back to the Pigeon Trustee's Office and told them he

moved back out. But they say he is still in the household and they will not give her any help when she needs it. But he is out of the household now.

Commissioner Borries entertained questions.

Commissioner Cox asked the nature of Ms. Fox's request?

Commissioner Borries said the Pigeon Trustee's office says Ms. Fox fraudulently filed her affidavit by giving false information. She wanted help on utilities, is that correct?

Ms. Fox acknowledged that this is correct.

Commissioner Borries said the Pigeon Trustee's Office is saying that if there is another person living at this residence that she would not be eligible in terms of income. He asked Ms. Fox if she understands this?

Ms. Fox said she does, but there isn't anybody in the household but her and her two (2) sons.

Mr. Borries asked how long Ms. Fox has lived at this address?

Ms. Fox replied, "Two years."

Mr. Borries asked, "Have you asked for assistance from the Trustee before?"

Ms. Fox said that she has -- when Woody Russell was in the household. His application was up there. Then she went up there after he moved out and they came for a house visit. He was there to visit his son and they said that he was living in the house.

Mr. Borries said, "I am not sure I understand. Have you received aid from the Trustee before?"

Ms. Fox said, "Yes."

Mr. Borries asked, "For what?"

Ms. Fox said, "Utilities and a food order."

Mr. Borries asked, "What has changed all of that?"

Ms. Fox said, "It was in Woody Russell's name and I was on the filing with him."

Mr. Borries asked, "And now you are applying separately, is that correct? Using the same address?"

Ms. Fox said, "Yes, yes. I live there and he doesn't. He's in Washington, IN."

Commissioner Borries entertained questions of the other Commissioners.

Commissioner Willner commented, "It seems she just has to file a new application, as far as I can see."

Mr. Borries: "I have a letter from here -- but I can't verify it. But it is from a Woody Russell of 1717 N Street or North Street or something in Washington, IN." (Ms. Fox said it is 'North' Street.)

Mrs. Cox: Your point is that you have made a request for this assistance and the Trustee's Office says you are not eligible because there is another person living in your household? And you say there is NOT another person living there. Woody Russell is not in question? It is another individual?

Ms. Fox responded, "Yes,"

Commissioner Willner: He did live there for a period of time, so she would need to file another application -- the household has changed.

Commissioner Borries thanked Ms. Fox and called upon the representative of the Trustee's Office.

Mary Hart of the Trustee's Office commented, "The first time they came into our office the file was under Woody Russell's name. He gave the address as 607 Jackson as being his household, that belonged to his sister, that he was living in rent-free. She has never moved from this address.

In February there were two separate home visits made at the time she was requesting assistance. They made the home visits; twice they could not get in. They could hear people talking in the house -- there was commotion in the house -- but they would not answer the door. Another home visit was made by Mary Lancaster on February 23rd. Woody Russell was supposed to have been out of the household at this time. He answered the door, said it was his household, that he was NOT leaving, that if anyone left, she would. Now she is back in applying for SIGECO assistance again, stating he is no longer in the household. We cannot verify whether or not he is there. But in November of 1986 he told the Trustee's Office that this was his household, that his sister owned the house (she lives in Winslow, IN) and he lives there rent-free. That is why she was denied assistance. I mean, she comes in every other week and tells us he is not there; then when we make the home visit he is there. We have reason to believe he has income that he has not reported to us, but we can't verify it.

She had also been to other agencies and they have not given her assistance because they are having the same problem with her changing her story and not being able to verify what she is telling now. (Catholic Charities and Outreach)."

Commissioner Willner asked if there are any children in the family?

Ms. Hart responded, "One child."

Mr. Willner asked if Ms. Fox is on ADC?

Ms. Hart confirmed that Ms. Fox is receiving ADC.

Mr. Willner asked "How about food stamps?"

Ms. Hart said, "She was having a problem with food stamps, but I assume she is receiving them now. The problem with the food stamps is that he keeps floating in and out of the household. She keeps reporting the same to the food stamp office -- that he is there, then he is not, then he is there and then he is not. Each time she does that it is another 45 days before she can get stamps. We have been assisting with food and utilities, but we have disallowed it because of her fraudulently filing the affidavit, because we can't verify what she is telling us."

Mrs. Cox: He was eligible for assistance. She was there with him?

Ms. Hart: Right; if she would just quit telling stories then they would both be eligible for assistance. But until we can verify whether or not he is there....it seems everytime she comes in and says he is not there, we have reason to believe at that time that there is employment in the household which might possibly make them over income. So we can't verify this, because she keeps telling us stories.



The Chair entertained further questions of Ms. Hart or comments.

Mrs. Cox: I would like to ask Ms. Fox why she doesn't answer the door when the Trustee comes? Is she not there? Does she not hear them knocking on her door?

Ms. Fox: I didn't know they were there. My door was shut and I don't leave the door open.

Mrs. Cox: Well, you understand that these people can't call you and tell you 'Ms. Fox, I'm coming out this afternoon'. Their job is to make spontaneous inspections to verify whether what you have told them is the truth and they can't set up an appointment with you. Do you understand what they are saying -- that they have been to your residence and they haven't been able to talk with anyone there other than the gentleman who answered the door? And you heard what response he gave them.

Ms. Fox: He ain't living there now. He moved back in and we had a disagreement and he moved back out. And it is his ex-wife that owns the house and his daughter who lives in Winslow -- it ain't his sister. I pay \$185.00 rent and I've got the rent receipt in my purse.

Mr. Borries: Ms. Fox, can you come forward to the microphone? Our secretary is going to have a difficult time recording the comments.

Ms. Fox, the only way this is going to work is if you will listen to what the Trustee's representative has said here. You are going to have to give the...I'm not going to say the truth -- I don't know. As a Board of Commissioners, we here, only want to hear your concerns and if there has been any kind of wrong doing or anything unusual; that is what we have to take under advisement. But what they are saying is that the facts are not adding up now. It's like  $2 + 2 = 5$ . And unless you can verify to them (and I know that sometimes it has to be embarrassing -- but, you see, it is for them, too). They have a budget to work with and they are trying to work with people who need the help. And they don't know -- just like this Board doesn't know right now. You are saying someone is living there and then they don't -- and we don't know. In our country we don't go out and check on people -- we can't do that. I would suggest (I don't think this Board can at this time say that your rights have been denied in any respect). You are going to have to meet with the Trustee's Office and get down to the facts about the whole issue here, so they can understand whether you truly are eligible. You may be. I really don't know who lives there and I don't think they do -- and that is the problem. They really have to know that. I think it is really important that you work with them. But at this point I do not see that the Trustee has violated your rights. They just want to know the situation -- they have to know. Will you work with them?

Ms. Fox: Yes.

Mr. Borries: You're going to have to now. Will you do that?

Ms. Fox: Yes.

Mrs. Cox: And don't be afraid. From what they are saying, even if he were in the household, you guys still would be eligible for the help. So there is really no need not to be open about what the situation actually is.

Thank you for coming and you work with them.

Victor Carnes/Pigeon Township: The Chair called for Mr. Victor Carnes, but there was no response. President Borries said he has a letter from the Vets Center dated April 6, 1988. However, Mr. Carnes is not here and as a rule, the Board does not hear an appeal unless.....

Mrs. Cox interjected, "Is he in the hospital?"

Mr. Borries: The letter from G. E. Norman, Counsellor at the Vet Center is a statement of support being submitted in behalf of Victor Carnes, a new resident of the City of Evansville, who recently left the ranks of the homeless and is currently attempting to stay out of the homeless status. Because of recent cutbacks at M&M Steel, Vic was laid off from work. However, due to his short period of employment he is not eligible for Unemployment Compensation. They are currently awaiting the birth of their second child and they appeal to the benevolent side in asking to reconsider the earlier denial of this request. Please note that earlier assistance by the Trustee's Office was in the amount of \$20.00 gas allowance. We can call that office for any further assistance in the matter. It does not state, however, that he is in the hospital.

Ms. Ruth Anslinger of the Pigeon Trustee's Office said Mr. Carnes came to the Trustee's Office in February wanting transportation to St. Louis, where he had employment. They gave him the usual tank of gas and told him he could not have any further help for eighteen (18) months -- which is in the Trustee's Guidelines. He then came back the next month wanting glasses and he was turned down. Then he came back in July wanting rent assistance. Then he was back again April 6th wanting rent assistance -- and it has only been fourteen (14) months since they gave him transportation out of town. Thus, he has four (4) more months before he can obtain assistance. When Mrs. MacGregor talked to the V.A. Office she didn't know at that time that we had sent him out of town. But we sent him with the knowledge that he had a job in St. Louis.

Commissioner Borries thanked Ms. Anslinger for her comments.

RE: CONTRACT TO BE AWARDED FOR FURNISHING OF ELECTRICAL EQUIPMENT AT VANDERBURGH AUDITORIUM

Commissioner Borries said that Mr. Walter Clements of WSC Associates Mechanical Engineers has made a recommendation with regard to renovation at the Vanderburgh Auditorium. He said that, based on the analysis of bids for furnishing the new main switch gear for the referenced project, they recommend the following:

Superior Electric Supply Company, Inc. bid on the 4000 amp with G.E. "AV" type switch board, which was the lowest submitted, with clarification letter confirming the F.O.B. point meets our specification. The total bid price was \$19,396.00 F.O.B. job site and prompt action will permit the HVAC renovation to be completed during August 1988. This price was under our \$21,000 project estimate. They are returning two copies of the four (4) bids received by the Commissioners, including the recommended bid submitted by Superior Electric.

President Borries asked that if there are no comments, would the Board want to move that this recommendation be approved? This information also went to Tom Dorsey.

Commissioner Cox moved that the contract be awarded to Superior Electric in the amount of \$19,396.00 for the electrical equipment improvement for Vanderburgh Auditorium, with a second from Commissioner Willner. So ordered.

RE: ACCEPTANCE OF STREETS IN WHISPERING HILLS (SECTION B) AND MCCUTCHAN ESTATES I

Commissioner Borries said the matter of acceptance of streets in Whispering Hills Sub (Section B) and McCutchan Estates I is still pending. Is the Board ready to take action on this, or would

they like to defer this for another week? The letter on Whispering Hills, Section B, has been signed by the County Engineer, but the one on McCutchan Estates I has not.

Commissioner Willner moved that Whispering Hills Sub (Section B) be approved.

Commissioner Cox asked if the Board has a report from the Surveyor's Office concerning the drainage improvements in that area?

Commissioner Borries said if they have received a report he is not aware of it. We can check with Andy Easley.

Commissioner Cox moved that acceptance of streets in Whispering Hills, Section B, and McCutchan Estates I be referred to the Surveyor's Office for review for compliance with drainage plans. Commissioner Willner withdrew his initial motion and seconded the motion made by Commissioner Cox. So ordered.

RE: OPEN BURNING ORDINANCE

County Attorney David Miller was recognized by the Chair. He said he revised the Open Burning Ordinance pursuant to what he believes are the desires of the Commissioners. What he has done is -- Sub-Divisions (A & B) are the same. Sub-Division C he has expanded and broken down into six (6) paragraphs, but the expansion of the language really begins with Sub-Paragraph C-3. In Sub-Paragraph C-3, he attempted to set out some standards which the Commissioners have given him to understand they want to consider in determining whether or not an open burning emergency exists. But he has left to the discretion of the Commissioners whether or not such an emergency actually does exist. In other words, he has not tied them to any other agency's determination. He has simply provided that they should take into account what these other agencies are saying. He said he thinks it would be an improper giving away of this Commission's power to allow some other State or Federal agency to make a determination for them. Thus, he has provided that the standards the Commissioners should consider are those provided by the Department of Natural Resources and U. S. Government, but the Commissioners are not bound by them. They can make a determination that an emergency exists or doesn't exist, whether or not they say they think one exists.

The other substantial change is in Paragraph 5, in which we set forth the effect of the open burning emergency -- that no person shall set, start, or attempt to set, or allow to continue an open fire within the County unless he or she has first obtained the written permit from the commanding officer. The next sentence says the permit may be issued by the Chief of the Department or the authorized representative and that such a permit (and this is the change) issued by that Fire Chief can be revoked by the Commissioners, if they think the Fire Chief has exceeded his authority or has done something that they believe should not be done. But then the Commissioners have to give notice to the permit holder after they have revoked it that, in fact, the permit has been revoked. It also says that if a Fire Chief refuses to issue a permit, an applicant can appeal to the Commissioners to issue the permit. So he hopes this ordinance takes into account all of the flexibility that the Commissioners want it to have and he recommends its acceptance.

Commissioner Willner asked, "Do we have to advertise it in its new form?"

Attorney Miller said he thinks it has to be re-advertised in its new form.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the revised Open Burning Ordinance was approved on First Reading and is to be advertised. So ordered.

Commissioner Cox asked, "We will advertise this when? And we'll vote on this at the next meeting, or the one after that?"

Attorney Miller said, "It has been so substantially changed that, in my opinion it needs to be re-advertised, as though it was never advertised before. And then we have to wait ten (10) days before the final hearing."

Mrs. Cox said, "We want to make sure that the adoption of this Ordinance reaches the Fire Weather Forecaster at the Department of Natural Resources, after it has been signed."

RE: OUTSTANDING SALES TAX LIABILITIES - VANDERBURGH AUDITORIUM

Attorney Miller submitted copies of a letter from the Indiana Department of Revenue with regard to Outstanding Tax Liabilities of the Vanderburgh Auditorium. (Copy of letter attached to the minutes.) This letter was received in his office in late March. We have been wrestling with a problem regarding outstanding sales tax liabilities of the Vanderburgh Auditorium for some months now. We learned some time ago that the Department of Revenue was claiming that some sales taxes collected by the Auditorium as far back as 1981 and 1982 had not been remitted. We found it a bookkeeping nightmare to determine whether or not in fact the figures proposed by the State of Indiana were correct. The State of Indiana was operating on estimated figures. We tried to look back into the records of the Auditorium and determine exactly what taxes had been collected and we were unable to come up with any precise and exact figures. But the State of Indiana's estimates appeared to be in the ballpark. In addition to interest, the State of Indiana was demanding payment of penalties, which we have convinced them they should waive. The penalties amounted roughly to \$250.00. There are also some sales tax liabilities for the years 1984, 1985, and 1986 that need to be paid; but we had no real disagreement about those. The fact of the matter was that apparently the bookkeeper at the Auditorium simply was not being trained in how to deal with these State sales taxes, so they were just being taken in by the Auditorium and booked as receipts -- but they were not being remitted to anyone up at the State of Indiana.

We have now worked out the amount that needs to be paid. For the years 1981 thru May 1983, the amount of \$3,111.19 plus daily interest of 48 cents per day runs after March 21, 1988 -- and there are additional taxes, as I understand it, due as of April 15, 1988 for the years of 1984, 1985 and 1986 of \$1,339.50. Mr. Harlan, I believe, of my office has been in touch with the Auditor's Office and has determined that there are not any funds appropriated for the payment of this liability and I believe that this amount will have to be placed on the next Council Call for approval. Is that right, Mr. Humphrey?

County Auditor Sam Humphrey confirmed that this is correct.

Continuing, Attorney Miller said he would ask that the Chair entertain a motion to place on Council Call a request for the funds necessary to bring these taxes up to date. And, hopefully, we have now gotten the staff at the Auditorium familiar with the procedure that has to be followed...and sees Gy Rhoads shaking her head 'yes'. So he expects that this problem is resolved for the foreseeable future.

He said Mr. Lindenschmidt suggests paying this out of Judgments and Refunds, rather than going two more months. That does make some sense. Is that an acceptable alternative, Mr. Humphrey?

Mr. Humphrey responded in the affirmative.

Attorney Miller continued, "We could be saving \$60.00 more interest, so I suspect that is the appropriate thing to do."

Mrs. Cox asked, "For a point of clarification, what you are saying, David, is that in 1981, 1982 and 1983 sales taxes were collected but not sent in?"

Attorney Miller said, "That is correct; they were collected and shown in the total receipts."

Mrs. Cox continued, "I know when I first came on the Commission there was some question as to whether or not we had to collect sales tax. Then it was resolved and you mean even though we knew this we didn't ever send it in?"

Attorney Miller said, "We resolved only that we were obligated to collect the sales tax. A question was raised and resolved that we were obligated to collect and pay it. We had been collecting it -- we just never remitted it. Then in 1984, 1985, and 1986, it was collected but nobody did anything about sending it in."

Mrs. Cox, "I understood what you said about 1984, 1985 and 1986 -- but I didn't know about the previous years. So all of that money has been put into the County General Fund?"

Attorney Miller said, "I haven't added them up, but I believe it is \$4,450.69 plus interest."

Commissioner Willner asked, "What would the interest be?"

Mrs. Cox said, "I think if we just send them what they indicate in their letter they would be satisfied with it."

Attorney Miller said he may be mistaken, but he thinks the April 15th date applies to the second group of figures (the 1984, 1985 and 1986 figures). He believes the \$3,111.19 due is as of March 21 and we need to add 48 cents per day from March 21.

Commissioner Willner asked if Attorney Miller will compute that?

Attorney Miller said there are two penalties discussed in the letter:

- 1) Penalty we paid several years ago, which is being credited to the account (\$148.33)
- 2) There is an additional penalty in the amount of \$232.25 that is NOT being charged.

Following further brief discussion, Commissioner Borries said if funds are available in "Judgments & Refunds", we should pay it out of this. In response to query from Commissioner Willner, Attorney Miller said the total amount due through today is \$4,469.99. For each additional day, interest will run at the rate of 73 cents per day -- after today.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, approval was granted for up to \$4,500.00 to be paid to the Indiana Department of Revenue for sales tax collected at the Vanderburgh Auditorium. (The exact amount is \$4,469.99)

Attorney Miller said Mrs. Rhoads is here today with a great deal of interest in the matter, because she received a warrant last week for her arrest in connection with this and she'd like not to be arrested.

Mrs. Cox asked, "Who issued the warrant?"

Attorney Miller said the State of Indiana issued a warrant to the Sheriff (a Sales Tax Warrant).

Mrs. Cox said, "That is not an arrest warrant."

COUNTY COMMISSIONERS  
April 25, 1988

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Attorney Miller said the warrant said "To avoid arrest you must appear in Court on April 27th" -- that is two days from today."

RE: ATTORNEY GENERAL'S OPINION RE THE MATTER OF \$75,000  
FOR METROPOLITAN EVANSVILLE CHAMBER OF COMMERCE

Attorney Miller proceeded by reading the following letter from the Attorney General's office concerning the \$75,000 approved by the Commission for the Metropolitan Evansville Chamber of Commerce for Economic Development:

April 21, 1988

Mr. David V. Miller  
County Attorney of Vanderburgh  
Fourth Floor, Permanent Savings Building  
P. O. Box 1287  
Evansville, Indiana 47706-1287

UNOFFICIAL ADVISORY LETTER

Dear Mr. Miller:

This is in response to your request for an opinion whether the Board of Commissioners of Vanderburgh County, Indiana, may transfer by a "grant agreement" seventy-five thousand dollars (\$75,000) of funds from the Vanderburgh County Treasury to the Metropolitan Evansville Chamber of Commerce, which is a non-governmental, non-profit corporation with its offices in Evansville, Indiana, to be used by the Metrolitan Evansville Chamber of Commerce for the promotion of economic development in the Evansville-Vanderburgh County area.

ANALYSIS

A county "has all of the powers necessary or desirable in the conduct of its affairs even though not granted by statute". IC 36-1-3-4. A county may exercise any power it has unless (1) the power is expressly denied by the Indiana Constitution or by statute or (2) the power is expressly granted to another entity. IC 36-1-3-5.

One of the powers expressly given to counties is the power to promote economic development. IC 36-7-2-7

I have not found any laws which expressly or even impliedly prohibit a grant of money by a county to a Chamber of Commerce for the promotion of economic development.

CONCLUSION

My research indicates that under the Indiana Home Rule Statute, the Board of Commissioners of Vanderburgh County may grant \$75,000.00 to the Evansville Chamber of Commerce for the purpose of promoting economic development if sufficient funds have been appropriated to the Commissioners by the County Council for that purpose.

Respectfully submitted,

s/s William E. Daily  
Chief Counsel

Commissioner Cox asked, "David, in response to the Unofficial Advisory Letter from the Attorney General regarding the \$75,000 for the Chamber of Commerce. I did read in the paper that they concurred with your opinion -- that you said it would be all right to do this. But there were also some additional things in



that article that said we would still need approval from the State Tax Board. Do they need a copy of the Attorney General's opinion?

Attorney Miller responded, "I did not read the article in the newspaper. But the State Board of Tax Commissioners first of all has indicated early on that it was in agreement with this opinion. But, secondly, I believe, has already authorized the disbursement. It was my understanding that someone at the State Board of Tax Commissioners questioned the disbursement initially and required that the County Attorney provide an opinion as to the appropriateness of the disbursement. I provided the opinion and it is my understanding that the money was then disbursed. Then, when I provided that opinion here is when there was a request that the Attorney General be asked for an opinion.

Mrs. Cox said, "I have no quarrel at all with your opinion or the opinion that has been rendered. I just want to make sure that if we need to send this opinion to some other entity that we do that.

Attorney Miller, "No, I do not believe that is necessary.

RE: ALEXANDER AMBULANCE SERVICE - LAWSUITS FOR SERVICES

Attorney Miller said he has an updated report to submit on the Alexander Ambulance lawsuits, along with payments of \$25.00 from Audrey Chatman; \$241.32 paid on behalf of John Cleveland; \$136.65 paid on behalf of James Carter; \$164.62 paid on behalf of Lee Sorensen; \$107.00 paid on behalf of Rose Allgood; \$67.00 paid on behalf of John Terhune; \$177.32 paid on behalf of Shelly Kirchoff; and \$20.00 cash paid on behalf of Elvis Francis. Elvis Francis has a balance that will be paid on an installment basis.

Commissioner Cox asked if the others are paid in full?

Attorney Miller said he believes almost all of the others are paid in full.

Commissioner Cox said, "That is o.k. You said you had an intern working on these."

Attorney Miller interrupted, "Not an intern -- a Paralegal. The Audrey Chatman account has a balance due of \$121.20. The rest of them are payments in full. He will submit these to the Auditor for appropriate treatment and there is a status report similar to the one submitted earlier that gives a report as to the remaining cases and their status."

Upo motion duly made by Commissioner Willner and seconded by Commissioner Cox, the checks were accepted for endorsement and deposit into the County General Fund.

RE: COUNTY HIGHWAY - BILL BETHEL

President Borries noted that County Highway Superintendent Bill Bethel is not present today; he is on vacation. However, he did send along the weekly reports for the County Garage and the Bridge Crew, as well as the Absentee Reports for both areas.

Weekly Work Report/County Garage: Report for period of April 18 thru April 22, 1988.....report received and filed.

Gradall: Neuman Rd., Inglefield Rd., Pollack Ave.,  
Baumgart Rd., and Heppler

Rocked  
Graded: Oak Grove Rd., Fitzgerald, Durre Lane, County Line  
East, Armstrong Rd., Maasberg Rd., Waldemeyer,  
Trapp Rd., Buente Rd., Emge Rd., and Motz Rd.

Trash Crew: S. Weinbach, River Rd., Old Green River Rd.,  
Old Henderson Rd., Bayou Creek, St. Joe, Wimberg  
Ave., and Mohr Rd.

Paving  
Crew: Darmstadt Rd.

Patch  
Crew: Mohr Rd., St. Joe Ave., Fuquay, Spry Rd., Elna Kay,  
Pollack Ave., Mesker Park Dr., Biddle, Millersburg  
Rd., Green River Rd., Heckel Rd., Seib Rd.,  
Schroeder Rd., Bawrtan Rd., Volkman Rd., Outer  
Darmstadt Rd., Hilltop and McCutchan Rd.

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

- Repaired culverts on Woods Rd. and West Franklin Rd.
- Cut road for culvert extraction and installation on  
Pollack Avenue
- Rip-rapped Volkman Rd., Martin Station Rd., Folz Rd.,  
Owensville Rd. and Montgomery Rd.
- Cut bleeders on Green river Rd. and Boonville-New  
Harmony Rd.
- Installed culverts on Montgomery Rd. and removed  
culvert on Stacer Rd.
- Painted guard rail ends on Baseline Rd., Korff Rd.,  
Volkman Rd., Barton Rd., Seven Hills Rd., Boonville-  
New Harmony Rd., Darmstadt Rd., Adler Rd., and Old  
Princeton Rd.
- Built a retainer wall on Montgomery Rd.

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

RE: COUNTY ENGINEER - ANDY EASLEY

Street Improvement Plans/Eastland Estates, Section "D-2": Mr.  
Easley said he had placed on the Commissioners' desks a set of  
street improvement plans for Eastland Estates, Section D-2, and  
he is requesting that they review same within the next week and  
he will bring the originals for approval perhaps within the next  
week or two.

Utility Relocation Agreement/Boonville-New Harmony Rd. Project:  
Mr. Easley said he did spend some time with Bernardin-Lochmueller  
and they plotted the water line for him on the cross-sections and  
the Water Department is not happy with the cover they are going  
to have when the ditch is relocated to the west. It is agreed  
the State will pay 75% of the relocation. We will be charged for  
25% of it; but it appears that their request is justified. There  
would only be less than 18 inches of cover on an existing 12-inch  
water main. He said he would like to request that the  
Commissioners execute the agreement sent to us by Bernardin,  
Lochmueller & Assoc., and he believes it was reviewed by Curt  
John last week.

Upon motion duly made by Commissioner Willner and seconded by  
Commissioner Cox, the agreement was executed. So ordered.

Mr. Easley said if anyone wishes to review the letter from the  
Water Department, he has it with him. (He passed the letter to  
the Commissioners' table for their review.)

Commissioner Willner asked that the letter be made part of the record.

April 12, 1988

Mr. Andy Easley, P.E.  
County Engineer for Vanderburgh County  
Room 321 City-County Building  
Evansville, Indiana 47708

Re: IDOH Project #RS-7682  
Boonville-New Harmony Rd.  
Reimbursement Agreement with the Water Department

Dear Andy,

I have enclosed a copy of the Standard Utility Agreement ("reimbursement agreement") between Vanderburgh County and the Evansville Water Department...The IDOH utility engineer, Jeff Clanton, has already informed me that the work done by the Water Department will be 100% reimbursed (75% by F.H.W.A. and 25% by Vanderburgh County). Preliminary engineering does not qualify for federal participation and is therefore paid 100% by the County.

The Water Department will be reimbursed for 100% of this work for the following reasons:

1. The F.H.W.A. program manual #6-6-3-1 paragraph 5-a.(3), which I have enclosed, mandates it. Thus far this is Jeff Clanton's interpretation, but it appears will also be that of the F.H.W.A.
2. The Water Department purchased the easements along the west side of North Green River Road for construction of the existing 12" water main, thereby giving them a legal right to be there. I have enclosed a copy of the easements and a letter of explanation from the Water Department.

The entire agreement will be sent to the State just as I have sent it to you, after the County Commissioners sign it. The only portion I want I have enclosed which I want returned to me is the County's signature page and the Notary Public's ACKNOWLEDGMENT page.

I would like to have this signed and returned to me as soon as possible. If any additional information or explanation is needed, please call me.

Respectfully,

BERNARDIN, LOCHMUELLER & ASSOCIATES, INC.

/s/ Rick Bennitt  
Project Engineer

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The letter from the Evansville Water & Sewer Utility read, as follows:

Andy Easley, P.E.  
County Surveyor's Office  
325 Administration Building  
Civic Center  
Evansville, IN 47708

Dear Mr. Easley:

Enclosed is a plan for a water transmission main relocation at the intersection of North Green River Road and Boonville-New Harmony Road. Also enclosed is a bill for the actual preliminary engineering and field study for said intersection.

It is necessary to relocate the existing twelve (12") inch water main to accommodate the proposed culvert pipes and new ditch grades. It is our understanding that utility adjustments are reimbursable under these federally assisted county projects. A Reimbursement Agreement has been filed through Rick Bennitt of Bernardin, Lochmueller and Associates, Incorporated.

If you have any questions or need any further information, please contact myself or this office at 428-0723.

James D. Williams  
Engineering Department

cc: Rick Bennitt

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RE: SPECIFICATIONS FOR ROOF FOR HILLCREST-WASHINGTON HOME

The meeting continued with Mr. Easley saying the next item concerns the specifications for the roof for Hillcrest-Washington Childrens' Home. He put a list in the Commissioners' mail boxes of the installations of this type of roofing in this area. He asked Mrs. Cox if she found her copy? (Mrs. Cox acknowledged that she did.) Mr. Easley said he talked with County Attorney David Miller on the adequacy of Clause #13 in the back of the specs as to bidding equal product or equal material. He said he thought maybe he could clarify and improve upon the phraseology just a little bit. He doesn't know whether he has finished it or not.

Attorney Miller said he is working on it right now and he might have it in a few seconds.

Mrs. Cox asked, "Did I also understand that you adjusted the specs to allow for a slight slope, Andy? It looks as though that might be Item #7.

Mr. Easley responded, "Yes, there is a provision to put a 1/4 inch per foot on the insulation. I had forgotten about that clause in there. That is a standard product and they just lay it down so it does give slope where needed. So that would give a minimum amount of fall to the roof. I think Mr. Lindenschmidt would like to see these specs approved so they could advertise. Are there any other questions while we're waiting for Attorney Miller to finish his note?"

Attorney Miller said he has some suggested language and will see if this satisfies the concern which he understands was expressed. The language of Paragraph #13 of this request for bids (and he understands this is going to be let for public bid) would read as follows:

"Although these specifications identify a specific roofing product, that product is named only for the owner's convenience in describing the quality of material required. Any bidder is free to specify any other roofing material of quality equal to that contained in these specifications. Such alternate product of equal quality or better will be deemed to satisfy the requirements of these specifications."

Attorney Miller asked if this is satisfactory?

Mrs. Cox indicated that it is.

Commissioner Borries asked, with this adjustment, can we move along? With that in mind, he asked if Attorney Miller sees any other problems in terms of the bid?

Attorney Miller said he does not.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the amended language in Paragraph #13 was approved and permission to advertise granted. So ordered.

It was determined that the bids will be advertised twice a week apart (April 29 and May 6) and bid opening scheduled ten (10) days thereafter on May 16th.

RE: INSPECTION OF ROADS RE RESURFACING THICKNESSES

Mr. Easley said this week he did finish the inspection of the roads re resurfacing thicknesses and he is working on that. He hopes to have a list available by the middle of the week. If the Commissioners are in their offices they can review it. With the Board's permission, it is preliminary list. It is a combination of what the County Highway Department came up with and what came out of the Public Hearing. If County Council wishes to review that, do the Commissioners have any objection to his giving them a copy? It is not necessarily a commitment to pave everything on the list.

Commissioner Willner asked if Mr. Easley knows how many dollars it will take?

Mr. Easley said he doesn't have the total yet; it hasn't come out of the computer.

Mrs. Cox said, "Well, we're on Council Call this month requesting an additional \$1.5 million. Mr. Bethel did indicate that he felt with that money we could adequately handle the roads that we had down as planned this year."

Commissioner Willner said, "Wait until you get the dollar figure."

Mrs. Cox said, "At this time I would like to introduce to the Commission a petition from the residents on LeMay Drive and the adjoining roads around LeMay Drive. The petition was instituted by Timothy A. Wood, asking that LeMay Drive (and it is just a short section off Middle Mt. Vernon up to where the area is paved) be included on the paving list, because the gentleman was at the Public Hearing on County Roads and did receive the information we had recorded concerning the roads and that section of LeMay was not listed as being accepted. But I will turn this over to you, Andy, for passing on to the County Highway, because it does indicate that this section of LeMay Drive, according to Mr. Mel Lutterbach, was dedicated to the County of Vanderburgh on November 28, 1977, recorded in Volume 657, Page 187, Recorder's Office, Vanderburgh County, Indiana. This section of road has six (6) inches of No. 3 stone base, 22 inches wide, which was minimum requirement by the Vanderburgh County Engineer when road was rocked in 1977."

Commissioner Willner said, "What we need is when the Commissioners accepted it, not when he offered it. There are a lot of roads we have in Vanderburgh County that were given to the public that haven't been accepted by the Commissioners. There is a big difference."

Mrs. Cox asked, "Are you sure you...."

Commissioner Willner: "No, I made no commitment on that, I don't know. But what he is saying there...."

Mrs. Cox interjected, "Well, I think this needs to be investigated for clarification."

Commissioner Willner, "Just because he gives, it doesn't mean we've taken it -- o.k.?"

Mr. Easley said if the Auditor will provide him with a copy, he will be glad to investigate this.

RE: ACCEPTANCE OF CHECK FROM EVANSVILLE CABLE T-V

United Artists Communications: Check presented in the amount of \$26,846.40 from Evansville Cable T-V for franchise tax payment for first quarter of 1988 (January, February and March). Mr. Borries said the attached letter also states:

"Please be advised in the county we are in the process of designing and building Baumgart Road - some 30 homes; completion of Plantation Estates, an addition 30 homes; Indian Woods, 9 additional homes; Wortman Road, 8 homes; Whetstone Road, 7 homes; and Brookview Subdivision beginning stage of 137 homes off of Old State road; McCutchan Estates, 68 homes. These should be done yet this year 1988."

Upon motion duly made by Commissioner Willner and seconded by Commissioner Willner and seconded by Commissioner Cox, the check was accepted for endorsement and deposit into the County General Fund. So ordered.

RE: REQUEST TO TRAVEL - VETERANS SERVICE

Commissioner Borries presented a request to travel from the Veterans Service Office for purposes of attending the Indiana Department of Veterans' Affairs 43rd Annual Veterans Service Officer Training Conference at the Marriott Hotel in Indianapolis from May 31 to June 4, 1988. School is mandated under Indiana Code 10-5-1-12. They have allocated monies for this in their travel account.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, the request was approved. So ordered.

RE: COUNTY TREASURER - MONTHLY REPORT

The monthly report for period ending March 31, 1988 from the County Treasurer was submitted.....report received and filed.

RE: BURDETTE PARK - MONTHLY REPORT

The monthly report from Burdette Park for period of March 1988 was submitted.....report received and filed.

RE: RESOLUTION RE ESTABLISHMENT OF CUMULATIVE BRIDGE FUND

President Borries presented a Resolution and Notice of Public Hearing re establishment of a Cumulative Bridge Fund. The levy would be 10 cents per \$100 and this would be payable in 1989, and then annually thereafter -- until it was either reduced or rescinded.

Commissioner Willner: So moved.

Commissioner Cox: Could we have some discussion on this? I think it was three years ago (four years ago, maybe five years ago) but our Cumulative Bridge Fund was 15 cents, I believe -- and we were going through rather tough times County General

fund-wise and we reduced the Cumulative Bridge Fund down to ten cents (10 cents). And I think it was my understanding that that would be for a one (1) year period and then we could up it again to the fifteen cent (15 cent) rate. But then we found that new legislation had gone through that disallowed this action. So I was wondering, with the Local Option Income Tax monies coming in and increasing annually, could we not reinstate the fifteen cent (15 cent) bridge fund tax and then the other monies would have to -- I mean, not increase the tax rate, but just re-distribute? Could we do that, Sam?

Mr. Humphrey: We have a problem. Any Cumulative Fund and the amount raised by that fund reduces the amount of the frozen levy that we can enact. It affects directly the frozen levy. Our frozen levy this year was \$11 million, I think. If we raise \$1 million in cumulative funds, that reduces the amount we can raise otherwise. So, it affects that.

The second thing that is going to affect it is the re-assessment. The State has estimated the re-assessment will up the value by 50%. If we put a 10 cent rate in, that goes along with the assessed valuation increase; and if we raise \$1 million this year on the current valuation and \$1-1/2 million, then the \$1-1/2 million would have to come off of our frozen levy. That will not raise. The original ordinance you have started, I believe, in 1983; and it was one year at 15 cents and then it dropped to 10 cents and was to go back to 15 cents.. It never did go back to 15 cents -- but stayed at 10 cents. The Tax Commissioners called and reminded me of these facts that I just told you -- that it will affect the frozen levy. So whatever you've done with it, would you make it 15 cents? It's got to be 15 cents for five (5) years. And that will go up with the assessed valuation. We expect it to go up 50% as a result of the re-assessment. So it is going to impact on the County very strongly, whichever way you do it.

Commissioner Willner: That is correct -- plus the fact that we have two of our major bridges on Federal Aid now, where we'll have to pay 25% of them, and so I don't believe we need the full 15 cents.

Commissioner Cox: Well, I was just wondering. From reports in the paper, and stressing the fact that what was available in Cumulative Bridge Funds and that we have to choose between one or the other projects (which are both necessary projects I feel), and that is why I brought up this question -- to see if we couldn't get our bridge fund money healthy again, because we do need to improve some of those other bridges out in the County (the old ones) and we're going to have to be thinking of doing something with Ohio Street. We've got the Fulton Avenue Bridge that we need to replace and I understand that the Fulton Avenue City commitment is moving right along and will be a reality -- and I don't feel we are going to have adequate funds. And we have some bridges on the Boonville-New Harmony Rd.; we have several bridges on the Lynch Road Extension and I'm thinking down the line here that if we're going to adopt an ordinance for a 5-year period, I think we need to look long and hard at this -- at our needs and what our needs are going to be down the road. And I, personally, would like to see an overpass or something built at USI and done just as quickly as possible. I know the State is going to make some improvements, but I think they have demonstrated to this Board that there is definitely a safety hazard and a need and traffic is going to simply increase more out on that Highway 62 corridor -- with all the residential and commercial development -- and the possibility for a Wal-Mart Store -- and I think this Board needs to take a look at it.

Commissioner Willner: I think I agree with most of the things you say. The County did attempt at one time to build an overpass over Washington Avenue and Highway 41, and the State turned us down. Most people are saying that if those things are true,



that it is the responsibility of the State -- and it is. The fact is, we already have two bids we were going to open today. We postponed it for another week. But I think that even before we spend that money we should ask the State whether they would allow us to build an overpass. I'm certainly against spending \$20,000 just to have a study made that is not going anywhere -- and that is where we are headed.

Commissioner Cox: I thought we had gotten an okay from the State.

Commissioner Willner: We certainly have not. We had better have their permission first -- whatever the cost.

Commissioner Borries: I don't know what the cost would be and I think that is something we would have to determine. We have worked with the State on certain projects, but that is a critical thing. My interpretation is that they are very pleased that we would be willing to participate here in a study or some kind of design study as to whether or not there would be final approval given. I don't think we have that yet.

Commissioner Cox: On this proposed Cumulative Bridge Fund ordinance, Sam, does it have to have action today?

Mr. Humphrey: No, it doesn't have to have action today. But we would have to have it prior to June 1st.

Commissioner Cox: Well, we could get a list of our bridges and our money and what the impact would be and the number of bridges -- even if we go by our bridge report -- we're talking about a lot of money needed to upgrade our bridges out in the County -- narrow bridges -- and then maybe we can look at this.

Commissioner Borries: Sam, again, do you want to go through what you're saying in terms of this increased assessed valuation?

Mr. Humphrey: At today's valuation, ten cents (10 cents) will yield a little over \$700,000 (a little more than that, depending on collection). Fifteen cents would be about \$1,158,000. If you accept the State's statement that the re-assessed valuation is going to add fifty cents (50 cents) to the values of land, then ten cents (10 cents) would yield about \$1,200,000 and fifteen cents (15 cents) would be 50% higher than that. But all of that impacts the frozen levy that we operate under -- that we're stuck with -- and the State has given me no indication they are going to increase that. So if you put more value into the Cumulative Bridge, it is going to reduce the amount of operating funds the County has in all other departments. It's an option you folks have and I wanted you to understand the impact that is going to occur.

Mrs. Cox: No, it will only reduce the amount of property tax levy. So in the long run this is more or less a little rebate back to the property owners when we're taking it in from Local Option Income Tax.

Mr. Humphrey: That is not quite the way it works. The frozen levy is based on property taxes. And if we've got \$1 million in the Cumulative Bridge, that reduces the frozen levy by \$1 million that we're able to function out of -- there is no rebate to it.

Mrs. Cox: Well, I know there isn't any rebate. It just says that you have to live within that budget. But what are we going to do with all the Local Option Income Tax money? Why can't -- maybe we could get some property tax relief with that.

Mr. Humphrey: I'm not suggesting policy, I'm just suggesting impact -- that's all.

Commissioner Borries: Well, you've requested some information on the bridges, so we'll try to put that together.

Commissioner Willner: All that information is in the Bridge Report -- all you have to do is read it.

Commissioner Cox: What do you mean all the information is in the Bridge Report and all you have to do is read it? I've read it. I've got yellow slips in there -- and it's going to take a lot more than \$1 million to do what we say we're going to do.

Commissioner Willner: And we don't have to do it in one year either.

Commissioner Cox: Hey, you read the Bridge Report; we're already three years behind right now, Bob, on replacing those structures. And it will be over \$1 million that we're going to need.

Commissioner Willner: On which structure are we three years behind? I'd like to know that.

Commissioner Cox: Well, you read your Bridge Report and see what was supposed to be done in 1986 and what was supposed to have been done in 1987. And we're now in 1988. And if you replace all the structures that it recommended to be replaced, we're certainly going to need more than \$1 million to do this, plus all these other things we're talking about (the Ohio Street Bridge, Fulton Avenue, and these others -- which is shared money). Let's just take a look at it and see how much money we are going to need. It isn't going to hurt the taxpayers in any way to have a fifteen cent (15 cent) levy for Cumulative Bridge. It certainly isn't going to increase their taxes in any way. In fact, in the long run it may help the amount that goes onto the property tax, if I understand what Sam is saying.

Commissioner Willner: Oh, I don't think that.

Commissioner Cox: Well, you have a levy and you can only raise so much. And he said if you have a pot over here for Cumulative Fund it reduces the amount of levy that you can raise from property tax. But when you reduce something, it means you pay less.

Mr. Humphrey: No, you don't understand what I am saying. The frozen levy is what we are frozen with and it does affect property tax. But it is the amount that we're frozen into all of our budgets with the County. And the cumulative funds (whatever they are, cumulative building, cumulative bridge -- whatever) reduces that amount of frozen levy; it restricts all county budgets by the amount that you put in there.

Commissioner Cox: That you raise from property taxes -- that you raise from property taxes. So, if the Commissioners want \$2 million and you can't do this, you're over the freeze and they can only get \$1 million, then the Local Option Income Tax money is sitting out there. Can't that be put in to bring the Commissioners up to where they need to spend?

Mr. Humphrey: No, that is allocated by the Council.

Mrs. Cox: I know it is allocated by the Council. All monies are allocated by the Council. We need a week to just think about this. What I think we need to stress here -- as Sam says -- this ordinance is for a five year period. And I think we need to look down the road and not be pinned in -- so we can do some things to help the transportation network.

Mr. Humphrey: There's a five year limitation by State law.

Mrs. Cox: And I thank you for bringing that up, too.

Mr. Humphrey: I'm going to have to leave, but I wanted to make a report to you in reference to the taxes that were owed by the Auditorium. The second amount has already been paid. I wish I could take credit for it, but my staff did it. We made a payment January 16th and the second amount (with penalties) was paid February 24th -- and it will save the County \$300.00. We did not get a statement from the State on the first amount. But the second amount has already been paid. And the second check will not be cut until tomorrow, because they took the computer down and couldn't get it back up -- so it will cost us 73 cents more.

Mrs. Cox: Did I understand in the newspaper correctly where I read there had to be some entity other than the Attorney General's opinion for release of the \$75,000 to the Chamber of Commerce for economic development?

Mr. Humphrey: As far as I am concerned, that is sufficient. We have received a letter from the Tax Commissioner authorizing that. The next thing that has to occur, as far as my office is concerned, is indicated in Paragraph #9, I believe, that they must submit invoices to us and amounts they have spent -- and I have told the Chamber of Commerce this -- that they have this liability; we're not just going to give them \$75,000.

Attorney Miller: It is my understanding that following the issuance of my letter of opinion, the State Board of Tax Commissioners authorized the release of the money, subject to the terms of the contract.

Commissioner Willner: What you have in conflict here is the \$450,000 that Economic Development has requested County Council to appropriate for the pump station on Highway 41. That is what the State Board said they would not pay -- but that is absolutely the same.....

Attorney Miller: Absolutely the same principle -- and I pointed that out to Council at their last meeting.

Commissioner Willner: So that is taken care of.

Mr. Humphrey: We just received within the last week a letter from the State Tax Commissioners authorizing and reaffirming David's letter, the principle being (which they've told me all along since I've been Auditor) that prior to Home Rule, if ordinance or State Law did not permit an action, it was not allowable. But since Home Rule came into effect, if it is not prohibited, it is allowable.

Bill Jeffers: I don't want to make a comment for or against the fifteen cents (15 cents) on Cumulative Bridge Fund Levy, but I do want to comment that it was the understanding of our office that at the first of the year there was approximately \$5-1/2 million in the Bridge Fund. Whether that is an accurate figure I couldn't verify at this time. If Mr. Humphrey's figures are accurate after the re-assessment, in the next five years you'll have another \$6 million in the Bridge Fund. So, over the next five years you'll have \$10 to \$11 million to spend. It would be informative if a list of proposed bridge projects for the next five years would show us whether you need that \$11 million or whether you need \$15 million. I'd say from experience that it is awful hard to spend \$10 million in five years on bridges.

Mr. Borries: Are you saying with your first statement then, that you're doing that based on the ten cents (10 cents) or fifteen cents (15 cents)?

Mr. Jeffers: Based on Sam's figures for the ten cents, you'd get another \$6 million in the next five years. You already have \$5-1/2 million now; so you could just figure out how many bridges you're going to build and how much they cost, before you decide whether to raise it to the fifteen cents (15 cents).

Commissioner Borries: Thank you.

RE: DRAINAGE BOARD

It was announced by Commissioner Borries that a Drainage Board Meeting will be held immediately subsequent to the Commissioners Meeting.

RE: OLD BUSINESS

Request from Weights & Measures re Vehicle: Mr. Borries said Loretta Townsend of Weights & Measures had requested a vehicle. No vehicles are available at the time.

Commissioner Willner said we will probably get some surplus vehicles from the Sheriff's Department and the County has ordered a new vehicle, so there should be some extra vehicles forthcoming. If the Commission so desires, one can be assigned to Weights & Measures.

Commissioner Cox said she has no objections. Mrs. Townsend has an additional part-time employee who works three days a week, she believes, and in order to get out on the job site he does need a vehicle.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, Mrs. Townsend's request was approved, subject to availability of good surplus vehicle. So ordered.

RE: BUILDING COMMISSION - KAY'S HEALTH CLUB

Mr. Lindenschmidt said he has one item of old business. Roger Lehman, Building Commissioner, was here but had to leave. He, however, wanted it noted in the record that Kay's Health Club is down -- it no longer exists.

RE: SCHEDULED MEETINGS

Wed.	April <del>17</del> 27	6:00 p.m.	County Council Personnel Mtg.
		6:15 p.m.	County Council Finance Mtg.
		7:00 p.m.	County Council/Wheel Tax
		8:00 p.m.	County Council/Innkeeper's Tax

RE: CLAIMS

Board of Public Works: Claim for 45% of the cost of the detector loop at Green River Rd. and Covert Avenue in conjunction with the extension of Covert Avenue from Green River to Fuquay in the amount of \$545.95.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the claim was approved for payment and so ordered.

Veach, Nicholson & Griggs Associates: Claim presented for Progress Payment No. 7 on Green River Road South Design (50%) and then there is retainage. Amount of claim is \$1,975.05 and it has been signed by the County Engineer.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the claim was approved for payment. So ordered.

Veach, Nicholson & Griggs Associates: Claim presented in the amount of \$423.00 for Bridge Design Fee (Orchard Road Bridge) 28% of \$23,500 less 10% retainage. This has also been signed by the County Engineer.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the claim was approved for payment. So ordered.

Bernardin, Lochmueller & Associates: Claim presented in the amount of \$612.75 in conjunction with Boonville-New Harmony Rd. Extension project. The claim has been approved by the County Engineer.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the claim was approved for payment. So ordered.

Bowers, Harrison, Kent & Miller: Claim presented in the amount of \$9,295.00 concerning a number of litigation cases. Supporting documents are attached.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the claim was approved for payment. So ordered.

Attorney Miller noted that there was an adjustment made on the claim. With regard to the Sheri Wilson case, it was deleted from this claim in order to permit it to be paid. It has been pending for quite some time and that item drove the amount over the top because there was not enough in the account to include this amount on the claim.

RE: EMPLOYMENT CHANGES

Center Assessor Releases)

Shirley Stucki Office Deputy \$35.00/Day Eff: 4/25/88

Auditorium (Appointments)

Greg Baggett Custodian \$8.58/Hr. Eff: 4/19/88  
Carol A. Haas Secretary \$15,070/Hr. Eff: 4/25/88

County Coroner (Appointments)

John Althoff Dep. Coroner \$3,994./Yr. Eff: 5/1/88

County Coroner (Releases)

Stanley M. Ford Dep. Coroner \$3,994/Yr. Eff: 4/30/88

RE: CARANZA DRIVE SEWER PROJECT

Commissioner Cox asked when another hearing is scheduled on the Caranza Drive Sewer Project? The Board talked about having another Public Hearing and she hasn't heard anything concerning that.

Commissioner Borries asked Mr. Easley if he has a date for the Public Hearing?

Mr. Easley said the plans and specs are being completed. There are five borings they wish to make before they confirm they can build it easily at the depth that it apparently is going to have to be constructed. This is the west line that is west of Caranza. We have to obtain some rights-of-entry to go into the back yards and make these borings. He just got the map last Friday afternoon showing where the five borings are to be made. He now has to prepare the right-of-entry and he guesses it will be up to his staff (with possibly Lee Stuckey's help) to obtain the

right-of-entry that we need. He has told the Consultant we would very much like to get this under contract before the end of May. As he understands it, this will be an informal hearing after we get the bids. We had some discussion that we might want to invite the people in after we get the bids and after we have a preliminary feel for what it is going to cost each home owner.

Attorney Miller said, "That is right; it is not required by the Statute. But it seems like good public relations..

Commissioner Borries requested that Mr. Easley let the Board know as soon as he has the statistics, so a date can be assigned for the Public Hearing and interested residents can attend.

RE: PEACH BLOSSOM LANE

Mrs. Cox asked if Mr. Easley has anything to report regarding Peach Blossom Lane?

Mr. Easley said he has the cores and he is about ready to make a recommendation to Union Federal and he will be meeting with them. Maybe he told the Commissioners, but there were some pavements out there that were 4-1/2 inches thick, whereas the concrete was supposed to have been 6 inches.

RE: RIGHT-OF-WAY OFF I-164

Mrs. Cox said she has a copy of a letter from a Mrs. Ziliak concerning the right-of-way off of the I-164 spur and there is no access to the property. She assumes this is a State problem.

Mr. Easley said he received a copy of the letter. It appears to him that they think it is a State matter. That is a frontage road that he doesn't believe we've taken over yet. He hasn't seen any transfer of the right-of-way, so he believes it is still under the State's jurisdiction.

Commissioner Willner said we'll have to accept it when they do offer it to us.

Mr. Easley continued, saying he thinks they are complaining about a temporary barricade that was erected there.

Mr. Willner said he understands a neighbor has planted a garden and some trees in the place. But it really isn't our responsibility.

Mr. Easley said this is correct.

There being no further business to come before the Board at this time, President Borries declared the meeting adjourned at 4:35 p.m., with an announcement that the Drainage Board will convene immediately.

PRESENT:      COMMISSIONERS      COUNTY AUDITOR      COUNTY ATTORNEY

R. J. Borries      Sam Humphrey      David Miller

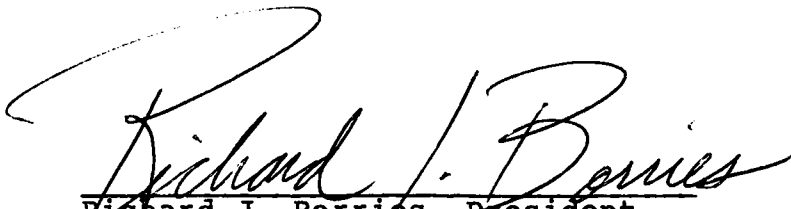
COUNTY HIGHWAY      COUNTY ENGINEER      COUNTY SURVEYOR

Bill Bethel      Andy Easley      Bill Jeffers

OTHERS

Stephanie Fox  
Mary Hart/Pigeon Trustee's Office  
Ruth Anslinger/Pigeon Trustee's Office  
Walter Clements/WCI, Inc.  
Others (Unidentified)  
News Media

SECRETARY:      Joanne A. Matthews

  
Richard J. Borries, President

  
Robert L. Willner, Vice President

 5/23/88  
Shirley Jean Cox, Member



MINUTES  
COUNTY COMMISSIONERS MEETING  
MAY 2, 1988

I N D E X

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MINUTES  
COUNTY COMMISSIONERS MEETING  
MAY 2, 1988

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, May 2, 1988, in the Commissioners Hearing Room, with President Rick Borries presiding.

The meeting was called to order and subsequently opened by Sheriff Clarence Shepard, who declared the Commission in session pursuant to adjournment.

RE: APPROVAL OF MINUTES

Commissioner Borries said the secretary is battling away at the minutes from several lengthy sessions, so there are none to be approved today.

RE: PETITION TO VACATE PUBLIC UTILITY EASEMENT - GREENGATE COURT SUBDIVISION

President Borries asked if someone is present to submit the Petition to Vacate Public Utility Easement in Greengate Court Subdivision? Mr. Kevin Messmer of Bamberger, Foreman and Hahn was subsequently recognized.

Mr. Messmer said they are asking that a Public Hearing be set on the Petition for May 23rd.

It was subsequently noted for the record by President Borries that Greengate Court Subdivision is located in the City -- not in the County. Greengate Court Subdivision was approved by this Commission when the property was located in the unincorporated limits of our County. However, since the annexation took place he believes this may change the request. He is not sure the Commission is the correct Board to hear this request.

Commissioner Cox said that, in fact, the approval of the subdivision was started prior to the annexation and the Commissioners took action on it and subsequently referred it to the City Council for action, since it was in the annexed area. Would vacations for the City not go before the Board of Public Works?

Mr. Borries said either the Board of Public Works or the Utility Board.

Mr. Messmer asked, "Then we should re-file our Petition?"

Commissioner Borries said, "Yes."

Mr. Messmer asked when the annexation took place?

Mr. Borries said the effective date would have been the first of this year. The County is continuing to provide service in several areas, but in regards to these kinds of requests, the Commission is not handling these. He believes the proper authority would either be the Board of Public Works or the Utility Board for the City of Evansville.

RE: REQUEST TO VACATE LITTLE FOX LANE IN ECHO HILLS  
SUBDIVISION

President Borries recognized Mike Schopmeyer, who stated he is representing the co-petitioners. The records will show that letters were sent to the four utilities, none of whom have objections. Like many petitions before this Board, this petition concerns a roadway that was never constructed. As you drive by today, you would not know where it is or was ever planned to be. He does not believe there are any remonstrators, but he would be glad to answer any questions the Board might have concerning the petition.

The Chair entertained questions.

Mrs. Cox asked, "And there are letters in the file from all of the utilities?"

Mr. Schopmeyer stated he submitted all four letters to Commissioner Willner.

It was subsequently determined that no objections were indicated by Indiana Bell, SIGECO, Evansville, Indiana Waterworks Department, or Cable T-V.

Mrs. Cox asked, "For clarification, Mr. Schopmeyer, these properties front either Koring Road or Arrowhead Drive?"

Mr. Schopmeyer said, "That is correct. All four of the property owners who directly abut Little Fox Lane are co-petitioners. Two of them are here today (Messrs. Hodge and Spaulding)."

Motion was made by Commissioner Willner and seconded by Commissioner Cox that the Petition be approved.

President Borries asked if there are any remonstrators present or anyone who wishes to speak regarding this petition?

There being no response, motion was unanimously approved.

RE: METRO SMALL BUSINESS ASSISTANCE CORP - QUARTERLY REPORT

The first Quarterly Report for 1988 from the Metro Small Business Assistance Corporation was submitted.....report received and filed. Mr. Borries said Kay Fuchs, Financial Services Administrator, has a fund balance report and client status report:

"Please be advised that North Star Furniture Corporation is considering moving its manufacturing operation to a site on Lynch Road, which would be within the City Limits."

RE: COUNTY HIGHWAY - BILL BETHEL

Commissioner Borries then extended a "Welcome Back" to County Highway Superintendent, Bill Bethel, who just returned from vacation, and asked for his report.

Weekly Work Report/County Garage: Mr. Bethel submitted copies of the Weekly Work Report for Employees at the County Garage for period of April 25 to April 29, 1988.....report received and filed.

Gradall: Allen's Lane, Harmony Way, Young Rd., Schroeder Rd., N. Green River Rd., St. Joe Avenue and Streuh-Hendricks Road (tree down)

Paving Crew: Darmstadt Rd., Outer Darmstadt Rd., and Baseline Rd. (not finished)

Patch Crew: Barton Rd., Volkman Rd., Schlensker Rd., Allen's Lane, Old 460, Harmony Way, Koressel Rd., Church Rd., Church Lane, Boonville-New Harmony, Seib Rd., and Streuh-Hendricks Rd.

Grader: Seminary Rd., Golden Rule Rd., Old Henderson Rd., Cypress-Dale Rd., Long Rd., King Rd., Happe Rd., Neuman Rd., Hickory Ridge Rd., Green River Rd., Millersburg Rd., and Boonville-New Harmony Rd.

Mowed: St. Joe Avenue, Lynch Rd., and Heerdink Rd.

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

- Installed culvert on Baseline Rd. and Schroeder Rd.
- Rip-rapped on Stacer Rd.
- Built headwall on Short Mill Rd. and Stacer Rd.
- Painted guardrail ends and cut grass on Bixler, Mann Rd., Owensville Rd., Baseline Rd., Wallenmeyer, Mohr Rd. and Meier Rd.
- Removed headwalls on Bayou Creek Rd.
- Cleaned yard
- Repaired washouts on Boehne Camp and Dieffenbach Rd.
- Repaired broken grate over culvert on Green River Rd.

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

The Chair entertained questions of Mr. Bethel. There were none.

RE: COUNTY ATTORNEY - CURT JOHN

Petition for Vacation of Right-of-Way - Mill Road Bridge: Attorney John submitted a Petition for Vacation of Right-of-Way/Mill Rd. Bridge (bridge, appurtenances, roadway, and other improvements) for the Commissioners' approval.

It was subsequently determined that the Public Hearing should be set for Monday, May 16, 1988, at 7:30 p.m. and appropriate Notice of same advertised on Friday, May 6, 1988.

Following further brief comments, motion to set hearing for May 16th at 7:30 p.m. and approval to advertise same was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

RE: COUNTY ENGINEER - ANDY EASLEY

Request to Go on Council Call: Mr. Easley said, "As you are aware, County Council granted our request for the appropriation for \$1.5 million last week and at the Finance Committee Meeting it was agreed we could request another \$450,000.00 appropriation, which we would need for contract. At this time I would like to have permission to go before Council and request that \$450,000.00."

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

Mr. Borries said that for the record this appropriation is to complete the list of roads after Mr. Easley had costed out pavement and per square foot, etc.

Mr. Easley said, "Yes, the combined list that came out of the Highway Department and the Public Hearing re County Roads held by the Commissioners."

Mrs. Cox asked, "Just for a point of clarification, the County Council had given us \$500,000 initially; then they agreed to appropriate another \$1.5 million?"

Mr. Easley responded, "Yes, and they had that split. Half of it was contract and half was bituminous materials."

Mrs. Cox continued, "And we're asking for an additional \$450,000.00. So that will put us at almost \$2-1/2 million committed to improve roads."

Mr. Easley responded, "Yes. Did you get your copy of the paving list? I thought I left a copy for you." (Mr. Easley provided Mrs. Cox with a copy of the Road Paving List for 1988, after it was determined that Mrs. Cox's copy was on Mrs. Meeks' desk.)

County Auditor Sam Humphrey asked, "What account are you asking that for, Andy?"

Mr. Easley: "The appropriation? I don't know that the Commissioners have yet decided -- as to where the appropriation is going to come from."

Mr. Willner said, "The \$1-1/2 million from Local Option Income Tax."

Mr. Easley asked, "And the additional \$450,000.00?"

Mr. Willner responded, "I don't know."

Mr. Easley said he doesn't have anything else that has to be acted on today.

The Chair entertained further questions of Mr. Easley.

County Auditor Sam Humphrey said, "Just by way of information for the Commission, I just figured Local Roads & Streets and during Budget Hearing we put \$2 million in Local Roads & Streets and that leaves \$2,087,000 working capital as of the present appropriation. If that is the fund you're putting it into or asking money for.

Mr. Borries said, "I think that was the fund discussed at the Council meeting. But I don't how much uncommitted they have out of the rest of Local Option monies."

Mr. Humphrey: Well, the Local Option Income Tax is \$4,019,300.00 and we put \$2,019,300 in the General Fund and \$2 million in the Local Roads & Streets fund and the balance left after encumbrances was \$2,087,000.00 unencumbered according to the current financial statement.

MR. BORRIES: "Okay, but that is not including the \$2 million.

Mrs. Cox: "There was \$4.19 million and we had originally asked for \$2 million for road paving. So we initially took \$2 million from the \$4 million and put it in R&S. Okay.

Mr. Borries asked, "What would the total have been then?"

Mr. Humphrey: "I am telling you what the net would be at this point, including the \$2 million in local Roads & Streets."

Mr. Borries: "But is it including the \$500,000 that has already been allocated?"

Mr. Humhrey: "Well, you're only asking for \$1-1/2 million at this time, so it includes that half million. Would you like for me to go down and get the statement? The way we construct a budget for Council's hearing is we put all of the property tax or whatever applicable tax is into miscellaneous revenue and this comes under the heading of "Miscellaneous Revenue" (the \$2 million from the County Option Tax and whatever incomes there are and that is the income available at this point. Then you take the encumbrances and additional appropriations out of it and the balance left is what you have to work with. And you still have \$2 million to work with in that fund." The \$1/2 million has already been taken out of that."

Mr. Lindenschmidt said, "Then there should still be \$500,000 left."

Mr. Borries said, "Okay."

Mrs. Cox asked, "Then do we need an additional \$450,000?"

Mr. Borries responded, "No."

Mr. Lindenschmidt said, "Sam is saying you have \$500,000 in there unencumbered."

Mr. Borries said, "That is my understanding."

Mrs. Cox said, "Well, it is already in the R&S fund, so we're not asking them to take \$450,000 out of General Fund money or Local Option Income Tax and put in there. We already have it."

Mr. Borries said, "That is my understanding."

Mrs. Cox asked, "But we do have to go on Council call to ask for the \$450,000 to be appropriated out of R&S?"

Mr. Bethel interjected, "They indicated they'd give it to us."

Mrs. Cox said, "That's nice; it's our money."

RE: TRAVEL REQUEST - COUNTY CORONER

President Borries said he has a request to travel from the County Coroner for purposes of attending a meeting in Indianapolis, Indiana on Wednesday, May 4, 1988 in regards to the Indiana Coroner's Association and the State Legislature -- monies for this is allowed in Account 107-313 and he is just requesting permission to attend. It will be held in Dr. John Evans' office in Indianapolis at 4:00 p.m.

Mr. Willner said they are going to try to get a bill to have the State pay for all autopsies in the State of Indiana. That is what the meeting is about.

Mrs. Cox said, "I also read in the paper that they are thinking of moving the entire Medical School out to the USI Complex and combining U of E and UST. If they did that, that would be the logical place for a regional morgue and I think that is the way to go. And I would certainly be amenable to the County participating with some funds to help build this facility. It would be an excellent teaching facility for the doctors and nurses and it certainly would ease our financial load in the future. I don't think the State is going to do that. I don't think the State will pay for the autopsies. When the State pays, the State says -- isn't that how the saying goes? If they're going to do that, you're going to see us no longer have County Coroners and we'll end up with these Regional Medical Examiners. I think if they push for the State to pay for the autopsies, I think that is the way the Legislature will go. However, I have no objections to his going up there and finding out what is taking place."

There being no further comment, it was the consensus that the travel request be approved.

RE: OLD BUSINESS

Open Burning Ordinance: Commissioner Borries said we have advertised or will be advertising with regard to our Open Burning Ordinance. We've had a lot of pretty days, but we are surely down insofar as waterfall is concerned. It is kind of unusual to see people watering so early.

Cumulative Bridge Fund Ordinance: Commissioner Cox said last week the Board discussed the establishment of a Cumulative Bridge Ordinance for the next five (5) year period and whether to keep it at the ten (10) cents or whether to increase it to fifteen (15) cents as it was in the past. She did pull information from the 1985 Bridge Report and the 1987 Bridge Report and the 1985 Bridge Report indicates that through the year 1990 we will need \$7,033,000.00 to take care of the recommended rehab and repair, replacement, and maintenance needs. Now, these bridges (and they are listed on a report) do not include the Boonville-New Harmony Bridge (which is in design right now); it does not include the Union Township Underpass; it does not include the USI Overpass; nor does it include the two (2) bridges on Lynch Road Extension, nor the bridge on North Green River Rd., nor the bridge that we talked about but really haven't done too much on -- the North Kentucky Avenue Bridge over Pigeon Creek (to cut out the Stringtown-Cardinal Drive and Tulip Avenue and that kind of traffic). Therefore, she will submit it for this Board's consideration. She doesn't know what the dollar and cent figures are that we need to add in on these other bridges. But just for the rehab, replacement, repair, etc., for the regular bridges and not any of these new ones that we're going to build up to 1990 we will need in excess of \$7 million.

Commissioner Borries thanked Mrs. Cox for the report and said the secretary will make copies and distribute same.

Boehne Camp Road: Commissioner Borries said the Board has discussed Boehne Camp Rd. He drove that this past week near Perry Heights School and did not see a posted speed limit on the part in question from S.R. 62 going north to Hogue Rd.

Mrs. Cox asked what the County speed limit is?

Commissioner Willner said it is 45 mph unless otherwise posted.

Commissioner Borries said it seems to him the average speed on the report submitted by Sheriff was 46 mph. There is a school there and two other building projects. A senior citizens facility has just been completed and on the northeast side of the intersection is some other construction going on.

Commissioner Cox said this is the big apartment complex being developed by Paul Neville.

Commissioner Borries said he saw no posted speed limit -- so if the speed is lowered the ordinance would have to be changed. Again, he believes the Sheriff's report indicated an average speed of 46 mph.

Commissioner Cox asked, "Well, do we want to bring all of our informational materials and definitely put it on the agenda for a decision next week? It was subsequently determined that this matter will be placed on next week's agenda."



RE: FUNDS FOR ROAD PAVING PROGRAM

County Auditor Sam Humphrey returned to the meeting with a Financial Report. He said the cash balance on hand in Roads & Streets was \$2,800,000 and under the Miscellaneous Revenue schedule was \$2,570,524. \$2 million of that came from the County Option Income Tax as a budget revenue estimate.

Commissioner Borries said he understands. But he also sees that under March appropriations (which really was their only question) is the \$500,000 and it has been deducted.

Mr. Humphrey confirmed this is correct and said there is \$2,087,600 left in that and you take \$1-1/2 million out of that and that will leave over \$1/2 million.

Commissioner Borries said there shouldn't be any problem then.

Mr. Humphrey said, "Now, that is assuming that Council puts that full \$2 million in that Miscellaneous Revenue account. All we did was to budget it for them. They have put \$1/2 million in it in March and if they approve and allocate the other \$1-1/2 million, then that completes that Miscellaneous Revenue schedule."

Commissioner Borries said, "It is my understanding that upon discussing it and looking at Andy's figures and the additional appropriations that had been requested in order to complete what the public's concerns were -- as Andy has pointed out, there are a couple that are unpaved roads and he has tried again to cost out the depth and thickness of those. But it was my understanding that we would proceed from this account. So we shall see."

RE: SCHEDULED MEETINGS

Wed.	May 4	2:00 p.m.	County Council Meeting.
Wed.	May 4	6:00 p.m.	Area Plan Commission
Thurs.	May 5	4:15 p.m.	EUTS Meeting (Room 307)

RE: CLOSING OF CITY/COUNTY OFFICES - PRIMARY ELECTION

It was announced by President Borries that all City/County Offices will be closed tomorrow (May 3rd) for Primary Elections in the State of Indiana.

RE: CLAIMS

President Borries said no claims were submitted for approval today.

RE: EMPLOYMENT CHANGES

County Assessor (Appointments)

Beverly A. Nance	Reass. Dep.	\$13,978/Yr.	Eff: 4/25/88
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Pigeon Township Assessor (Appointments)

Judith E. Stricker	Chief Deputy	\$20,180/Yr.	Eff: 4/25/88
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Pigeon Township Assessor (Releases)

Joan M. Dorsey	Chief Deputy	\$20,180/Yr.	Eff: 4/22/88
Judith Stricker	First Deputy	\$13,978/Yr.	Eff: 4/22/88

Area Plan Commission (Appointments)

Brenda Steber	Technician	\$14,000/Yr.	Eff: 5/9/88
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Co-Operative Extension Service (Releases)

Jane Jett Ext. Agent \$13,287/Yr. Eff: 4/19/88

Clerk of Circuit & Superior Courts (Appointments)

Dianna Schrock Dep. Clerk \$535.55/Pay Eff: 4/25/88

Clerk of Circuit & Superior Courts (Releases)

Raenna Kaye Hendricks Dep. Clerk \$535.55/Pay Eff: 4/23/88

Election Office (Appointments)

Doris E. Cato Dep. Clerk \$4.85/Hr. Eff: 4/25/88

Sylvia Loviscek Dep. Clerk \$4.85/Hr. Eff: 4/26/88

Casey E. Randolph, Jr. Bal. Assem. \$4.85/Hr. Eff: 4/25/88

Circuit Court (Appointments)

James C. Dassel PTBB \$5.00/Hr. Eff: 4/21/88

James M. Worley PTBB \$5.00/Hr. Eff: 4/14/88

Linda F. Sumner Overtime \$893.97/Yr. Eff: 1987\*

Lucille Smith Overtime \$1,163.58/Yr. Eff: 1987\*

Karen J. Destache Overtime \$ 616.35/Yr. Eff: 1987\*

Wanda Ringham Overtime \$1,687.14/Yr. Eff: 1987\*

Stephen Fuchs Supv. \$20,987/Yr. Eff: 4/25/88

\*January 1 thru December 31, 1987

The Commissioners requested that the County Auditor check out the "overtime" denoted for Linda Sumner, Lucille Smith, Karen Destache and Wanda Ringham.

Circuit Court (Releases)

Dennis Heathcott Asst. Dir. \$3,247/Yr. Eff: 4/18/88

Dennis Heathcott Asst. Dir. \$20,987/Yr. Eff: 4/18/88

Burdette Park (Appointments)

Teresa Kissel Rink Guard \$3.50/Hr. Eff: 4/15/88

Tony Behme PTGC \$4.00/Hr. Eff: 4/19/88

Bryan Austill PTGC \$4.00/Hr. Eff: 4/13/88

Jason Fowler PTGC \$4.00/Hr. Eff: 4/13/88

Burdette Park (Releases)

Teresa Kissel Rink Guard \$3.50/Hr. Eff: 4/18/88

Brenda Mitz Rink Cashier \$4.00/Hr. Eff: 4/26/88

Todd Halbrook Disc Jockey \$4.25/Hr. Eff: 4/26/88

There being no further business to come before the Board at this time, President Borries declared the meeting adjourned at 4:46 p.m.

PRESENT:      COMMISSIONERS      COUNTY AUDITOR      COUNTY ATTORNEY

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

Sam Humphrey

Curt John

COUNTY HIGHWAY

COUNTY ENGINEER

SHERIFF

Bill Bethel

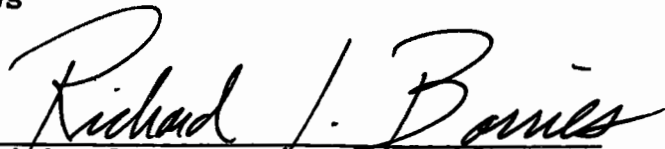
Andy Easley

C. Shepard

OTHER

Mike Schopmeyer  
Kevin Messmer  
Mr. Hodge  
Mr. Spaulding  
News Media

SECRETARY: Joanne A. Matthews

  
Richard J. Borries, President

  
Robert L. Willner, Vice President

  
Shirley Jean Cox, Member

Note: With regard to Overtime reflected on Page 8 under Circuit Court for four (4) employees for 1987, which the Commissioners had requested that the County Auditor check out, Connie Gard of Circuit Court advises this is Overtime Pay for full time employees who worked in excess of forty (40) hours per week....and they are just catching up with 1987. If the Commissioners have further questions, they can direct them to Judge Miller. (Acct. #136-130)

MINUTES  
COUNTY COMMISSIONERS MEETING  
MAY 9, 1988

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MINUTES  
COUNTY COMMISSIONERS MEETING  
MAY 9, 1988

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, May 9, 1988, in the Commissioners Hearing Room, with President Rick Borries presiding.

The meeting was called to order by President Borries, who welcomed all attendees and subsequently entertained a motion concerning approval of the minutes of March 28th and May 2nd.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, both sets of minutes were approved as engrossed by the County Auditor and the reading of same waived. So ordered.

RE: AUTHORIZATION TO OPEN BIDS

President Borries entertained a motion to authorize County Attorney David Miler to open bids received re furnishing and delivering Heating, Ventilation and Air Conditioning for Vanderburgh Auditorium and the invitational bids on the Overpass at Highway 62 and USI.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, authorization was so given. So ordered.

RE: NEW MAIN SWITCH GEAR FOR VANDERBURGH AUDITORIUM RENOVATION

Roger Lehman, Building Commissioner, advised that he does not have anything for Item #4 on the agenda (recommendation re new main switch gear for Vanderburgh Auditorium) -- this has already been processed.

RE: PUBLIC HEARING RE OPEN BURNING ORDINANCE

The meeting proceeded with President Borries advising that the Open Burning Ordinance has been advertised in the media and persons who might wish to speak to this could do so in today's meeting. This Ordinance has been revised at least twice. It has been studied at length and referred to the Indiana Department of Natural Resources (specifically, the Fire Weather Forecaster Division) for their input. At this time he will see if any of the Commissioners wish to speak re this Ordinance and if there is anyone in the audience who wishes to speak regarding this Ordinance. Again, the Ordinance was published in its entirety in the local newspaper.

Commissioner Cox said she has no comments other than those previously made concerning the Ordinance.

Commissioner Borries said the Ordinance will not be implemented unless a fire emergency exists and at that time it would only be implemented until this Board would decide that a fire emergency no longer exists. We have contacts in the Department of Natural Resources who will advise us concerning these emergencies. Within a year we hope the Indiana Department of Natural Resources has a site in Wesselman Park which will also begin to give us some very accurate information about open burning emergencies.

There being no further response from either the Commissioners or anyone in the audience, a motion was entertained.

Motion was made by Commissioner Willner that the Ordinance be approved on Third Reading, with a second from Commissioner Cox.

President Borries then asked for a roll call vote. Commissioner Cox, yes; Commissioner Willner, yes; Commissioner Borries, yes. Motion was declared unanimously approved by roll call vote.

Commissioner Cox asked President Borries if a letter could also be sent (together with copy of the Ordinance) to the Fire Weather Forecaster, because he gave the Commissioners the impression that as soon as we enacted an Ordinance that this would be a green light for him to proceed with the establishment of the Weather Station at Wesselman Park.

Commissioner Borries said this will certainly be done. He directed the news media's attention to the fact that the Commissioners have approved the Ordinance. It is not, however, in effect and no burning has been restricted at this time. The Ordinance will only be used in fire emergency situations.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Work Report/County Garage: Mr. Bethel submitted copies of the Weekly Work Report for Employees at the County Garage for period of May 2 thru May 5, 1988.....report received and filed.

Gradall: 8625 Green River Rd., Woodland Hills and Young Road

Belt

Loader: Boonville-New Harmony Rd. and Schmidt Rd.

Paving

Crew: Baseline Rd. and Owensville Rd.

Patch

Crew: Old Henderson Rd., Oak Hill Rd., Green River Rd. and intersection of Allen's Lane and Mesker Park Drive

Trash

Crew: River Rd., Lynn Rd. and worked at the Garage

Grader: Outer Darmstadt Rd., Schmuck Rd., Seib Rd. and Emge Rd.

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

- Installed culverts on Mill Rd., Happe Rd., and Fuquay Rd.
- Cut the following roads for culvert installation: Mill Rd., Happe Rd., Mohr Rd., Schutte Rd., and Baumgart Rd.
- Painted guard rail and cut grass on Oak Hill Rd. and Tupman Rd.

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

Damaged Roads: Mr. Bethel said the matter of roads damaged by the Ohio Valley Welding Company during installation of gas lines for SIGECO has been pending for some time. This concerns Volkman Rd., West Franklin, Schroeder Rd., and Smith-Diamond Rd. in Vanderburgh County. The installation of gas lines damaged the surface of above-mentioned roads. According to information received from County Attorney Miller, in late 1986, a lawsuit was filed against Ohio Valley Welding in Vanderburgh Superior Court. The matter was venued to Warrick County at the request of Ohio Valley Welding Co. A trial date of October 31, 1988 has been scheduled. While Ohio Valley Welding maintains that they did not

damage all the areas in question, they must certainly estimate that cost for J. H. Rudolph to repair roads is \$39,890.00. A copy of the estimate is attached to the letter he received. As of this date, a settlement offer of \$22,500.00 has been made by Ohio Valley Welding. Originally we had demanded \$30,000. To settle this matter, it is his feeling that the County could settle this lawsuit for around \$28,000.00. If we were to go to trial, it would cost approximately \$5,000.00 to prepare and try this case in Warrick County. Since this would be a jury trial, the trial would take at least three days. Again, this letter was sent to him by David Miller, County Attorney. Mr. Bethel said it is his honest opinion that we should take the settlement and get it off the record.

Mrs. Cox said she would tend to agree with Mr. Bethel. She thinks we should get those damaged areas in place on those roads as soon as possible and not run up into the fall and another winter, because it has caused some deterioration and the matter has been hanging in the air for almost 2-1/2 to 3 years now.

Attorney Miller said he recommends the settlement. He thinks it will be a battle royal to try the case and the settlement offer is in the ballpark.

Mrs. Cox said she thinks, too, that SIGECO did assure us that they now have a clause in any sub-contract work that goes out that will speak to this. Sometimes you learn the hard way.

Attorney Miller said, "That is right; that was worked out."

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the \$28,000.00 settlement was approved. So ordered.

RE: REQUESTS TO TRAVEL - COUNTY ASSESSOR & KNIGHT TOWNSHIP ASSESSOR

The meeting continued with President Borries presenting travel requests from the County Assessor and the Knight Township Assessor. This is regarding a Manatron Training School to be held in Indianapolis on May 24, 25 and 26 and the sessions will be conducted by Manatron's Educational Instructor. This concerns the re-assessment.

Commissioner Willner moved that the requests be approved.

Commissioner Cox commented that she doesn't think we have a choice in the matter. We have the equipment and we have to know how to operate it. Thus, she seconds the motion. So ordered.

RE: REQUEST TO BORROW VOTOMATICS

A request from Rick Steinkamp, Mayor of Mater Dei-ville (Mater Dei Student Council) to borrow four (4) Votomatics for their spring election was submitted. Mr. Borries said they would pick up the equipment on Monday, May 16th, and return same on Thursday, May 19th.

The Commissioners unanimously approved the request.

RE: ACCEPTANCE OF CHECK - WEST HEIGHTS SCHOOL

A check in the amount of \$1.00 from the Evansville-Vanderburgh School Corporation for rent on West Heights School was presented.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the check was accepted for endorsement and deposit into the County General Fund. So ordered.

Mrs. Cox noted they do take good care of the property.



Commissioner Borries agreed and said he thinks the \$1.00 is but a small portion of the value to the students who are gaining some very valuable skills in terms of job development at the West Heights Trade School -- so it is a very worthwhile program.

RE: CLERK OF THE CIRCUIT COURT - MONTHLY REPORT

President Borries submitted the Monthly Report for period ending April 29, 1988 from the Clerk of the Circuit Court.....report received and filed.

RE: OLD BUSINESS

Boehne Camp Rd. Speed Limit: President Borries said that under "Old Business" we still have pending the matter of the speed limit on Boehne Camp Rd. (between Highway 62 and Hogue Rd.). He believes the Sheriff identified the average speed as being 46 mph. The County Ordinance is 45 mph on County roads, unless otherwise posted. He entertained discussion concerning the matter.

In view of the development along the corridor and the fact that the road has a school at the corner of Hogue and Boehne Camp Roads and a proposed condo going up at the corner of Highway 62 and Boehne Camp Rd., and also the convalescent nursing center already under construction, the narrowness of the roadway and hilliness of the terrain, the fact that there are seven to nine school busses utilizing the road both in the morning and in the evening, Commissioner Cox moved that our Vanderburgh County Ordinance for speed along that section of Boehne Camp Rd. between Highway 62 and Hogue Rd. be amended to reflect a speed limit of 35 mph. A second to the motion was provided by Commissioner Willner. So ordered.

President Borries said the Board is instructing County Engineer Andy Easley to prepare an amendment to the County Ordinance reflecting the 35 mph speed limit, and to also contact the Traffic Engineer to arrange for the proper 35 mph speed limit signs.

RE: SCHEDULED MEETINGS

Wed.	May 11	4:00 p.m.	Legal Aid Society Annual Mtg. (Room 303)
Mon.	May 16	7:30 p.m.	Bid Opening/Hillcrest Washington Roof, etc.

RE: INSURANCE - VETERANS MEMORIAL COLISEUM

Commissioner Cox said she has a notation on her calendar (which she carries over from year to year) that our insurance coverage notification is due from the Veteran's organization for the Coliseum. She understands that they did send a notice of their paid premium to us. Therefore, we need to get this on record that their insurance premium has been paid.

Mr. James Lindenschmidt confirmed that this is correct. They received the \$2,821.40 for insurance premium for the Coliseum from the Council of Veterans Organizations last week and it was quietused into the General Fund. This satisfies the contract the Veterans have regarding the maintenance and administration at the Coliseum. (Quietus 11268)

RE: COUNTY ENGINEER - ANDY EASLEY

Mr. Easley said some of the items he has on his list for discussion were given to him by Rose Zigenfus of EUTS (who is out of town this week).

Proposals on Interchange Feasibility Study/USI: Mr. Easley asked if the Attorney has opened the proposals received.

Mr. Borries said he has, but they have not yet been read aloud.

Amendment to Engineering Agreement with United Consulting Engineers on Design of North Green River Rd. for Design of Traffic Signals at Spring Valley Rd. and Green River Rd.: Mr. Easley said he believes Mrs. Zigenfus mentioned this a week or two ago -- that it needed to be executed. This is strictly for the design -- and the signal will not be installed until the situation warrants or justifies same. At least, this is his understanding. But in order to have them design this as part of our Engineering Agreement, this amendment needs to be executed. He said Attorney Miller probably hasn't seen this, so perhaps he would like to scan it at this time prior to the Commissioners signing same. Mrs. Zigenfus has requested that if at all possible the Commissioners execute this agreement.

Attorney Miller asked whether Mr. Easley has reviewed the fee justification?

Mr. Easley responded in the affirmative. He thinks it is around \$5,000.00.

Attorney Miller said it is \$5,200.00. In their letter they refer to it as a supplementary amount of \$5,200.00. However, as he reads the amendment it appears that the base contract is not to exceed a certain amount of money for engineering.

Mr. Easley confirmed that this is correct.

Attorney Miller said he guesses the only question he has is, "Suppose they would be able to get this work done for \$4,500.00, but they might exceed the time that they anticipated on another aspect of the work? Could they pour those hours over into this project?"

Mr. Easley replied, "It probably adds on to their base contract. I don't know that there is any way that I have ever heard of to control that other than an audit -- if we wanted to ask them?"

Attorney Miller said, "I noted they added it to the base contract amount for road design and plans. So I guess that throws it all in there together."

Mr. Easley said, "I think it is normally done that way."

Attorney Miller said, "That is the only thing I would point out to the Commissioners. Instead of saying it may cost up to \$5,200.00 to do this additional thing only, they have added up to \$5,200.00 to the entire contract so that the engineering cost that you are paying here could be applied to engineering cost for other parts of the project. But I assume that was understood."

Commissioner Willner said, "I think they have to on a Federal project in order to get matching money."

Commissioner Cox said, "I don't see why we have to have an amendment to the agreement. That traffic signal was to be part of that road design a long time ago. Why wasn't it included in the advertisement for the design of that road, because that was an agreement when I served on the Area Plan Commission -- that the rezoning of that property in the area was based on the fact that the developer would help to pay for these traffic signals that were installed. So why? Was this overlooked when we had our consultants to tell us what kind of road? Or, why are we coming back with an amendment, Andy?"

Mr. Easley responded, "I think the scope of services when we retained them -- I don't recall that it included Spring Valley. Rose tells me that the scope of the contract does include a signal at Theater Drive, but not Spring Valley -- and when we had the field check it was pointed out that a signal would be needed there because of the turning movements. Apparently, it was an oversight. The consultants didn't know that much about the project when they were hired. And Rose and I in putting together the scope of the services and interviewing the consultants neither of us realized that the traffic counts would require a signal.

Commissioner Cox asked, "What is the total amount of the contract with that firm?"

Commissioner Willner interjected, "I believe it was \$103,300.00 for the engineering portion. Now it is \$108,500.00 with this supplement added. If I understand correctly, we are just going to do the engineering but not install the light until we absolutely see that it is needed."

Mr. Easley said, "That is absolutely correct. I think that some conduits would be put under the pavement so they could get all the wires under the pavement and not have to cut or bore to do improvements."

Mr. Willner said, "I agree with that and I'd really like to see that verbiage added to the one on Theater Drive. The reason I'm saying this is because, it is my opinion that traffic on Green River Rd. will be reduced by a goodly number as soon as I-164 becomes operational -- which is probably going to be around the time that this Green River Rd. is done. So I am really saying that, in my opinion, there is only going to be local traffic -- no high speed thru traffic -- and I doubt very seriously that these lights will be needed. However, I would like to have the conduit in and be ready for it. Thus, I move that the verbiage and the engineering be approved.

Mrs. Cox seconded the motion. So ordered.

Agreement with City of Evansville Board of Public Works re Pollack Avenue Design Mr. Easley said the next item concerns an agreement with the City of Evansville Board of Public Works to design Pollack Avenue from Green River Rd. east to Fuquay Rd. The work would be done by the City Engineer's Office and he believes this has been discussed with the Commissioners previously and the fee is \$61,250.00. There is a timetable that obligates them to perform the work within a certain time period (mainly, one calendar year to get everything done that needs to be done). It is a format that we have always used that the Indiana Department of Highways requires us to use and we hire a consultant for any other type of Federal Aid project. He will also give this to Attorney Miller for his perusal. It is a standard contract and has attachments that can only go with the contract. If the Commissioners want to take this under advisement, that is fine.

Commissioner Borries said he would like for the Commissioners to see the information that has been developed at this time and the Board will want to take this under advisement.

Commissioner Cox asked, "Is the City planning on improving Pollack Avenue in the City's portion?"

Mr. Easley said, "They will be participating in this project."

Mr. Willner asked, "Who is going to draw their section of Pollack Avenue?"

Mr. Easley asked, "Where is the City Limit line?"

Mrs. Cox replied, "Green River Rd."

Mr. Easley said, "Then this is all in the County."

Mr. Borries said, "No, no -- the City Limits go to right at Indian Woods. At this point, they are in the County. Now I think there is discussion and at some point in the future there will be plans for some annexation, since that is a rapidly developing area and you have the Eastland Estates, Audubon Estates, etc. But beyond Indian Woods I think there is a little area carved out (about two or three houses carved out just north of Hoosier Avenue and Pollack around Indian Woods -- when Indian Woods was originally developed) -- but that is the City Limits at this time."

Mr. Easley said, "But they will participate on whatever is in the City. Just like we've had a joint project on Covert Avenue."

Mr. Willner said, "I would like to have an exact map of what it entails -- from where to where, etc."

Mr. Easley said he will get the Commissioners a map.

Commissioner Borries said, "I think the City would also undertake all the widening that would go to Clayton Avenue and beyond. It is improved to Green River Rd., but there are no sidewalks or any widening that has taken place east of Green River Rd. and Pollack Avenue."

Whispering Hills Subdivision - Section "B"/Acceptance of Street:  
Mr. Easley said the Chief Deputy Surveyor, Bill Jeffers, will not be at today's meeting. However, he commented to Mr. Easley that this one short section of street which was inadvertently overlooked when we accepted the original section "B" that he didn't think there were any drainage plans as far as underground storm sewers out there. Messrs. Easley and Bethel observed some very well graded ditches and there are culverts in. If the Commissioners haven't had a chance to look at that area, the matter can be deferred for another week. But Mr. Elpers would like to have that accepted.

RE: READING OF BIDS RE VANDERBURGH AUDITORIUM

Attorney Miller said all of the bids received are legally in order. The bid bonds are all appropriate; the addendums have been acknowledged as received; and the financial statements are on file.

Arc Construction Co., Inc. bids \$262,600.00. Alternate #1 calls for a reduction of \$5,000.00; Alternate #2 calls for an increase of \$8,600.00; Alternate #3 an increase of \$5,600.00; and, Alternate #4 an increase of \$13,600.00.

Goedde Plumbing & Heating, Inc. bids \$310,050.00, with a reduction under Alternate #1 of \$4,000.00; Alternate #2 an addition of \$9,881.00; Alternate #3 an addition of \$5,612.00 and Alternate #4 an addition of \$14,095.00.

Industrial Contractors, Inc. submitted a base bid of \$377,055.00; Alternate #1, a \$4,000.00 reduction; Alternate #2 an increase of \$14,357.00; Alternate #3 an increase of \$5,500.00; Alternate #4 an increase of \$19,305.00.

Peyronnin Construction, Inc. submitted a base bid of \$309,000.00. Alternate #1, a \$4,600.00 reduction; Alternate #2, an increase of \$11,200.00; Alternate #3, an increase of \$5,450.00; and Alternte #4, an increase of \$13,590.00.

Precision Piping & Mechanical, Inc. bids \$351,733.00 for a base bid. Alternate #1, a decrease of \$4,000.00; Alternate #2, an increase of \$19,800.00; Alternate #3, an increase of \$5,772.00; and alternate #4, an increase of \$11,990.00.

Shekyl1 did not submit a bid.

Commissioner Borries said that Mr. Tony Clements of W..S.C. Associates, the engineering consultants, and Mr. Roger Lehman, the Building Commissioner, recommend that the bids be taken under advisement until the next Commissioners meeting or a period of one (1) week. That is an evening meeting. If there is any change or extra time is required, Commissioner Borries asked that the Board be so advised. A motion was entertained.

Motion that the bids be taken under advisement for one(1) week was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

RE: READING OF BIDS RE USI OVERPASS

Attorney Miller said the bids received contain extensive discussion of the services that each of the engineering firms contemplates, so he is not sure in comparing dollars that we are comparing apples and apples. In any event, the not to exceed bids were as follows:

Veach, Nicholson, Griggs Associates:    -\$ 9,700.00

Bernardin, Lochmueller & Associates:   -\$19,002.00

Morley & Associates, Inc.:               -\$ 5,750.00

Again, Attorney Miller said the Commissioners can see why we are not comparing apples and apples. Thus, he would urge that the Board take the bids under advisement and have them thoroughly reviewed by the County Engineer for purposes of determining who gets what for what.

Commissioner Cox asked if anything is mentioned about a time frame?

Attorney Miller said, "Frankly, I didn't have time to read them thoroughly. I can go back through them...."

Mrs. Cox said, "No, we can just take them under advisement."

Attorney Miller said, "I had a tough enough time finding the 'money'."

Commissioner Cox said, "I did read the proposals that came in and I think one of them gave us an estimated time frame of sixty (60) days."

Attorney Miller said, "I can't say that I saw it in any of them, but I'm sure it is there."

Commissioner Borries said, "What we have previously done is to have some of our technical people and the Commissioners, if available, to sit in on interviews. Since we have three bids, we may want to do this and, of course, refer these for ~~approval~~ County Engineer and EUTS officials as we take these under advisement. At this time do I have a motion to take these under advisement?

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

RE: LEGAL ACTION RE AMBULANCE SERVICES

Attorney Miller reported that he has one more quick report to make to the Commissioners on the Vanderburgh County legal actions against those who were provided with ambulance service. He has the following collections to provide to the Auditor for proper disposition:

Thomas Yeates.....	\$ 20.00
Audrey Chapman.....	\$ 25.00
Thomas Jarvis.....	\$ 5.00 (1st payment)
Thomas Jarvis.....	\$ 5.00 (2nd payment)
Daren Hines	\$336.00

As in the past, he has an updated report that contains the status of each of the collection efforts that he will submit for the record and the Commissioners' review.

There was one other development in one of these cases and that concerns Mr. Eugene Kempf, who was transported by ambulance after a near electrocution in which he suffered severe burns. He has engaged Counsel to seek a recovery for those injuries. His Attorney, Mr. McGinn, wrote us a letter admitting that the amount is due, indicating that Mr. Kempf and his family are receiving only some Welfare money at this time and indicating that in the event of a recovery in the lawsuit Mr. McGinn will protect the County's interest in obtaining payment for the ambulance services. I think that is the best we will be able to do with Mr. Kempf.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the checks were accepted for endorsement and deposit into the County General Fund. So ordered.

RE: BURDETTE PARK - MARK TULEY

Request to Go on Council Call: Mr. Tuley submitted a request to be placed on County Council's agenda next month for the following:

Additional Appropriations

145-352 Repairs to Equipment	\$10,000.00
145-354 Repairs to Pool	\$ 5,000.00
145-355 Repairs to Buildings	\$10,000.00

Transfer of Funds

<u>From</u>	
145-118 Other Employees	\$ 2,000.00

<u>To</u>	
145-130 Overtime	

Council is aware that he will be coming back for the above-mentioned. Earlier in the year repairs to equipment was set at \$14,000 and last year we spent \$26,000. He tries to hold those accounts down as much as possible, but they have had some things come up this year that were unexpected (a couple of sewer collapses, etc.) and these have depleted the repairs to building account. He did put them on notice the last time he appeared before Council that he was running short in those accounts and they know he is coming. They may not give him the money --but they know he is coming.

Mrs. Cox asked, "So this is just for regular repairs?"

Mr. Tuley responded, "Yes, regular maintenance. The repairs to equipment -- that is everything from trucks, tractors, air conditioners, all down the line. Repairs to buildings includes anything from doors to windows -- general maintenance. What happened on the repairs to the pool -- they did give us \$5,000 at budget time. But the diving .....had to be replaced this year; they are 27 years old and we've been patching those for the last six (6) years. We were hoping we could get one more year out of them, but we didn't. That cost us about \$7,500 to replace those. They will be done in about a week.



Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, Mr. Tuley was authorized to go before Council next month with regard to the aforementioned.

MDA Canine Walk: Mr. Tuley requested the Commissioners to sign an Event Proposal Form with regard to a Canine Walk to be held at Burdette for charity purposes. All the dogs will be on a leash. There will be a one mile fun walk and then for those who are energetic there will be a five mile walk. The document is basically for insurance purposes, which basically indemnifies and holds harmless the MDA from any liability. This is a first for this type of event in this area and they're excited to be a part of it. But he does admit that this is an unusual event. This will be in the scouting area of the park -- and not up around the lake. When it comes to the five mile walk, they will probably be in the general area of the park, but, hopefully, there will be enough volunteers to keep the event well supervised. He doesn't know how many people are really going to be interested in taking the five mile walk anyway. He guesses the jury will be in on June 4th. He has these forms all the time and generally just has them approved by Burdette's insurance carrier. Since they wanted an agreement signed, he thought the Commissioners should take a look at it. But actually it is no different than having a car show or any of the other promotions they have at Burdette.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the form was signed. So ordered.

RE: CLAIMS

President Borries said he has no claims to be presented for approval at this time.

RE: EMPLOYMENT CHANGES

Auditorium (Releases)

Mike Glover	Part Time	\$4.00/Hr.	Eff: 4/8/88
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Election Office (Appointments)

Doris McGlothlin	Dep. Clerk	\$4.85/Hr.	Eff: 5/2/88
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Election Office (Releases)

Doris McGlothlin	Dep. Clerk	\$4.85/Hr.	Eff: 3/5/88
Mary Lee Bassmier	Dep. Clerk	\$4.85/Hr.	Eff: 5/3/88
Clara Louise Berry	Dep. Clerk	\$4.85/Hr.	Eff: 5/5/88
Doris E. Cato	Dep. Clerk	\$4.85/Hr.	Eff: 5/5/88
John Lee Jones	Bal. Assem.	\$4.85/Hr.	Eff: 5/5/88
R. W. Thompson	Bal. Assem.	\$5.75/Hr.	Eff: 5/5/88
Carol J. Primm	Dep. Clerk	\$5.70/Hr.	Eff: 5/5/88
Sylvia Loviscek	Dep. Clerk	\$4.85/Hr.	Eff: 5/5/88
Casey Randolph	Bal. Assem.	\$4.85/Hr.	Eff: 5/5/88
Charlotte Shetler	Dep. Clerk	\$4.85/Hr.	Eff: 5/5/88
Gerald Wohlhueter	Bal. Assem.	\$4.85/Hr.	Eff: 5/5/88

There being no further business to come before the Board at this time, President Borries declared the meeting adjourned at 4:45 p.m.

RE: APPROVAL OF FUNDS FOR R&S

Commissioner Cox said she attended the County Council Meeting on Wednesday of last week re the approval of Bill Bethel's request to go on Council Call for an additional \$450,000. Council indicated they wanted a letter so stating that the funds were available in the R&S? Is that correct?

Mr. Bethel said that is correct and Mr. Easley has gone down now to turn in the request.



Commissioner Borries said the Commissioners had to determine that those funds were available. He asked County Auditor Sam Humphrey if the funds are available to his knowledge?

Commissioner Cox said Auditor Humphrey was at the Council Meeting and he gave them a run-down sheet on the Local Option Income Tax monies and that he had allocated \$2 million into R&S.

Mr. Humphrey said it has been allocated at the original budget session but it has to be appropriated.

Commissioner Cox said the Commissioners had asked for \$500,000 and then they went back and asked for \$1.5 million, making it \$2 million. Now they want an additional \$450,000 appropriated. According to the sheet given to the Commissioners the money is available in R&S.

Mr. Humphrey said this is correct.

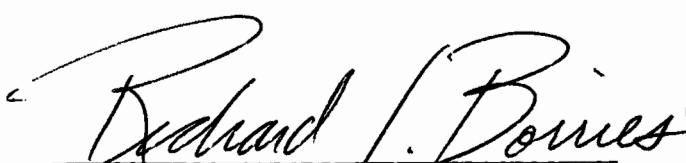
Commissioner Cox asked if Mr. Humphrey took care of sending the requested letter to Council?

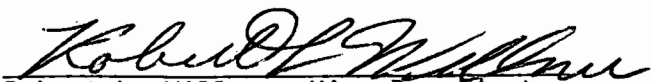
He said he has not.

Commissioner Borries asked Mr. Humphrey if he will forward that letter to the Council and Mr. Humphrey agreed to do so.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R. J. Borries R. L. Willner S. J. Cox	Sam Humphrey	David V. Miller
	<u>COUNTY HIGHWAY</u>	<u>COUNTY ENGINEER</u>	<u>BLDG. COMMISSION</u>
	Bill Bethel	Andy Easley	Roger Lehman
	<u>BURDETTE PARK</u>	<u>OTHER</u>	
	Mark Tuley	Paul Swope Jerry E. Riney Roger Singer John Israel Robert M. Allen Herman Rexing Ben Poormokhtar Norm Meyer Helen Whisnant Herschel Seifert Others (Unidentified) News Media	

Joanne A. Matthews

  
Richard J. Borries, President

  
Robert L. Willner, Vice President

  
Shirley Jean Cox, Member

MINUTES  
COUNTY COMMISSIONERS MEETING  
MAY 16, 1988

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MINUTES  
COUNTY COMMISSIONERS MEETING  
MAY 16, 1988

The Vanderburgh County Board of Commissioners met in session at 7:30 p.m. in the Commissioners Hearing Room, with President Rick Borries presiding. The room was overflowing with attendees.

President Borries called the meeting to order and welcomed the attendees and invited them to pick up a copy of tonight's agenda from the table by the exit..

RE: AWARDING OF CONTRACT FOR U.S.I. OVERPASS

It was noted that Item #5 on the agenda (Awarding of Contract for U.S.I. Overpass) will not be heard this evening. The Commissioners have not yet had an opportunity to interview all of the Consultants. This matter will be continued.

RE: REZONING PETITION - VC-2-88 (J. H. RUDOLPH)

Rezoning Petition VC-2-88/Petitioner, J. H. Rudolph & Co.(3rd Reading) has been withdrawn. Therefore, it will be excluded from this evening's agenda.

RE: APPROVAL OF MINUTES

The Chair entertained a motion concerning approval of minutes of meeting held May 9, 1988.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the minutes of May 9, 1988 were approved as engrossed by the County Auditor and the reading of same waived. So ordered.

RE: OPENING OF BIDS FOR NEW ROOF FOR HILLCREST-WASHINGTON CHILDREN'S HOME

Commissioner Borries asked if any bids were received, and the secretary stated she gave one (1) bid to the County Attorney -- the only bid received.

County Attorney Curt John reported he has one (1) bid from U. S. Industries Group, P. O. Box 629, Evansville, IN.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the unopened bid was returned to U. S. Industries Group, Inc., and the secretary was instructed to re-advertise. So ordered.

Commissioner Borries asked if we have any information as to how many prospective bidders picked up information?

Mr. Lindenschmidt reported that four or five firms picked up

RE: AWARDING OF CONTRACT FOR FURNISHING & DELIVERING HEATING, VENTILATION & AIR CONDITIONING FOR VANDERBURGH AUDITORIUM

President Borries said Mr. Walter Clements, the Consulting Engineer on this project, is here and has a recommendation in writing to present this evening. Commissioner Borries said he

also has a letter from Roger Lehman, Building Commissioner, that he will enter into the record after Mr. Clements has made his recommendation.

Mr. Clements said the Commissioners have a copy of his recommendation. Basically, his recommendation is to accept the low bid from ARC Construction Company, which was received at the May 9th Commissioners Meeting for the 1988 HVAC Renovation of the Vanderburgh Auditorium-Convention Center. They also recommend that Alternate Bids #2, #3, and #4 be accepted. This would be a total contract amount of \$490,400.00, which is well within the budget for the project. Should this be approved, the plans are that this renovation would take place during the month of August. They have met with Ms. Rhoads, the Manager at the Auditorium, and everything suits her schedule. Everybody, including the contractor, feels the schedule is acceptable insofar as date and time.

Commissioner Borries asked if there is a recommendation from the Board?

Commissioner Cox said, "What does the contract say insofar as time required for installation?"

Mr. Clements responded, "Basically, some of the alternate work will start immediately; but the major installation and change of the air conditioning will be done during the month of August. It is scheduled for four weeks in August. The equipment will be here ahead of time. We're probably looking at a completion date of somewhere in September or October insofar as the heating changes and all the control changes and check out. But the major work will be done during August."

Mrs. Cox said, "For the record, I did receive a letter from Roger Lehman. Are you going to read that into the minutes?"

Mr. Borries said, "I am going to. I did not want to do that until we had either approved or denied the contract."

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the contract was awarded to ARC Construction Co. in the amount of \$290,400.00. So ordered.

Mr. Borries said he will at this time read the letter from Mr. Lehman into the record:

"I concur with W.S.C. Associates in recommending that we accept the low bid for the Auditorium renovation and air conditioning submitted by ARC Construction Co., Inc. The total contract amount will be \$290,400.00."

/s/ Roger Lehman  
Building Commissioner"

RE: PUBLIC HEARING - VACATION OF MILL ROAD BRIDGE

President Borries said there have been some new events with regard to Item #6 on the agenda (Vacation of Mill Road Bridge). Is there anyone who wishes to speak with regard to the vacation of Mill Road Bridge?

Commissioner Cox said, "I think we need to re-build it before we can vacate it, Mr. Borries, don't you?"

Mr. Borries said there have been some problems with that bridge since that vacation started. He said he believes that County Engineer Andy Easley has some information. He believes Mr. Easley has talked with Mr. Rex King of the State Highway Department and they are going to meet. This bridge is a very old structure that serves a farm field or some farming occupations and it is not one which is traveled by vehicular traffic to any extent. The problem is that now that the bridge is in such poor

condition, we are not going to proceed to vacate it until we make a determination here as to exactly what is going to be needed. Mr. Easley is going to meet with Mr. King to see if a culvert could be used with the stipulation that it would be for agricultural purposes only -- since that is really the only reason that the bridge is still in existence. At this point we know that the bridge is seriously listing and we are not sure whether or not it was hit by some structure or what exactly occurred. But at this time the bridge is blocked to all traffic and Mr. Easley has set up a meeting with the State Highway officials to determine the possibility of installing a culvert, which would serve the needs of the farmers in the that area.

Mr. Tim Mueller was recognized by the Chair. He said he is one of the individuals here tonight with regard to the Mill Road Bridge situation. "Are they talking about a culvert at the highway or where the old bridge was?"

County Engineer Andy Easley entered the meeting and Mr. Borries advised him that he and Mr. Mueller were discussing where this culvert would be located should the State Highway agree ....

Mr. Easley said, "I had a very brief conversation with Rex King at the Vincennes District Office. Where the old right-of-way of Mill Rd. intersects Highway 66, that is a limited access and they paid the property owners for their access rights when they built the highway and you might say they appropriate the access rights to the right-of-way. He said that if they were to benefit the County, they might be inclined to recommend that that be considered a field entrance by installing a culvert on Highway 66. Are there two ownerships that would be using it? And if it were restricted -- and absolutely no commercial use -- they would recommend to Indianapolis that it be considered to open it up as a field entrance and it would also have to be approved by the Federal Highway Administration. Now that is no commitment at all -- but he said he thought that they would give it every consideration if it would save us the cost of replacing a bridge for two farm fields."

Commissioner Willner asked, "What kind of time span are we talking about?"

Mr. Easley said, "I didn't ask him that. But I would think under the circumstances -- he talked like he could come down this week. Maybe I could call him in the morning and have him come down here and perhaps it could be expedited. Maybe they could even grant an emergency access. If they could do that, we could put a culvert in there and get it open within 48 hours I would think. Are the fields planted?"

Mr. Mueller said, "Yes -- and there are other things to do."

Mr. Easley said, "I was out of town over the weekend and didn't have a chance early this morning to go out there -- but I was out there after lunch today. It's a very deep creek."

Mrs. Cox said, "Now that we have the time element out in the open I have a question. Does that mean that farm machinery -- rather than going down Mill Road and into the old Mill Road -- would now have to go out on Highway 66?"

Mr. Easley responded, "Yes, and that's not real desirable -- but on highways I do occasionally encounter farm machinery. So it is not unknown to Southern Indiana."

Commissioner Borries said he appreciates the Mill Road residents coming down to the meeting. The Board will ask Mr. Easley to move forward on this quickly so their needs will be met. If they have any other thoughts, they should call. But the Commissioners will assist them to see what can be done. He is not prepared to

say how serious the condition of the bridge is at this point -- or whether there is a possibility on any repairs. He thinks the Board has to have more information.

Commissioner Willner asked, "Do any of the people in the area know whether or not it was hit?"

Mr. Frederick Bump was recognized by the Chair and identified himself. He stated, "Ladies and Gentlemen, I'm glad to be here. But I was the one who went across the bridge and when I looked back, the bridge was 3 ft. lower than the tractor was -- so I'm glad to be here. It was an experience. We've been farming in that area for quite a few years. I'm with Bump and Mueller Farms and this particular bridge, to my knowledge, I thought was pretty solid. And we just took for granted that we could go across it with our tractors and trucks. In fact, last fall when we harvested we went across it with big trucks -- with maybe as much as 30,000 lbs. or something like that on. So this procedure I went through was to just go across there. I heard something pop and when I looked back the piece of equipment I was on was going down -- but I was fortunate enough to be far enough over to the other side. But the bridge only went down about three or four feet. I think maybe some of the folks have inspected it and everything. To our knowledge we thought it was sound -- but it sure wasn't."

Mr. Willner asked, "A piece of equipment didn't hit the bridge then?"

Mr. Bump said, "Well, I'll tell you what happened. If you're acquainted with these old type of bridges -- the one side gave way. And when it gave away the other side of the bannister came up and it caught on the equipment -- and that is why I could not keep going on across. So it did hang on the one side. What we did, we unhooked the tractor and pulled the equipment back and the tractor on over. But the width and everything like that was in order --but it did hang because one bannister went down and the other one came up on the other side."

Mr. Easley asked, "Which one went down first?"

Mr. Bump responded, "The one on the south went down first. And then when it went down the other one came up -- and it was hanging in that position when some of the folks came and helped out."

Commissioner Willner asked, "Mr. Bump, was my statement accurate in terms that it is used at this time primarily for farming?"

Mr. Bump said, "Yes, I would say so. I don't know the background of this because I don't own the property. Some of the folks who are here do represent the property and everything -- and I don't know whether they were compensated at the original time when the State came through or not. But my thinking is that if the bridge is closed completely, why they undoubtedly got something for damage. If they didn't, they should have -- because if it is going to be closed like I hear it had planned on being -- it seems like they should be compensated for some damage because they can never have anything on the other side other than agricultural. As close as this is to Evansville and everything, I think we should always think about the possibilities of expansion. Now, that is my thinking. I am speaking as a tenant -- but still concerned about my landlords."

Commissioner Borries said the Board will work with the residents.

Mr. Evan Bosecker was recognized by the Chair. He said he is one of the landowners. "You were talking about the bridge only. What about the rest of Mill Road?"



Mr. Borries responded, "Well, we could continue maintenance on Mill Road as it affects the residents. That would be my opinion. Are you talking about a point right up to the bridge, or what?"

Mr. Bosecker said, "Well, there is still part of Mill Road on both sides of the bridge. There are no residents on designated side, but there are on the other side."

Attorney Curt John said, "There is a portion of the road itself that is being vacated, but the main thing is the bridge. The point where you start vacating Mill Road is the point at which it affects the least number of people. He thinks it only affected two properties at the point where it is being vacated."

Mr. Borries asked, "Mr. Bosecker, what would be your comment about that?"

Mr. Bosecker, "Well, being I didn't hear mention of anything about Mill Road, I was just wondering what is going to happen to Mill Road -- whether you were going to maintain it or is that included in the project?"

Commissioner Willner said, "Mill Road is going to stay just like it is now -- no change."

Mr. Bosecker, "While I am up here I have something else I'd like to bring up. If I remember it has been maybe some three years ago when you were talking about closing the bridge. I mentioned something then about the southeast abutment of the bridge which was starting to be undermined. I was wondering then if you could put some kind of rip-rap there, which it wasn't very long before you tore out that railroad bridge on Bender Road and you brought a big truckload of concrete down there, which I thought you were going to put there as rip-rap. But evidently a couple of days later somebody came along with a big scoop and pushed all of those big boulders -- instead of putting them on the left side where they are supposed to be -- and pushed them over onto the right side into the road ditch -- which I have a culvert across my driveway, and it is completely closed off. It took about a year or two. The water ran between those big boulders, but eventually dirt set up and completely closed my culvert and the water now has to cross my driveway. When the highway was built they put in a culvert on the south side of the driveway which drains at least 20 acres and the road ditch on the left side of Mill Road is completely closed up. So all of that water that came down through there ran down Mill Road over into my field, across my driveway and washed two big ditches into my field in order to get into the creek -- which is completely around the bridge abutment. My son-in-law had a tractor with a back-hoe and one day he went down there and took enough of those rocks out and he had a jack hammer and he busted those rocks up and put them where they were supposed to be in the first place. But the culvert still is not completely opened. I have a culvert between the driveway and then there was maybe a 10 ft. section where there was no culvert and then there was another culvert where it went through the wingwall of the bridge. And that is all closed up and the water still has to go around the wingwall over into my field. And the culvert is about half full of dirt; it needs cleaning out. If my son-in-law had not opened that ditch I'd probably have had a lot more damage to my field than there is. So what I would like for you to do is have somebody come out there and look at it and at least open those culverts so that the water will run back to where it originally should be."

Commissioner Borries said, "We'll have that checked."

Mr. Leo Gumbel was recognized by the Chair and stated, "As a tenant on Bosecker ground, I'd rather see a bridge."

We'd have to pull all of that stuff out on a four-lane highway, go down to St. Joe Road, make a loop and come all the way back to Mill Road, go up Mill Road to the grain bins to put the stuff in. I prefer a bridge."

The Chair then recognized Mr. Lee Riggs. He said, "I am just wondering. I can understand wanting to put a culvert in off of Highway 66, because that would certainly be the cheapest and handy for some -- but not handy for the others. But I am wondering if you decide to do that, what is going to happen to the old bridge and all that concrete that is there? Are we going to be responsible for cleaning up that mess?"

Mr. Borries responded, "No, you won't be. Had the bridge not failed because probably the age -- and that is one of the reasons we had scheduled the hearing, realizing that it could have some expense. But the condition has now changed due to the failure, so that is why we are going to have to go back, see what the costs are, and get some estimates and work with you to make sure we can allow you some kind of access here and not injure your right-of-way and entrance into that farming area. That is what we want to do."

There were comments from a couple of unidentified individuals in the audience that they preferred a bridge and that it would be much safer.

Mr. Borries said, "That is another thing we are looking at here, so the culvert might be quicker in terms of an emergency situation."

Comment was made, "Maybe temporary -- until a bridge can be built."

Mrs. Cox said, "Mr. Borries, you might want to check to see if we have any steel bridge beams stored out at the County Highway Garage that would be suitable for this area. I looked at the old bridge report and this bridge is not listed in our last Bridge Report. I did find it on Page 72 in the 1979 Bridge Report and they estimated it's length of life to be ten (10) years."

Commissioners Borries and Willner commented, "Pretty close."

Continuing, Mrs. Cox said, "They stated the deck width was 15.9 ft.. They said the timbers were good, but there was some rusting of the underlying structure. We might want to check to see what we have available in the way of steel beams. I think it said a 45 ft. span -- it isn't a very big bridge -- but it is deep down there. Maybe Andy could check on this."

Commissioner Borries expressed appreciation to the residents in attendance concerning this matter and said the Board will work with them. Again, he will ask Andy Easley to contact the State as quickly as possible. And he would ask the residents to stay in contact with the Commissioners and they will work with the residents in this emergency situation and try to get the cost estimates to see what we're talking about in terms of bridge repair.

Mrs. Cox asked, "Do you need a motion that this Petition for Vacation of Right-of-Way be postponed for a one (1) week period?"

Mr. Borries said, "Well, at least that; I think that's fine. Until we have a clear picture of what the needs are and how we can serve those needs in terms of the people from whom we've heard this evening, I don't see how we can have the hearing. So whatever this Board feels they want to do."

Mrs. Cox asked, "Is that all right with you, Bob? Perhaps we can get some answers back in a week. And several of the farmers said that within a month they need to get in there and do some spraying and other things -- so we should act on this."

Upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, the Petition for Vacation of Right-of-Way of Mill Road Bridge and Road Right-of-Way was postponed until May 23, 1988. So ordered.

Commissioner Borries advised that next week's Commissioners Meeting will be at 2:30 p.m. Before individuals come up and give up part of their afternoon, if they would call the Commission Office (426-5241) they might be able to learn what information the Commissioners have. If there is sufficient information to hold the hearing, they can come to the meeting. If information is insufficient, then the hearing will not be held and this will save their making a trip to the meeting.

RE: REZONING PETITIONS - 1ST READING

The meeting proceeded with Commissioner Borries saying policy is for the Commission to consider rezonings during introductory meeting here. They are then forwarded to the Area Plan Commission, which meets on the first Wednesday of the month. The 1st Readings will then be heard before APC on Wednesday, June 1st, and they will come back to the Commission for 3rd Reading on June 20th.

VC-13-88/James Baker & Darwin Lashley: The common known address is 2401 N. Grove Street. Current zoning is agricultural and requested zoning is M-1. There is a proposal for automobile repair, including overhauling. Commissioner Borries asked if there is anyone present to address this petition -- either for or against the petition? There was no response. He then asked for comments from the Board or a motion.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, VC-13-88 was approved on 1st Reading for forwarding to Area Plan. So ordered.

VC-14-88/First Federal Savings & Loan: Common known address is 59 S. Red Bank Rd. This is currently agricultural and requested change is to C-4. Mr. Borries then asked if there is anyone present to address this Petition? There was no response.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, VC-14-88 was approved on 1st Reading for forwarding to Area Plan Commission. So ordered.

VC-2-88/J. H. Rudolph & Co.: As announced earlier, this Petition has been withdrawn.

VC-11-88/Hadi Shrine Temple: Attorney Mike McCray was recognized by the Chair. He stated he is the attorney for the Hadi Shrine. The petition that they have presented is a petition for 29 plus acres located just north and somewhat east of the Airport Industrial Park. The land is now zoned agricultural and it is sought to have the zoning changed to C-2 to accommodate a multi-purpose lodge and a recreational area. At this point there are no specifics. No plans have been drawn; only a future idea that this area will be occupied for this use. As to specific time frames, they really can't give anyone anything in that respect at this time, except they are going to start working toward that end -- presuming this property is rezoned. For those familiar with same, access will be just as Hedden Road now dead-ends and forms a cul-de-sac -- you would bear almost up Hedden Road, across a small lane and the property is situated sort of to the right at that point. The APC Staff Report felt this was a good zoning since it serves as an excellent buffer between a fairly heavy industrial area and what is now residential and agricultural.

There were some people who appeared last time -- and he thinks perhaps with maybe one exception their comments dealt with concerns about noise factors. They had Officers of the Shrine present last time and there are some here tonight who can answer any questions the Board may have. He thinks it is fair to say that this is a very responsible organization which polices thoroughly any activities in which they are involved and this would include any activities in the planned area.

There is a concern (and he believes the folks are here tonight) -- there is a lake on this property. It is about half divided into the area that the Shrine is proposing to purchase and this other area owned by these folks. He knows they are concerned about the safety. This is to be a family-oriented place out there and he can assure the Board that every effort will be made to make sure that children are very well supervised and the area will probably be fenced in such manner as to hopefully allay the fears of these other folks who are involved in that lake. If there are any questions, he will be glad to answer them -- or, again, there are some Officers of the Shrine here who can also answer them.

The Chair entertained questions from the Board of Mr. McCray or the Shrine Officers.

Mrs. Cox said her only comment would be that the EUTS report indicates that this would not have an adverse impact on traffic in the area ("Proposed use will not impact traffic flow.")

Attorney McCray said, "The only access actually, Mrs. Cox, is on this Hedden Road extension. There is a lane that runs generally east and west and would run across about the southernmost boundary of this property. But plans, at least with the adjacent property owner, are to try to vacate that lane. It does run over to Highway 57 and it would have to cross the railroad tracks and it is not anticipated that that will ever be used -- at least the Shrine has no interest in using that. Their use will be an access through Hedden Road -- and that is somewhat east of Highway 57. There is a 9 acre tract between this tract and Highway 57 to the north."

The Chair entertained further questions of Mr. McCray or members of the Shrine.

Mr. Henry Schlensker was recognized by the Chair. He approached the podium, identified himself, and stated that he and his wife are the other half of the lake. This probably is going to work out all right. One thing he would like to address, however, is that the Kansas Road and Highway 57 intersection does not have acceleration or deceleration lanes on it. When the Industrial Park came out there, it was their understanding that they were going to do that. Malibu Park and other people who have put that much traffic on the road have had to do it -- and now the improvement to the intersection is a flashing light (which was installed a week or two ago), which he doesn't feel is adequate. And especially if we put this much more traffic at that intersection.

Commissioner Borries thanked Mr. Schlensker for his comments and entertained further comments -- either for or against VC-11-88.

Commissioner Willner said, "Mr. President, I am a member of Hadi Shrine. Is there any malice towards my not voting on this Petition?"

Commissioner Cox said, "I was just going to say my husband is a member of the Shrine, also."

Commissioner Borries said, "I'm not -- but we're going to have a problem here unless somebody moves and seconds."

Mrs. Cox said, "I think we need to declare this, however."

Commissioner Willner said, "I guess I go back a little ways, when the Shrine voted on a parcel of ground on Darmstadt Road called 'Clearcrest Country Club', and I think they have holes in their heads to turn down that piece of ground for this one. But whatever the membership wants is quite all right with me."

Motion to approve was duly made by Commissioner Willner and seconded by Commissioner Cox that VC-11-88 be approved on 1st Reading for forwarding to the Area Plan Commission.

Commissioner Borries subsequently asked for a roll call vote: Commissioner Cox, yes; Commissioner Willner, yes; and Commissioner Borries, yes. Motion passed unanimously on roll call vote that VC-11-88 be approved on 1st Reading. So ordered.

President Borries said that to address Mr. Schlensker's concerns, the Board will work with the new residents in the area and endeavor to make contacts to determine if there was some understanding that was omitted in relation to the turn blisters he discussed -- so his concerns will be addressed -- and his comments are appreciated.

RE: VC-12-88/Bethel Temple: Mr. Bob Seymour was recognized by the Chair. He approached the podium, identified himself and offered the following comments.

"I am Director of Operations for Bethel Temple and we have 47 plus people here tonight representing our Board, our members, and our spouses -- and we are asking the Commission to rezone property located at 3005 N. St. Joe Avenue. The property consists of 4.7 acres and in looking into the 1987 Comprehensive Plan for the City and the County, this property sits in the middle of what is considered a growth and expansion zone. And, in fact, in that particular area projections are for 1980 thru 2000 residential growth of 17% and commercial growth of 150%. So it is in the middle of future commercial growth from the Comprehensive Plan from the City. Our property (if I can describe the property just a little bit so you can see what we're talking about) is down St. Joe Avenue; the K-Mart is, of course, across the street just north a bit, and it includes 422 ft. that is frontage on St. Joe Avenue and 81 ft. frontage on Allen's Lane; includes 360 ft. frontage on the rear street (Crowley) ...and it is bordered on the far south end by Trinity General Baptist Church. On the northwest corner is a gas station and there are two residential homes back in the northeast section. We are requesting on the entire 4.7 acres a C-4 zoning. We have already a sale for 120 ft. of frontage over on designated end, which would include an office building. The developer has come down from northern Indiana tonight. That 120 ft. would include a one-story office building and that would sit immediately next to the church on the south end of the property. The balance of the property then, we're proposing potential use as a retail type of development. The reason we requested C-4 is because a Laundromat or dry cleaners would be the typical thing that would work well in that particular area. We have in all of our plans and our proposals, including the office development, restricted any access back onto Crowley. We're well aware that that is a very small residential dead-end street and it makes no sense to develop commercial traffic back on Crowley -- so we've restricted our planning and we would want that part of our zoning -- not to access Crowley. We have, however, asked for the 81 ft. coming out onto Allen's Lane to be used as ingress and egress back into the rear of the commercial property and, of course, there would be access onto St. Joe Avenue. We certainly want to preserve the residential area directly behind on Crowley and that is why we are quite willing to restrict that access back there.



In the preliminary discussions of rezoning the property there were some concerns about traffic at Allen's Lane and St. Joe. In looking into it, the traffic count from the Traffic Department is about 13,000 cars going in front of that property every day. The count out on Allen's Lane is 5,000 cars per day. If you get right to it, if we put 20, 30, or 40 cars out onto Allen's Lane and 80, 100, or 120 cars out onto St. Joe Avenue, we're still far below 1% of the total volume of traffic that moves through that area. It's a very high traffic area; certainly that is what makes it attractive to commercial development on a long-term basis. We would appreciate C-4 zoning tonight and would entertain any questions you might have."

The Chair entertained questions of Mr. Seymour.

Commissioner Cox asked, "Mr. Seymour, I want to make sure I understand. No access on Crowley?"

Mr. Seymour, "Right."

Mrs. Cox, "But you will have access onto St. Joe for both parcels?"

Mr. Seymour: "Yes Ma'am."

Mrs. Cox: "I noticed there was one (1) curb cut there already -- probably for the larger area."

Mr. Seymour: "There are three (3) curb cuts in the plans for the office building they have specifically asked for. They have asked for two curb cuts (one for ingress and one for egress) on the south end. And, of course there are two other existing curb cuts that would work the balance of the property. The office building has asked for (quite frankly, it is easier to in and out with two different curb cuts -- than to work with the one curb cut) -- so they have asked for one on each side. The property is too narrow to get right in the center -- so that is why they have asked for that. To answer your question, we would increase curb cuts by one, but they would be narrow and one would be in and one would be out on the office property."

Mrs. Cox, "I notice, too, on your Site Development Plan that you do not show any development proposed back toward the back of the property toward Crowley. Basically that is all residential area. Were you planning on (and oftentimes I know the backs of businesses leave a lot to be desired -- when you have to look out on the back of a commercial development with dumpsters, debris and things stored out there). Would there be some way that the back portion of your area could be landscaped or a berm put up or trees -- so it would screen the area?"

Mr. Seymour responded, "In the case of the office complex they have green space designed back there. But the green space is after parking area, so they are going to want to, quite frankly, make it look good for their patrons to park in the rear. We, also, in our proposals, show parking space back there on the retail side and certainly landscaping would be highly appropriate back in that area. There are 440 ft. from the front of that property to the back of that property. There is quite a bit of distance."

Commissioner Willner, "I think I disagree with the two curb cuts, but I am perfectly willing to leave it to the Traffic Planning Department. But what is going to happen when somebody exits and wants to go south? They are going to have to turn north and go down to St. Joe Avenue and make a U Turn at Allen's Lane -- and that's the greatest traffic problem in the County today. So, in my opinion, we need an ingress and egress in one curb cut and then make Allen's Lane subject to ingress and egress for all those properties along that stretch. That is the only way it is going to work -- in my opinion."

Commissioner Cox said, "Mr. Willner, I am not for sure that I understand. I don't see a big problem with the two curb cuts, because there is only one way that those people will be able to go when they come out of this property and that is north because there is no median cut across St. Joe and you are absolutely right, but it would seem that it would just be a better flow of traffic for them to have one entrance and one exit."

Commissioner Willner said, "That is what I said."

Mr. Seymour said, "You are saying for the office. He is saying for the whole property (I think that is what he is saying.)"

Ms. Cox asked Mr. Willner if he was saying for the whole property.

Mr. Willner answered negatively. He said, "I am saying for this office building. One curb cut. The south half being ingress and the north half of the curb cut being egress and then to have an ingress - egress on Allen's Lane through the back portion of the other property so that those persons wanting to go south could use the Allen's Lane exit and enter on Allen's Lane and then turn left on St. Joe instead of going down St. Joe north and making a U-turn. That is what is going to happen and that is where our problem is."

In response to comment from the audience, Commissioner Borries commented that Commissioner Willner is asking for information and then we will hear from remonstrators.

Commissioners Willner, Borries and Cox continued discussing the plans among themselves.

Mr. Willner pointed that he didn't want to hamper Bethel, he just wants an alternate route.

Commissioner Borries said there is some information requested by Commissioner Willner regarding part of this proposal. Are there further questions of Mr. Seymour? There were none.

Commissioner Borries then asked if there are other persons who would wish to speak either for or against this rezoning, VC-12-88?

Ms. Betty Whittinghill approached the podium and identified herself. She said she has been out at 3001 Crowley for 35 years, so she's seen the area develop and it surely is a nice piece of property to just sit there. She realizes that. But she also realizes that she believes a person could be satisfied with two pieces of candy as well as they could a full sack. So she is saying that the Church doesn't need to make this much money off the property. They could maybe go C-2 and use whatever is under C-2 for the whole area. They don't need a Laundromat there. She is willing to go for the office building and the retail stores. But if you will look at the C-2 list, she is sure they know that it is two pages of whatever -- and once it gets that, anybody changes their mind, you know -- they might decide they want something other than a Laundromat. Maybe the Laundromat man will back out and they might have to take whatever is left on the list. Also, she has been talking to the Traffic Engineer and different ones and she found that even though they say they cannot enter onto Crowley, there is always a permit. Always someone, somewhere -- can give a permit that says you can go onto a street. It is a public street and it can be entered -- therefore, they have to look out for their street. So she says if they want to develop, they should put out some money, widen their street, get a traffic light. If they are going to make money out of a property, then put some money into it -- and then make it so people can at least pass on that street. In order to pass on Crowley now, they have to go off into somebody's yard.



Also, there is a drainage problem there. When it rains there is a big lake. For years she has tried to get this taken care of -- but to no avail. It goes half way over the road when it rains -- and she is talking about the back part of the property. She made her own little map; it is not quite as big as Mr. Seymour's, but it blows Crowley Drive up -- and the area she is speaking of is in (designated) area -- which gets just like a lake. It happened when the I-64 heavy equipment came in and they auctioned it off -- and it was raining and they carried all the equipment out -- leaving a big mud hole there. So that is a drainage problem. That needs to be taken care of. Also, this street needs to be widened and there needs to be a traffic light. Now, there is going to be a lot of money made off of this property. If this property is sold and Bethel Temple has nothing more to do with it, she lives there and her neighbors live there -- and at least 87 people (and they could get more from the area all around) who have to come to designated area and try to get out each morning to go to work. There have been a lot of traffic accidents and they deserve a traffic light. She's sure some of the other people have something they also want to say.

Mrs. Cox asked, "Mrs. Whittinghill, whose property is this lake or this mud hole on? Who owns that property?"

Mrs. Whittinghill said, "That would be the property to be rezoned. When I-64 had all this heavy equipment -- and they brought all of this equipment in years ago -- and they auctioned it there -- and then they exited there onto Crowley and it made a great big mud hole -- from then on, every time it would rain that is where the water would sit -- because the water had no place to go."

Commissioner Borries asked, "Mrs. Whittinghill, specifically where were you referring to a light?"

Mrs. Whittinghill replied, "St. Joe and Allen's Lane. But the exit they have from designated area onto Allen's Lane is 300 ft. from St. Joe Avenue....."

Mr. Borries interjected that the secretary will probably have some 30 plus pages of minutes to transcribe, and asked that Ms. Whittinghill stay near the microphone. That is why he asked, for the record, when she said 'there' if she was talking about Crowley or Allen's Lane.

Ms. Whittinghill said, "I was talking -- why people way out in North Park were interested in this. Because a lot of people cut through Allen's Lane to go where they want to go (Mead Johnson or Bristol Meyers or wherever). Any other questions? I'll try -- I've tried for 35 years to straighten out my property and drainage. The way my husband and I did ours was pitiful. We got an easement to the creek. Then one spring we got out and I even sat on the thing to give it a little bit of traction -- put board after board down (it was muddy) and made a ditch down to the creek and we put our drainage in. We have our own drainage -- otherwise, we'd be sitting in water, because the rest of these people who came tonight -- that is what happens to them. They will tell you they sit in water when it rains. We have no drainage on Crowley. Crowley is a pitiful street. Really, Crowley -- here's Frank's Remodeling (pointing to map) and he owns this down here on St. Joe and he built 4 garages there; here is the creek; and he decided he wanted to get onto Crowley. Thus, he starts building up the creek here -- and he goes down Crowley. The Nursing Home built right to the edge of Crowley -- right onto Crowley. This (designated) side gave their 30 ft., but other side hasn't given theirs yet. So what is the Nursing Home have to give? Nothing. From there on it is a dead-end street. Mrs. Whittinghill said she is wondering what is going to happen. The only people who come onto their street are those who want to sell you something, or those who are lost. She is at the end of the street. What do they do? They turn around at her place. What is going to happen about that? She is saying that

the Commissioners are saying that the people are not coming onto Crowley. You say one thing and later on something else might happen. These same Commissioners might not be here -- somebody else might be in their place -- and they will give a permit to go onto there. Do the Commissioners understand what she is saying?

Commissioner Borries indicated he understands. He said, in terms of a permit, there are ways (and the Board will give some time for rebuttal, because they want everyone to have their chance) -- but any permit would have to be reviewed by the Board of Commissioners as well as a number of planning agencies). But if he is correct in what Mr. Seymour said, they do not intend to. That is all he can do is to accept that in good faith -- just as he is Ms. Whittinghill's comments.

Ms. Whittinghill said, "At the last meeting, all of a sudden they threw a bunch of things in and then they voted. And it kind of scared me, because first, they promised they were going to put a fence around designated house; then they said they were going to put a traffic light in designated area; they then said they were not going to exit onto Crowley -- a whole bunch of promises -- and I have had promises made to me all my life and I know what that means -- they are broken. A lot of promises are broken -- you know that. We've got to get this thing in writing and we've got to get this thing straightened out right now before you vote -- isn't that right? I make my husband answer me -- and if he answers me, he's stuck. Isn't that right?"

Attorney John said, "Rick, many of these things can be handled through what is called a 'Section 4'; it's a covenant, basically binding them to certain promises that they make regarding the rezoning concerning the entrance/exit onto Crowley. They put a covenant in there stating that they will not do that. That can be enforced in a Court of Law if they ever do try to do that."

Mrs. Whittinghill said, "A Covenant - that's in the Bible, isn't it?"

Attorney John continued, "It's a 'Section 4'. It's a part of their petition stating that their rezoning is subject to these conditions, one condition being that they are not allowed access to Crowley. Another thing is, they can stipulate to certain parts of their Site Plan. In other words, where their ingress and egresses will be located -- and those are enforceable parts of the petition. So it becomes more than a promise; it becomes enforceable."

Mrs. Whittinghill asked, "Wouldn't it be a lot nicer to have something other than a Laundromat?"

Attorney John said, "That I couldn't answer."

Commissioner Cox asked, "Mr. John, will you state your name and position for Mrs. Whittinghill?"

Attorney John stated, "Mrs. Whittinghill, my name is Curt John and...."

Mrs. Whittinghill interrupted, "I know how you are; you are a lawyer. You used to be in one of the offices and you went to school and you got to be a lawyer. I remember you as a young man -- like my son."

Mrs. Cox said, "I just wanted you to understand that that was a legal opinion. What he was telling you is that this Board does have the authority to stipulate to a Site Plan. If it shows green space back there, or landscaping, or whatever it is between the commercial development and your residential development -- it has to be built that way. If it shows no access on Crowley, there will never be an access, if this Board says to stipulate to

the Site Plan or follow Section 4. You were speaking to 'promises', you know. You were speaking to "promises" being broken. Those are not "promises"; those are agreements that this Board has to the power to accept."

Mrs. Whittinghill said, "I have been doing a lot of research and talking to a lot of people here, and I was told that even the State (you know how particular they are about anybody entering certain places) -- even they can come along if they want to and let somebody do it."

Attorney John said, "That is correct and we didn't say that it wouldn't happen in the future. But if we were going to, they would have to go through the exact same procedure they're going through right now. In other words, another rezoning, certified notices to all the residents, and a hearing before this Board (whether it is this Board or another Board). But it would be the same procedure and you would have the right to come up and say at that time, 'Here was our concern back then and this is what the Board thought then; they denied access to Crowley.'"

Mrs. Whittinghill said, "I'll be dead and gone then. But, see, what I am saying is this -- While you are doing it, why don't you let them take some of this money they are making and pay for a traffic light and pay for widening the road, pay for drainage, and help us out a little bit? Because we would like residents along there -- and they are going to put a Laundromat. Why can't they be satisfied with C-2? There is a lot in C-2. Why take C-4? Why not just make all of it C-2 zoning?"

Commissioner Borries thanked Mrs. Whittinghill for her comments, and then asked if there are others who wish to speak?

Jim Sermersheim of 2308 Allens Lane commented, "I am one of the two properties alongside the 81 egress onto Allens Lane. My concern is that there is quite a bit of a buffer in between my property and the property there...trees, bushes, etc., and it is all on their property, not mine. I know that this is going to be paved as an egress and it should be. Now, they are going to do away with all of that and that is going to leave nothing there but just a little wire fence. I am going to lose all of my sound buffer and privacy and everything and I hear nothing about a fence along that area. There are only two of us property owners there. I am on the northeast corner of that whole block and I am really concerned about that; plus, I kind of have to agree with Mrs. Whittinghill that everything around there is C-2. In fact, I have property about 1/4 mile north on St. Joe and I was here in 1979. I bought the property and I had to come before you and ask to change from a C-2 to a C-4. I had to promise that I would put a complete fence around it -- a 6 ft. chain link fence with aluminum clasp; I had to promise to take away a telephone and a drink machine out in front, which the neighbors did not want; but, because it was bothersome at night it had to be removed; I had to promise that I would not create any fumes in the neighborhood; I had to promise that I would not create any noise after 10:00 p.m. in that neighborhood and I had to come before you myself to do this. The person who had the property did not do it. because to me, if he had come here and gotten a C-4 rating, it would have been worth more money to him, but he could have sold it to anyone and promises don't go on then. They had made no promise to you and they could do whatever they wanted to do. So, that is why I came down and Mr. Garrett stood up (he was a member of your Board) and said, 'Mr. Sermersheim, I know him well, he will do what he says he is going to do and I recommend that we give him this C-4 rating' -- and you did, 100%, and I appreciate it, but I did do what I promised to do and the neighbors like me and I like them, but what I can't understand is how a person or people or church or whatever, can have a piece of property and zone it C-4 and they could make all kind of promises and they could sell that the next day and the people that buy it,

I don't see them standing here before you and telling you that this is what we are going to do, because they could buy the property and do whatever they wanted to, like I have, put a Body Shop in there), and the people wouldn't want that, so I can't understand why they aren't here to speak as to what they are going to do. I thought I heard something about you all recommending that there should be a stop light there."

President Borries asked Mr. Sermersheim exactly where he's talking about?

Mr. Sermersheim said it is at St. Joe and Allens Lane. "Of course, Mr. Willner knows. As he stated, it is the worst intersection in the county by far. There is a wreck there every two weeks. I hear it or see it, because I am about 100 yards off of that intersection. Back in 1979, when they opened it up in 1981, the State said in the report, 'we need a stoplight there.' They turned it over to the County and the County took over in 1984 there was a big wreck. It tore down Charlie's Marine fence and all. They said at that time (the County said) 'We are going to take the stoplight from Mill Road and put it there, because we don't need it at Mill Road and St. Joe.' That was in 1984 and this is 1988 and if someone has enough clout to say 'We need a stoplight there?' I don't need it, I can go around, but somebody is going to get killed there and then they will put one up, but before then, we should have one. If you people could recommend it, someone needs to recommend to somebody that there should be a stoplight there before somebody gets killed."

Ms. Cox asked, "Would you please come here and show me on this map where you are located with your C-4? On their proposed site plan, (these green spaces) in other words, they are not building their parking right up to the lot line. It looks like there is 20 feet of green space (green space means grass, trees). I don't know if they will leave those there, but they are designated as green space. That means no structures, no concrete, just green space. Why is a fence so important?"

Mr. Sermersheim said, "A fence will stop a lot of noise."

Ms. Cox said, "This Site Plan is what they are telling us they want to do with that property. It's not what it is now. It is saying what they want to do with the property. You are saying this plan isn't quite right. I don't understand what you mean by not being quite right."

Ms. Whittinghill said, "I laid this on there and traced it today."

Ms. Cox said, "You show Pigeon Creek and here's Crowley back here."

Ms. Whittinghill said, "Here's Sermersheim right here (pointing to map) and here they are going out."

Mr. Sermersheim asked President Borries if this was binding?

President Borries answered affirmatively.

Mr. Sermersheim asked, "Binding on the church? When they re-sell it, what do they do?"

Mr. Borries answered affirmatively to the first question and explained that it is still binding even if they re-sell it.

The Chair entertained comments from others in the audience.

Mr. Ed Patterson, representing Bunnell Hill Development Company spoke, "I guess I just came up to say that for the office section of this, we intend to do everything that we show on our Site Plan. We have engineered drawings and everything is completed. I would ask one question...For Site Plan approval do I come back before this Board if this zoning is passed or do I need to do that? I still have a minor problem with that drive and that is, the curb cut, until the other property is developed because I show circulation through my lot. If you will notice the curb cuts are (I guess it would be what you determine a curb cut) I am not asking for a 42 ft. cut at each section. I am asking for basically, two (2) halves to equal one (1) curb cut and that is just to protect flow through our building. I would like to address that a little further in detail if I may, on the fact that we show the traffic pattern going through there, we show the handicapped and that in the front as an angled-in parking, which creates a problem with coming back and getting back out to the single curb cut. I think from a safety aspect, if we have people turning in one side of the driveway and people leaving the other, you are in a lot better shape. I agree with Mr. Willner, I have made that U-turn up there, I know what he is talking about and I think that if we have one curb cut in there going out, they are going to make that U-turn anyway. If I can answer any questions as far as my site plan or what we intend to do, I think Bob covered my part of it pretty well, but I am willing to answer anything that I can help anyone with."

The Chair entertained questions of Mr. Patterson.

Mr. Eldon Bates of 2300 Allen's Lane (corner of Allen's Lane and Crowley Avenue) said, "As far as what has been put up here, I think first of all, you should protect the people that are already out there. There is absolutely no drainage on that field. The only drainage that is on it is what runs off on the north end into the ditch. On Crowley Avenue there is not a pipe, not a sewer pipe, no drainage, only on the wrong side of the street. We have lived there for 21 years and I have called your County Garage and I have talked to you, Rick; I talked to Bob one time and I talked to Ms. Cox about the St. Joe and Allen's Lane intersection. You are playing Russian Roulette with that intersection. I have called time and time again and before you get into anything else, I think you should take care of some of the things that are needed out there now. As far as this place coming out on Allen's Lane here, that you want to come out, it is only about 60 yards from there to the intersection of St. Joe and Allen's Lane, and that would just invite more trouble and I really think you should give consideration to the people who live there and try to keep somebody from getting killed. Somebody is going to get killed there at that intersection. I just hope it is not one of my grandchildren."

The Chair called for other remonstrators.

Mr. Seymour said, "I would like to address the drainage problem. We weren't, quite frankly, aware of some of the drainage problems. Certainly, any construction that would be done in that area, the drainage would not be increased on anyone's property. We would be sure that it drained back properly to where it would go. I think the other point on the Allen's Lane traffic is that a lot of the Allen's Lane traffic, we perceive, would go east back up to Kratzville Road. Not all of it would go west, so if you have twenty, thirty or forty cars a day going out of there, you are going to have a large portion circling back down Allen's Lane to Kratzville and most of the traffic flow shows that there is a lot of traffic goes back down that way to circle back around. Not all of it, but some of it."

Mr. Alex Colston of 3017 Crowley Avenue said, "I am right behind that property they are talking about rezoning. What they are talking about on the drainage, all of the water does go in my

front yard, so I know all about that. I bought that house a year and a half ago in hopes that I could fix it up and sell it, but if they put a Laundromat there or horse stables or whatever else they can put there in C-4, I won't be able to give my house away. I appreciate 47 families or whatever, but none of them live there. They don't have to live with it. I do have to live with it and C-2, I would like to see it nice over there. I am tired of the mosquitos and everything else that comes out of that field. I have tried to fill in across the front of my house to make it look nice. Evidently, nobody cares, but I would just like to say I would like it zoned C-2 instead of C-4. If I had wanted to move behind a Laundromat, I would have moved to First Avenue."

President Borries stated that for the record, we do have a petition entered by Area Plan Commission signed by eighty-seven (87) persons on different streets expressing their concerns about the residential neighborhood and keeping traffic at a minimum, regarding St. Joe and Allen's Lane.

Ms. Whittinghill asked to speak on the sewer again. She said, "This has been going on sometime as everybody said and so we did get them to go so far as to come out and to see which way the water should go and it seems like about middle ways of Crowley Drive, the water flows toward Allen's Lane and about middleways it goes toward the creek, so, this property concerned is, it would have to flow toward Allen's Lane. That is what I was told. These are the experts from the County that came out and told me this, but that is as far as it ever got. So, I would like for these people to show us a plan of which way they are going to do this and how they are going to do it. Are they going to make a big ditch there or what they're going to do and also the ditch at Allen's Lane is already full, so if they carry it where it is supposed to go, what are they going to do about the ditch at Allen's Lane?"

Mr. Nace Wilhite of 3025 Crowley said, "When I go to work at Whirlpool every morning, there is always a train on Allen's Lane that catches me. Okay, in the afternoon the same thing again. You can come from Gloria's Tavern to St. Joe and if don't take you thirty minutes, I will buy you all a fifth of whiskey, just to prove that I am right and furthermore, I live in a swamp. I put out a big garden, the water gets over it and ruins it. No drainage.....That is all I have to say."

President Borries asked Ms. Whittinghill, "Is there any particular person here that you had contacted regarding these drainage problems?"

Ms. Whittinghill said, "You know when they come out and figure which way the land goes? Who does that? They figured out that the land sort of goes up a hill there and then that slants toward Allen's Lane and the rest slants toward the creek."

President Borries asked if it was the Surveyor.

Ms. Whittinghill said she guessed that was who it was.

President Borries said if there are no further questions or comments, the Chair would entertain a motion regarding this rezoning.

Ms. Cox had a question, "Since it was brought up on the floor by some people here tonight, I think we need to ask the petitioners if they would be agreeable to amend the petition from a C-4 to a C-2 for their request."

Mr. Seymour, spokesman for Bethel Temple, said, "We would be willing to amend it to a C-2."



Commissioner Willner said he would like to talk about two things. "First, a lot of things have been said about drainage and I think I need to set the record straight. The County is NOT responsible for County Residents' draining of their property. We have many, many acres of ground in Vanderburgh County and we are not responsible for the drainage of any of it. If you live within the City Limits and pay City Taxes, then they do address drainage; but in the County we do not. It is not our responsibility to drain your property in any way, shape or form. The fact is, it is against the law for us to do so. And that seems to be a very misunderstood system of County Government. We have no funds for drainage -- none whatsoever. So, to ask us to drain your property, is not within the realm of possibility."

Ms. Cox said, "We can ask that petitioners not make drainage problems worse. In other words, not pour any more water on to people than what you are already getting and I think that the petitioners indicated that in their plans -- that there would be no additional run-off coming onto the residents' property."

Commissioner Willner added, "The next thing that I need to talk about is the stop light. I certainly, at one time, wanted very much to see a stop sign at Allen's Lane and St. Joe Avenue. But if you take the overall experience with stop lights, sometimes it adds problems instead of correcting them. Sometimes, it adds problems...big problems. I have seen dangerous intersections that have not had a fatality in twenty years and you put a stop light there and you have two or three within the next three years. So, I want you all to understand that a stop light at Allen's Lane and St. Joe Avenue is not the solution. It is certainly not the solution. I wish it were. If I thought it would be the solution, I would vote for it tonight, but what a stop light does, it bunches all the cars up together at one time and then releases them and then bunches another bunch up and releases them and many times it is much more hazardous than if you do not use a stop light at all. We are working on this intersection and I have some ideas and there are going to be some improvements on that intersection. I am not going to say that it will be a stop light, but we are going to do something. So, those are the two things that I wanted to comment on. I need to pin down a green space that I want to protect the people on Crowley Avenue. I also want to make sure that we have egress and ingress on Allen's Lane. Those are the two things that I am interested in and I will make a motion, if I can get an agreement with the Commissioners."

Commissioner Willner moved that VC-12-88 be reduced from C-4 to C-2. Motion was seconded by Commissioner Cox. President Borries called for a roll call vote: Commissioner Willner, yes; Commissioner Cox, yes; and President Borries, yes.

Commissioner Willner then moved that the petition be approved as C-2, with a green space along the eastern portion of the property in the amount of twenty (20) feet, a fence along the northeast portion, no access on Crowley, one curb cut on St. Joe and one curb cut on Allen's Lane.

... can ... understand the one curb cut."

Commissioner Willner said, "One curb cut for the proposed office building."

(End of Tape 1 - Side B)

Ms. Cox asked, "If one were marked ENTRANCE ONLY and one were marked EXIT ONLY, would that address it better?"

Ms. Cox then asked Mr. Patterson, "Could you get by with a thirty (30) ft. curb cut - one (1) for egress and ingress?"



Mr. Patterson replied, "My opinion is a thirty (30) ft. curb cut is too much. That's too big a curb cut."

Ms. Cox said, "But, your opinion....we have to go by our Ordinance. Our Ordinance that addresses your commercial development says that there must be a twenty-four (24) ft. curb cut -- a minimum."

Mr. Patterson said, "With the traffic flow, I can move the building back, move it back behind the Church, lose my visibility from that aspect. That is not really a big deal, but to put it in and then have traffic, it just seems to me that the flow of the traffic, ones coming around and out or these backing in and out is fine. If I back the building up and leave parking in the front, which for handicapped clients and that type of thing I prefer to do, then what I am going to do is have people backing out into this roadway, with the possibility of cars trying to get in coming around the building this way and that."

Mr. Willner said, "I understand your concern. Now, listen to mine. We put the next section in here and give him two (2) curb cuts and the next section and give him two (2) curb cuts and the next cut and give him two (2) and what have you got? You have got a mess, that's what you have got and I don't want to see it happen. That's where I'm coming from. I don't mind you having two (2) curb cuts, but what am I going to do on down the line?"

Ms. Cox asked, "Can we stipulate only two (2) more curb cuts along the frontage?"

Mr. Willner said, "If you put two (2) in here, you are going to hurt the rest of the man's property."

Ms. Cunningham said, "I cannot speak for the whole Site Development Plan, but it is not their practice to give.....at the time of Site Review the County Engineer, EUTS, and myself would review for the number of curb cuts and it is generally not their practice to be lenient with curb cuts."

Commissioner Willner said, "Let me withdraw the curb cuts and I will yield to Site Review Board for their expertise on curb cuts." Seconded by Commissioner Cox. President Borries said that it was moved and seconded that with the stipulations Mr. Willner has described, it is now C-2 request with green space and fencing that has been required and curb cuts will be reviewed by Site Plan. President Borries called for a roll call vote. Commissioner Cox, yes; Commissioner Willner, yes and President Borries, yes. Motion approved by unanimous roll call vote.

The Chair called a short recess.

Meeting reconvened at 9:40 p.m.

COUNTY ATTORNEY/ CURT JOHN

The Chair called for the County Attorney's Report.

Attorney Curt John said he did not have a report but, "You have an agreement to be signed between City, the Commissioners and Evans & Evans Associates, Inc., Communications Consultants."

President Borries asked, "You say it is in order as far as you are concerned?"

Attorney John answered affirmatively.

President Borries explained the contract, "It will be a contract with James Evans & Associates, who are the consultants on the whole aspect of the Centralized Dispatch and they, at this time will begin their work. It is going to be a long process. It says it is contemplated to be completed on or before February 1, 1991."

Ms. Cox asked, "Did we appropriate monies for this study?"

Mr. Borries answered affirmatively, saying the Consultant fees are \$25,300.00.

Mr. Willner asked if this is the total consultant price or just the County's portion.

President Borries said this is the total price.

Mr. Borries continued, "If they cannot complete the specified incorporated tasks within eight hundred eighty (880) hours, they would agree to complete the remaining at the rate of \$28.75 per hour, but they would have to submit to the Government in writing a list of specific items that were not accomplished and an estimate of all hours required to complete it. So, this is for all work unless they notify us otherwise in writing."

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the contract was approved. So ordered.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Work Report/County Garage: Mr. Bill Bethel submitted copies of the Weekly Work Report for Employees at the County Garage for period May 9 through May 13, 1988.....report received and filed.

Gradall: ....5909 Mesker Park Drive, Bergdolt Road, 5920 St. Joe  
5521 Harmony Way and 3909 Mesker Park Drive.

Paved: Baseline, and started on Owensville Road

Patch Crew: Old Henderson Rd., Waterworks Rd., Angel Mounds,  
Schroeder Road, Baseline Rd., and Upper Mt. Vernon

Grader: Kansas Road, Nueman Road, Adler Road & St. Joe Ave.

Mower Crew: St. Joe Ave., Barton Road, Schroeder Rd., 7 Hills  
Road, Old Petersburg Rd., Browning Rd., Old State  
Road, Hillsdale Road and Heinlein Road.

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

- Installed culvert on Mohr Road, Schutte Road, Baumgart Rd. and Allen's Lane
- Added 10 ft. extension at Mill Rd. & Happe Road
- Cut road for culvert installation on Schutte Rd., Baumgart and Allen's Lane
- Painted guardrail and cut grass on Oak Hill Road, St. George Rd., Heckel Rd., and Millersburg Road
- Rip-rapped Heerdink and Short Mill Road
- Put 53's on culvert on Schutte, Stacer and Fuquay Roads

- Removed log from culvert on Pine Creek Drive
- Repaired washouts on 5 Dollar Road & Pine Creek Drive

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

Turpen Lane & LeMay Drive: Ms. Cox said, "I don't know if this is for Bill or Andy. I will ask Bill first and if it isn't his I will ask Andy when he gets up. I turned in a request for consideration for Turpen Lane to be looked at and the residents in the area be informed of what they had to do to bring this road up to standards for acceptance by the County. An Eldora Baumgart called me again. I also got a call from Tim Wood who lives on Lemay Drive and I think this was three (3) weeks ago when he sent a request in concerning Lemay Drive and had an attachment on there stating that Mr. Lutterbach said it was dedicated in such and such a month and I believe it was 1980 and I think, Mr. Willner, that you said dedicated did not necessarily mean accepted and it was referred for clarification. So next week, if you don't have an answer tonight, then I would hope that next week you would have an answer."

Mr. Bethel said, "I will give you an answer. I don't know what it will be, but I will get an answer."

Ms. Cox said, "Lemay Drive wants to know if they are or are not accepted. They do have problems out there. We accepted a portion of Lemay Drive several years ago, but there is still one section that is graveled and a lot of people who live in that subdivision use that road to get out onto Middle Mt. Vernon and the dust is terrible on these residents that live on that section that is not paved."

Mr. Willner asked if this was the County's?

Mr. Bethel said he didn't think so, but he would check.

President Borries said, "A portion of Lemay Drive has been accepted, but not all of it."

Mr. Borries continued, "You had raised the point that merely because someone had dedicated it, unless this Board had acted upon it, it may not be accepted. That's what we need to research."

Mr. Bethel said he would report on that next week.

RE: COUNTY ENGINEER - ANDY EASLEY

The Chair called upon County Engineer Andy Easley for his report.

Mr. Easley said, <sup>Jim</sup> "~~Bill~~ Morley and Phil Garrison asked if they could appear this evening to explain a request that they are making on a deviation on the standards in the design on the street improvements for Deerfield, Section I. I will let Mr. Morley present what he has."

Mr. Morley stated, "I have a letter explaining the request to the Commissioners. I am sure, as you remember, during the last couple of years with the various problems of erosion alongside roadways and various other things, you had made a request that we eliminate the approval of twenty-four (24) ft. roads with shoulders and go to curbs and gutters on all roadways and currently we only have a County Standard that addresses that if it has shoulders it can be twenty-four (24) ft. wide and if it is going to have curb and gutters, it is twenty-nine (29) ft. wide unless it is a cul-de-sac of ten (10) homes or fewer, then it can be twenty-four (24) ft. wide and what we have done, we have Phase I, which I have outlined in yellow of the one hundred

twenty-three (123) acre development and I know that we have talked with most of you individually before about this concept of perhaps reducing the width requirements where traffic is less, more minimal on a development where there is large lots, low density and obviously not a need for on-street parking. There is plenty of off-street parking required and I brought this map with me tonight because the only thing that we have here to present to you is just Phase I and it is twenty-three (23) lots on thirty-seven (37) acres in Phase I. Mr. Willner requested at the time of the original design that we make sure that one road go through and connect all the way from Eissler to Mt. Pleasant. That is the main entrance road that you see in green on the map. As you look at it, it seems to wind around a lot, but it actually goes around the hill. The blue roads climb up to the top of the hill and then go back down. Our proposal is that one of the streets, twenty-nine (29) foot wide all the way, and these, although this is currently allowed to be twenty-four (24) feet, but the rest of that be twenty-four (24) foot wide also with curb and gutter on it. The setbacks on most of these are around thirty-five (35) feet, and the lots average better than an acre in size even though they are all City Utilities. I talked to Mr. Easley about, did we want to revert to County standards and Andy made the suggestion that we really ought to treat this on a case by case basis. If we are going to talk about County Standards, we need to talk about other things, about where do we draw the lines....densities, what's the possibility of extending it through the other locations...and so, Andy's request is that we deal with it right here. If you approve it, let you take a look at it and see how you like it overall and ponder very thoroughly the establishment of a different criteria for County Standards rather than, simply at this point and time, drawing a bunch of different alternatives and when you would apply it and when you wouldn't, but simply, so that therefore what we are asking is for approval for this subdivision of that layout of the 24 foot roadway for those in blue and 29 foot for those in green. One thing that we did do that I should mention here is that we went to each of the intersections and looked at it and applied a template for semi trucks to move around. We double checked everything so that you can take a moving van throughout this whole subdivision without any limitations whatsoever. That's is really about all I have."

Mr. Easley said, "I don't have anything else to say. I think you have said it well and the request is reasonable if the standards allow a cul-de-sac at 24 foot width, it serves a relatively high density of lots than the request for a 24 foot road that would serve probably a comparable number on a long cul-de-sac. It is not that much narrower."

Ms. Cox asked, "You said there were 23 lots, are there 24?"

Mr. Morley responded, "Where the lakes are they have a number. It is 1 and 1A. It is common area. They are not developed. So there are twenty-three (23) development lots on thirty-seven (37) acres."

Ms. Cox asked, "Are you going to put in the green road all the way through in Phase I?"

Mr. Morley answered negatively. Not in Phase I. It will not connect to Eissler for maybe three or four more years.

Mr. Morley said, "Another item that we have shown on the Standard Detail Sheet and need your advice or guidance on how the approval is, that at the entrance to the roadway to the subdivision, off Mt. Pleasant Road, we cross a land bridge or embankment between the two lakes and Mr. Garrison desires to use paving blocks or concrete bricks similar to some on the walkway on a portion of that roadway and Mr. Easley called me to say that this could create some concerns among the Commissioners about not submitted to Andy (being familiar with that paving material) and

whether or not he would desire some special treatment if Mr. Garrison wants to go that decorative arrangement, I guess number one would be, would he be allowed to do it, because he certainly wants the streets to be accepted? Or, is there some additional guarantees that he would need to make? Or, just how do you feel about his desire to do some decorating or texturing of the street at the entrance?"

Ms. Cox asked, "Are you talking about individual bricks or are you talking about texturing into the cement, like putting a stencil?"

Mr. Morley answered, "It would be individual bricks -- Paver blocks, the interlocking blocks.

Mr. Morley continued, "You have no specifications for paver blocks."

Mr. Willner asked if they would have concrete underneath them.

Mr. Morley said, "I had originally drawn them with asphalt underneath them down the three (3) inches and then when we talked to the people, they said we don't recommend you do that. We would recommend that you would do it on rock for drainage."

Mr. Willner asked, "We are not going to cement the joints?"

Mr. Morley answered negatively.

Mr. Garrison said, "They are used extensively in Louisville and I originally saw these in California; Houston, Texas; and Louisville, which has the same thawing and freezing that we have, is using a lot of them. That was my biggest question about them. I don't see any problem with them holding up. You don't want to use them in radiuses where the trucks have a tendency to pull the back tires on them, but they are working out well. I assume that at some point and time in resurfacing, the County is not going to come in and do those; it is probably going to be asphalted over. It is the same thing that they are using on the Walkway downtown."

Andy asked, "How much stone do they recommend under the pavement?"

Mr. Morley said, "We have got almost seven (7) inches of stone underneath it."

Ms. Cox said, "Until we develop some kind of standards to go by, we don't know if 7 1/2 inches is enough rockway or not, in all fairness to you."

Mr. Morley said, "We are not here to argue about pavements..If that is a criteria and you say you want four more inches of rock, we will put four more inches of rock. If you say you want it laid on asphalt, we will lay them on asphalt. If you say you don't want them..then, that is an answer too. We are not here to argue about pavements."

Mr. Willner asked, "You are going to make them just across the lake and that's it? Would you buy excluding that from County acceptance for a few years and then you can do with it whatever you want to?"

Mr. Garrison said, "With reason, I think the problem that I have is trying to sell to a potential lot owner, that you are going to be responsible for this street for "x" amount of years and when it comes down to the County repaving it....Let's just say we put it on the Homeowners for five years and they say alright, we will take care of it for five years. I have trouble trying to sell that to a homeowner that says you are going to be responsible for this for five (5) years and when it comes down to time to pave

it, they are going to pave right over something that you have been trying to preserve. They are not going to come in here and replace these. I think that is the problem with it. It gets to that point, I am not sure that I want to try to sell that. I would just as soon pass on the whole thing. I understand your concerns, as they should be. I am just trying to figure out how to market it and how to minimize the risk for you and also the risk for the potential homeowner. It may just be something that we are not going to be able to do. I have personally watched it over the years in Louisville and they have had no trouble with it that I know of."

Ms. Cox asked, "Who maintains it over there?"

Mr. Garrison said, "It's the same Neighborhood Association type of thing, but they are all turned over and maintained by the City and County. Evidently they have a standard for it, but they turn it over to the County for maintenance. They hold no liability to them whatsoever. There is a Standard of putting them in and there has to be concrete on all four sides of them."

President Borries asked if Bill could get some specs on it from Louisville.

Mr. Garrison said, "Those are obtained here locally through Miller Block Company and we have some specifications on them."

Mr. Morley said, "It is a company brochure from Miller Block and that is who has the franchise on it locally."

Commissioner Willner moved to approve this plan.

Ms. Cox said, "What bothers me is that we have no specs whatsoever for this type of thing and I think that has to be the first step, specifications included in our road specs before we can say yes, and then you are asking us to do something different in the width of the roads and that certainly isn't in our Ordinance and here's where we are getting in trouble, you are coming up and you are asking us for this, which it may very well be fine. Somebody else comes up and they get no said to them, so if we are going to do it, let's get it done in the Ordinance and write it in it. I don't care as long as everyone has it in writing to go by."

Mr. Morley said, "Andy and I have talked about writing up some guidelines."

Ms. Cox said, "We have had people up here before and why have an Ordinance if we are not going to go by it. Our ordinance is outdated. It is way outdated. You spoke to that before and you volunteered to work on it to bring it up to date. We've asked for specifications on plastic pipe for over a year and we still do not have that in our Ordinance. If we are going to use it and we are going to accept it, we need to have it down in writing and say this is what we are going to do...Not make exceptions in this or that instance or in another instance. I think that is where we get in trouble. That's all that I am concerned about."

Mr. Morley said, "The only argument that I have contrary to that, kind of reinforcing what Andy said, is look at it, drive it and use that to help decide whether or not you want to make that an overall standard. In other words, give yourself a little time to think about it, but certainly, I could work with Andy and come up with a proposal. If you have high density and a lot of people park in the street, that should not be that way, but in this case, it is a very low density, big home subdivision and we are not parking on the street."

Mr. Garrison said, "I would, as this is untested in this area, volunteer to maintain it for two (2) years. Let's give it a try. I will be more than happy to do that. It may not work out. I

may have to take it up and asphalt it. I certainly don't want to make anything happen here that is not going to be good for you and also be good for me. If it works out at that time, I am sure a lot of people would like to do these different types of things rather than just the same old thing over and over and if it works out, then we can set standards for it. I will be willing to take the risk on my end of it."

Ms. Cox asked, "This will have rolled curbs and gutters?"

Mr. Garrison answered affirmatively. He said, "What I am trying to do is remove a little bit, as you expressed your desire, to try and do away with the shoulders and bring back a little of the economies. The same with streets, just with rolled curbs."

Ms. Cox asked, "How long is it going to take you to completely build this area and will that area be used by the construction vehicles...concrete trucks?"

Mr. Garrison responded, "No, we have a construction entrance which is off the back end of the development. No trucks other than moving vans that I can control."

Commissioner Willner moved to approve the streets with the stipulation that they be approved subject to the developer agreeing to maintain these streets for two years. Seconded by Ms. Cox. So ordered.

President Borries said, "Jim, we will ask you to work with us to review this particular set of standards in terms of looking at revising that Ordinance."

Mr. Morley said, "What I have done in the last couple of weeks, I have pulled it out and written for Indianapolis' latest version also. I have gotten several standard details that I have drawn. I just finished the rolled curb standard detail today and I am currently putting together a set of those standard detailed drawings for the city of Mt. Vernon, which we can use. I have made them all in a Generic Form on 8 1/2 x 11 and Andy and I have talked about it and that is probably a better way of putting this together than on a blueprint sheet so that you can have it page by page and as an Engineer, you can pull out the details that are applicable to a particular design set and by using stick-ons can give all the contractors all of the necessary information right on that drawing. I am pretty far along on several of those sheets and Andy and I will be reviewing them and working on the standards."

President Borries recognized Bill Jeffers and asked Andy if there are other matters on his agenda.

RE: STREET IMPROVEMENT ACCEPTANCE ON WHISPERING HILLS SUB

Mr. Easley said, "We have a carry over on the street improvements acceptance in Whispering Hills Subdivision. Addressing Mr. Jeffers, he asked, "Did you give them a report on these?"

The Board Members answered affirmatively.

Mr. Jeffers asked, "Do you wish to act on that tonight?"

President Borries stated that he would like to wait.

Mr. Jeffers asked, "Going back to Deerfield, on your motion, was that an approval of the street plans as presented?"

Ms. Cox said, "It should be added on there that the developer will maintain the streets for two (2) years."

President Borries said, "Bill has submitted some comments and would like to wait one week."



RE: MAP SHOWING SCOPE OF POLLACK AVENUE PROJECT

Mr. Jeffers said, "Last week I was asked if I would prepare a map showing the scope of the Pollack Avenue Project. You have under consideration that contract which can be carried over until next week."

President Borries said, "I would like for each of the Commissioners to contact the City Engineer's Office and ask questions about that. I do know that everything is in contractual form and I do know that in the future (when I don't know) an Annexation Ordinance is to be prepared for that area. At some point it will be -- at least, the northern side of Pollack Avenue will be included in an Annexation Ordinance. So, if you could ask any questions of the City Engineer's Office concerning that proposal, I wish you would do so and then we could make some decisions on that next week."

Mr. Easley said that he and Rose Zigenfus of EUTS have expressed a desire that they quit annexing to the center of the road.

Mr. Willner said, "Absolutely."

Mrs. Cox said, "It creates a lot of problems when you annex to the middle of the road, but a lot of times those can be worked out by inter-governmental agreement."

Following further brief discussion among the Commissioners, Mr. Easley said he thinks some areas have what they call a 'Boundary Commission' and if there is any annexation they normally require whoever is doing the annexing to take the road -- take the full width of the road...."

Mr. Willner interjected, "The way Darmstadt did it when they went down Inglefield Road -- they took the center of the road. But in their Ordinance they said the County will be able to continue getting State money for that road and we'll continue to maintain it. End of speech -- very simple."

Commissioner Borries said, "If you have the opportunity, I encourage you to call Tom Williams, the City Engineer, to ask questions. Again, this is a contract spelled out in very specific terms and I think unlike the experience that we had before -- so please do so in order that we can reach a decision on that."

Mr. Jeffers said, "The State Law addresses that -- the County may continue to maintain and resurface the road (just as you have any number of roads) -- unless you have a specific agreement with the City that they are going to maintain it, you may continue to maintain it....(other comments were inaudible because Mr. Jeffers was not at the podium.)"

Kansas Road Bridge Mr. Easley said the last item on his agenda concerns the Kansas Road Bridge (Mr. Willner had suggested that if he was ready to discuss Kansas Road Bridge -- that he should do so this evening.) Mr. Easley said they have researched the Kansas Road Bridge, which is about 1,000 ft. east of I-164 and it presently serves two parcels that have different owners. There is a triangular parcel that is south of Kansas Road (a 1-3/4 acre parcel) owned by Kenneth and Martha Smith. It is south of the section line and north of the section line (north of Kansas Road) is owned by Wayne and Bonnie Sue Fehd, which as you aware, we are in disagreement with the State on the value of their property that the State took and split for I-164. What is the criteria? Is the bridge more eligible to be vacated if it only serves one (1) property?

Mr. Willner said, "Tell me how many acres the Smiths have."

Mr. Easley responded, "One and three-quarter acres."

Mr. Willner asked, "And how many does Wayne Fehd have?"

Mr. Easley replied, "I've forgotten. He has several acres there, however."

Mrs. Cox said, "We were going to give him that road and he didn't want it."

Commissioner Borries asked, "Are we considering a vacation on this?"

Mrs. Cox asked, "Isn't there a guard rail across Kansas Road?"

Mr. Willner said, "They took it down and drove across the Kansas Road bridge anyhow."

Mrs. Cox asked, "Is it down now?"

Mr. Willner said, "We just put it up again last week."

Mrs. Cox asked, "Who takes it down?"

Mr. Borries said, "Somebody -- to drive across it."

Mr. Easley said, "I'm not sure what the County should do in a case like this. If we want to vacate the bridge, should we offer to purchase Mr. Smith's property?"

Mr. Willner asked that Mr. Easley point out the Smith's property (the 1-3/4 acres) on the map. (Mr. Easley complied.)

Mr. Willner then asked him to point out the Fehd's property. (Mr. Easley complied, saying that the Fehd's own to the section line; he also pointed out the location of the bridge and the creek, and Kansas Road, itself.)

Messrs. Easley and Willner spent several moments perusing the map and discussing property ownership, etc.

Commissioner Borries asked if we can have the County Attorney research this?

Attorney John said Mr. Easley provided him with some information at the last meeting.

Mr. Easley said, "There are definitely two (2) parcels owned by different people west of the bridge -- and we need to find out what our....."

Mr. Jeffers commented, "East of the bridge is Warrick County."

Mr. Willner said, "That's right -- that's the way we want to go -- east of the bridge."

Mr. Borries said, "There is only a small section east of the bridge in Vanderburgh County. I think we can have a Public Hearing to vacate that -- that's what we need to do."

Mr. Easley said he will get an aerial photo -- so it is a little clearer.

Mr. Willner said, "Wait a minute -- you understand you landlock a couple of people to get to their property when you tear this bridge down. So you either have to buy their property or let them have the bridge -- one of the two."

Mrs. Cox asked, "Well, what is the big hold-up?"

Mr. Willner replied, "It beats me."

Mr. Jeffers, "You've already taken care of the problem four (4) years ago."

Mr. Easley said, "They never signed a piece of paper that said it was vacated."

Mr. Jeffers said, "You closed the bridge."

Mrs. Cox said, "That's right -- closed the bridge."

Mr. Willner said, "We're landlocking -- and I need to know what to do and I can't get the answer."

Mrs. Cox, "Let's get the answer."

Peach Blossom Lane: Mrs. Cox asked Mr. Easley if he can have something on Peach Blossom Lane next week?

Mr. Easley said, "I had a conference with Earl Williams in his office this past week -- and I have talked to Bill Bethel."

Mr. Willner asked, "Who is Earl Williams?"

Mr. Easley said he is the gentleman at Union Federal."

West Meadow Court: Mrs. Cox said she received a call from residents on West Meadow Court asking if their road is going to be reviewed for acceptance? This is out off Middle Mt. Vernon Road -- West Meadow Court.

Mr. Easley said he will put this on his list so he can check this out.

RE: ELECTRICAL DISTRIBUTION LINE EASEMENT - BURDETTE PARK

The meeting continued with President Borries submitting an Electrical Distribution Line Easement for Burdette Park. He said we need an easement just to get an electrical service in where they are installing the new part of the children's pool -- and Mark is fully aware of it. Bob Gulick brought this up and they need to get this done as soon as possible -- so they can upgrade the electrical service in order to get the beach area ready and get the new part of the pool open.

A motion was entertained.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, the easement was signed. So ordered.

RE: LETTER OF RESIGNATION FROM WILLIAM BROWNING

Mr. Borries noted that the Board received a letter of resignation due to ill health from Mr. William Browning, who had been the Republican member on the Board of Review.

He said he has the name of an individual from the University of Evansville who has indicated a willingness to serve. His name is Mr. Thomas Morrison of 2064 Olive Street. He is the Director of Purchasing at the University of Evansville. A motion was entertained.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the appointment of Mr. Morrison was approved. So ordered.

RE: CERTIFICATE OF INSURANCE

Peyronnin Construction Co.: Insurance certificate for work at Vanderburgh Auditorium.

RE: CLAIM

Barbara A. Byrley, RPR\*: Claim submitted for half of deposition cost as per attached statement re the Elizabeth May vs. Vanderburgh County et al case in the amount of \$208.85.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the claim was approved for payment. So ordered.

\*RPR = Registered Professional Reporter

RE: OLD BUSINESS

The Chair entertained matters of old business for discussion. There were none.

RE: SCHEDULED MEETINGS

Tues.	May 17	8:30 a.m.	State Tax Board (Rm. 307)
Mon.	May 23	8:00 p.m.	City-County Computer Mtg.

With regard to the City-County Computer Meeting in response to query from Commissioner Cox, County Auditor Sam Humphrey said he went to Ms. Leslie Blenner and questioned her in detail and he gave him the time as May 23rd at 8:00 a.m.

Mrs. Cox asked if this meeting is when they are going to review all the proposals? What is going to go on? She hasn't heard anything.

Mr. Humphrey said he went to them and specifically asked when the meeting was scheduled. Ms. Blenner told him 8:00 a.m. on May 23rd.

RE: ALLOCATION OF WELFARE OFFICE SPACE

Mrs. Cox said the Welfare Building is going up rapidly -- and she thinks they will be moving pretty well on schedule. We need to do something about allocation of that space.

Commissioner Borries said Jim Lindenschmidt is collecting data on the square footage and they're looking at all the requests, trying to come up with a plan which they will share with the Commissioners and go from there. He is going to try to meet with Messrs. Lindenschmidt and Utley this week to try to get some idea of the space requirements and they'll get this proposal ready as quickly as they can.

RE: EMPLOYMENT CHANGES

Auditorium (Appointments)

Dwight Taylor	Custodian	\$8.58/Hr.	Eff: 5/22/88
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Auditorium (Releases)

Dwight Taylor	Maintenance	\$8.73/Hr.	Eff: 5/12/88
Greg Baggett	Custodian	\$8.58/Hr.	Eff: 5/9/88

Treasurer (Appointments)

Georgiana Harris	Part-Time	\$35.00/Day	Eff: 5/10/88
Mike Sturgeon	Part-Time	\$35.00/Day	Eff: 5/10/88

Treasurer (Releases)

Norma Tuley	Part-Time	\$35.00/Day	Eff: 5/2/88
Janice Decker	Part-Time	\$35.00/Day	Eff: 5/2/88
Michelle Jackson	Part-Time	\$35.00/Day	Eff: 5/2/88

Burdette Park (Appointments)

Rodney D. Baumgart Disc Jockey \$3.50/Hr. Eff: 4/29/88

Circuit Court (Appointments)

Frank Flemming	PTBB	\$5.00/Hr.	Eff: 5/8/88
James M. Worley	PTBB	\$5.00/Hr.	Eff: 5/8/88
Dennis G. Hudnall	PTBB	\$5.00/Hr.	Eff: 5/8/88
Steven R. Pearce	PTBB	\$5.00/Hr.	Eff: 5/8/88
Raymond Knoll	Guard	\$16,538/Yr.	Eff: 5/9/88
Hugh B. Nicholas	Ver. Officer	\$17,766/Yr.	Eff: 5/9/88
David Welman	Guard	\$15,600/Yr.	Eff: 5/9/88
Patrick Kelly	Guard	\$5.00/Hr.	Eff: 4/30/88
Sherry Gard	Typist	\$5.00/Hr.	Eff: 5/6/88

Circuit Court (Releases)

Edna Enlow	Int. Clerk	\$5.00/Hr.	Eff: 5/25/88
Hugh B. Nicholas	T.O.	\$16,538/Yr.	Eff: 5/6/88
Frank Flemming	PT Bailbond	\$5.00/Hr.	Eff: 5/7/88
James W. Worley	PT Bailbond	\$5.00/Hr.	Eff: 5/7/88
Dennis G. Hudnall	PT Bailbond	\$5.00/Hr.	Eff: 5/7/88
Steven R. Pearce	PT Bailbond	\$5.00/Hr.	Eff: 5/7/88
Raymond Knoll	Guard	\$15,600/Yr.	Eff: 5/6/88
Stephen Fuchs	PT Bailbond	\$5.00/Hr.	Eff: 5/24/88
Donald Landers	PT Bailbond	\$5.00/Hr.	Eff: 4/16/88
Dennis Heathcott	Mileage	\$30.00	Eff: 4/18/88
*Linda Sumner	Overtime	\$893.97	Eff: 5/20/88
*Lucille Smith	Overtime	\$1,163.58	Eff: 5/20/88
*Karen Destache	Overtime	\$616.35	Eff: 5/20/88
*Wanda Ringham	Overtime	\$1,687.14	Eff: 5/20/88

\*Overtime for 1987 (Lump Sum) Funds received in 1988

Clerk of Circuit & Superior Courts (Appointments)

Sandra Drake Dep. Clerk \$535.55/Pay Eff: 5/9/88

Clerk of Circuit & Superior Courts (Releases)

Amy Lu Helfrich Dep. Clerk \$535.55/Pay Eff: 5/9/88

Superior Court (Releases)

Karen Ann Haas PDS \$7,299/Yr. Eff: 5/20/88

There being no further business to come before the Board at this time, President Borries declared the meeting adjourned at 10:40 p.m.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R. J. Borries	Sam Humphrey	Curt John
	R. L. Willner		
	S. J. Cox		
	<u>COUNTY HIGHWAY</u>	<u>COUNTY ENGINEER</u>	<u>COUNTY SURVEYOR</u>
	Bill Bethel	Andy Easley	Bill Jeffers, Chief Deputy

AREA PLAN

B. Cunningham  
B. Behme

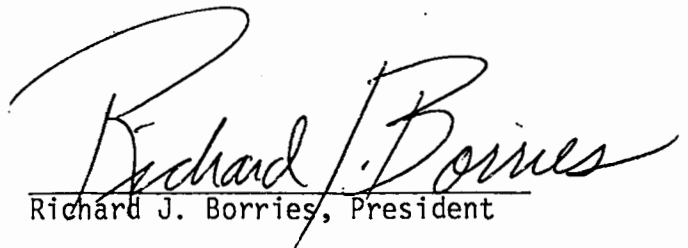
OTHERS

J. Lindenschmidt  
W. Clements  
Fred Bump  
E. Bosecker  
Leo Gumbel  
Henry Schlensker  
Jim Sermersheim  
Ed Patterson  
Eldon Bates  
Jerry E. Riney  
Jim Francis  
Rodney Young  
Richard Alvey  
Theresa Colston  
Elizabeth Schlensker  
Ken Wendt  
Tim Worley  
Steve Gubbins  
Jane Gubbins  
Kathleen White  
Marsha Luttrell  
Dr. & Mrs. J. Samuel  
Phil Bowman  
Carolyn Rector  
Wilma Hardison  
Walter Hardison  
Clata Horn  
Cathie Francis  
Beth Young  
Gary Deig  
Linda Deig  
News Media  
Others (Unidentified)

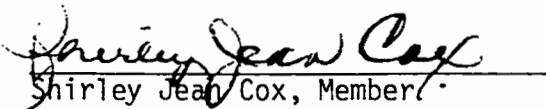
OTHERS (Continued)

W. Clements/WSC Associates  
Tim Mueller  
M. Scott Watson  
R. D. Bud Schnell  
Teresa S. Patchin  
Michael McCray, Attorney  
Mr. & Mrs. Wm. Felts  
Bob Seymour/Bethel Temple  
Betty Whittinghill  
Ronald D. Crook  
Karen Kishline  
J. Neal Whittinghill  
Alex Colston  
Nace Wilhite  
Jim Morley  
Phil Garrison  
R. R. Schwambach  
Geneva Schwambach  
Steve Schwambach  
David Schwambach  
Michael Tron  
S. Tron  
Nancy E. Gumbel  
Carol Riggs  
Leo M. Riggs  
Colleen Mueller  
Gene Rector  
M. Bartholamew  
Ann Bartholamew  
Francis Barton  
Paul B. Yokel  
William H. Horn  
Coradella Baker  
Alex Colston  
Mary Kay Deig  
Craig Deig  
Bob Gulick/SIGECO

SECRETARY: Joanne A. Matthews

  
Richard J. Borries, President

Robert L. Willner, Vice President

  
Shirley Jean Cox, Member

MINUTES  
COUNTY COMMISSIONERS MEETING  
MAY 23, 1988

not signed  
orig found in  
J. M. office 1/26/95

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, May 23, 1988, in the Commissioners' Hearing Room with President Rick Borries presiding.

The meeting was called to order by Commissioner Borries, who subsequently entertained a motion concerning approval of minutes of April 25, 1988.

Commissioner Cox noted that on Page 20 under Scheduled Meetings, the date for the County Council Personnel/Finance Meetings should be April 27th.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, with inclusion of correction noted, the minutes were approved as engrossed by the County Auditor and the reading of same waived. So ordered.

RE: CENTRAL DISPATCH - DEPUTY SHERIFF MOSER

The Chair recognized Deputy Sheriff Moser, who was present for purposes of discussing the contracts for Central Dispatch or Joint Communications System (Evansville Police Department, Evansville Fire Department and Sheriff's Department).

Deputy Moser said he has a bid proposal from Evans & Evans Associates in East Lansing, Michigan. This is a proposal on what he would do for us on signing of contract to bring him back. This is the same company that we used for the initial feasibility study and they worked very well with him and thought it would be a good point to bring this company back in, as opposed to hiring someone else and having to do the initial explaining all over again. So there is a bid proposal from Mr. Evans stating what he did in the past, what will be and what he intends to do for the Community Dispatch Program.

The second document is the actual contract that he (Mr. Moser), the Sheriff, and the steering committee from the Fire Department, and City Police Department have reviewed. They felt it was a fairly solid contract drawn up by the attorneys on exactly what we wanted from Evans & Associates and what we expected of them. A few changes have been incorporated. He believes the three Commissioners had already signed the contracts before he had a chance to get to them to explain what was going on.

The last document is the Inter-Local Agreement providing for a Joint Department of Central Dispatch. One of the first things they wanted to do was to be able to have a Board of Advisors to be able to make the decisions on how and what we were going to do and this agreement was drawn up by both the County Attorney and the City Attorney. There may still be a few minor changes in wording which they feel would be a little more appropriate and these changes will be made and should be incorporated before the document is presented to the Commissioners for their approval.

Once we get the contract signed, the next step is to bring Evans & Associates on line and get with our steering committee here and proceed toward centralized dispatch.

Mr. Moser said the Commissioners can read through these and if they have questions that he or one of the members of the Steering Committee can answer, they'd be more than happy to meet or talk



with the Commissioners. He knows it is kind of confusing, because it is confusing to them and they have been at it for over two years now -- working up to this point. However, they will be glad to try to answer any questions.

Commissioner Borries expressed thanks to Deputy Moser and said he understands that Deputy Moser will be the contact person for the County in this study. Is that correct?

Mr. Moser confirmed that this is correct

Commissioner Borries entertained questions.

Commissioner Cox said there is some departmental correspondence on the front of the documents and it seems like we are on a rather tight constraint period here for getting this agreement done. "And did I understand you to say that there have already been some changes in this Inter-Local Agreement that -- or recommended changes?"

Deputy Moser replied, "Just from our Steering Committee. We did make some minor changes and we want to have the Agreement re-typed. But nothing major -- and it's more a matter of changing a few words (not any sentences or paragraphs)."

Mrs. Cox said she sees that this was prepared by the City Attorney. Has the County Attorney had an opportunity to see this?

Mr. Moser said they both worked on it.

The Chair entertained further questions of Deputy Moser.

Mrs. Cox asked if the County Attorney has reviewed the contract between the City and the County and Evans & Associates?

Deputy Moser said, "They prepared it."

Commissioner Borries said we need to put an "h" on "Vanderburgh" in their proposal.

Attorney Miller stated, "The County Attorney did not prepare that."

Deputy Moser said, "On the proposal, I think that is what Mr. Evans had initially drawn up on what he planned on doing for Vanderburgh County. On the Contract, which was the next section there, that was the one that both attorneys reviewed."

Commissioner Borries said if there are no other questions, is the Board ready for action?

Attorney Miller said he has not read it. If the Board could give him fifteen or twenty minutes or so, he can probably review it. But he has not seen it. It appears that the City Attorney prepared this. Attorney Miller said if he has questions, he will talk with the Commissioners about same.

Commissioner Cox asked, "The contract is supposed to start when?"

Deputy Moser said they had a tentative starting date of June 1, 1988. They tried to shoot for this. Once they let the bond issue they had to make some kind of movement on it, so that is why they scheduled June 1st.

Commissioner Borries said he thinks we can make that date. The Board would ask that Attorney Miller review this and offer his comments.

Undersized  
documents

T A P F (Portrait)

5/23/88  
Incomplete  
minute  
not signed

incomplete  
minutes

(Landscape)

T  
A  
P  
E

RE: AUDITORIUM - REQUEST TO GO ON COUNCIL CALL

Commissioner Borries recognized Gy Rhoads, Manager of Vanderburgh Auditorium, who was present for purposes of requesting to go on Council call re elevator for the Auditorium.

Ms. Rhoads said she is requesting appropriation for an elevator at the Auditorium in order to meet State and Federal regulations. Certainly, we are not up to code in the building. We don't have accessibility for people who have physical problems or people in wheel chairs to get to the 2nd Level or to the bathrooms on the 2nd Level. She has figures of \$120,000.00 that she is told will adequately cover all expenses involved.

The Chair entertained questions.

Mrs. Cox said she doesn't have any questions, but she does have several comments. "I would like to report that Mrs. Bailey Merrill called me late Friday evening. She had planned to attend the Commissioners' Meeting today, but there was a death of a family friend out of the County and that is where she is today. But she did indicate to me that she, herself, and the Advisory Board supported this request. My only other comment would be that we know this is definitely needed and I am glad that you have started the ball rolling on this and to get specifics down as to the cost."

Mrs. Rhoads said, "I might add that on several occasions I have watched handicapped people come into the Auditorium (people in wheel chairs) and we have essentially one (1) handicapped bathroom downstairs. That is on the Walnut side of the Auditorium. If somebody is attending a function in the Gold Room, in order for them to get to that one handicapped bathroom they have to go outside the building and go through the Walnut Lobby entrance. During a Philharmonic Concert there is usually a line of people who are unable to find the stairs to the upper bathrooms and I have known the Philharmonic to hold an intermission for a period of time to allow the older people (and actually I would say that 80% of the people who attend Philharmonic Concerts are past age 50 or 60). We also have a group that holds meetings in the Gold Room once a month -- and they are a big supporter of the Auditorium. This is the Southwestern Indiana Council on Aging. They hold all of their functions there. Jerry Scheidler with Southwestern Indiana Regional Council on Aging is here with us today and I think he would probably like to say a few words if that is okay with you."

Mr. Scheidler said, "The Southwestern Indiana Regional Council on Aging has several events at the Auditorium every year and that is our Number 1 complaint with our senior citizens. Our functions are strictly for senior citizens and I do know that there are a lot of our senior citizens who do not come to those events simply because the restrooms are not conveniently located downstairs. As far as our wheel chair participants, again that is very much limited. Therefore, I would like to encourage the Commissioners to proceed with this because the need is very much there. And when we rent the facility that is our Number 1 problem -- that the elderly people just do not have the capabilities to go upstairs. The most recent event was last Friday night when we had Pat Boone there. I was at the door during the entire concert and they would come out (these were some participants who had never previously participated) and this was their Number 1 problem -- Where are the restrooms? When I said upstairs they looked at me like I was crazy. So the need is there and I would certainly appreciate any action on that -- because it is needed for our senior citizen population."

Ms. Rhoads said that Sharon Rudolph, President of the Auditorium Advisory Board is also present and would like to say a few words.

Ms. Rudolph said, "We've discussed the need for an elevator at the Auditorium at so many meetings. Also, I wanted to let you know that aesthetically it will be a beautiful thing for the Auditorium. We've talked with Dover Elevator and putting a glass elevator in front of the building similar to the elevator at the River House and in keeping with what is going on today, we feel it would update the Auditorium and make it even more beautiful. Thank you."

Commissioner Borries expressed appreciation to Ms. Rudolph for her comments. He said we will have to have an open bidding process and the engineering and all will have to go through our approved standards.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, permission was granted for the Auditorium to go on Council Call for \$120,000.00. So ordered.

RE: REQUEST FOR ENCROACHMENT PERMIT FOR AK-AR INVESTMENTS

President Borries recognized Attorney Steven Weitzel, who was present for purposes of requesting Encroachment Permit for AK-AR Investments.

Attorney Weitzel said he is appearing for AK-AR Investments. Alan Chamberlain is also with him this afternoon. The property in question (currently agricultural use property) is at 700 N. Burkhardt Rd. (about one quarter mile north of the intersection of Division and Burkhardt) and is the property this Commission rezoned last month for Drs. Al Korba and Aly Razeq, whose initials happen to be AK-AR. Their intended use of this property is an Outpatient Radiation Oncology Treatment Center (a radiation cancer therapy center) in which they will be investing approximately \$1 million in terms of construction of the facility and the attendant equipment. Part of the Site Plan that has been developed for this property contemplates an on-site septic tank system with an effluent pumping system off premises. The property is a two acre tract fronting along Burkhardt Rd. and the septic tank effluent pumping system they propose using is very similar in function to the one installed by the Town of Darmstadt. There will be no septic tank bed on premises, but the effluent non-solid (the liquid from the septic tank) would be pumped off premises into a 2 inch pipe to a private sewer they would propose constructing in the Burkhardt Rd. right-of-way north to the Oak Grove sewer some 2,800 ft. As the exhibit to our application shows, this would be constructed 36 inches below ground level and in looking at the map you will notice it is 5 ft. to the west from the outer extremity of the pavement for Burkhardt Road. They would pay any necessary sewer tap-in fees for the Oak Grove sewer; would privately maintain this 2 inch line until such time as either the County or the City or a private developer constructs a sanitary sewer in the Burkhardt Road right-of-way, at which time they would propose abandoning this private line and tapping into the Burkhardt Road sewer. He has spoken to Mr. Easley at some length about this and filed the application with him and he believes Mr. Easley is fully conversant with it.

The Chair entertained questions of Attorney Weitzel.

Commissioner Cox asked if Attorney Weitzel has a map?

Attorney Weitzel said it is attached to the application. The last three pages of the application, including the Encroachment Permit, contain a narrative which summarizes the remarks he just made. There is also a cross-section showing the location -- a typical cross-section of Burkhardt Rd. right-of-way -- showing the construction of the pipe 36 inches below surface level. The last page merely shows the location of this property in relation to the Oak Grove sewer to the north. All inquiries of the other

pertinent utilities have been made and there appears to be no conflict with either SIGECO or Indiana Bell with respect to this location. The last page is the Site or Location Map. The property where this is located (which was rezoned by the Commissioners) is on the westerly side of Burkhardt Road and it would pump some 2,800 ft. up to the Oak Grove sewer at the top of the map. Thus, it would be within the westerly portion of the right-of-way.

Attorney Weitzel then entertained further questions.

In response to query from Commissioner Cox, Mr. Weitzel said a part of the application that the applicant must acknowledge is Page 2, whereby the specifications for construction are set out. The fourth paragraph of those specifications indicates the applicant assumes all liability for injury or damage to property resulting from the work permitted by this application.

Mrs. Cox asked, "This pipe being put in along Burkhardt Road to carry the effluent from designated piece of property -- will it be at capacity for this property only? Or, if additional people came on with a request to ultimately set the system on their own lot and run it out -- would this pipe be able to take their ...?"

Attorney Weitzel said, "I have no idea about capacities. All I can tell you in that regard is that it certainly isn't the doctors' intent to build a sewer system along there."

Mrs. Cox, "That is basically what they are doing, though."

Attorney Weitzel: I mean, they are not looking to recoup tap fees or recoup any of their costs."

Mrs. Cox: I know. But my point is, Mr. Weitzel, if another firm or company came in with property next to yours, they might want to do the same thing. How are they going to get proper attachment onto the sewers?

Mr. Weitzel asked, "You mean Oak Grove sewer to the north? I would assume that if they want to design a system like this that this Commission could likewise grant them an Encroachment within the right-of-way. That is a....."

Mrs. Cox: "That is what I mean. How many pipes are we going to have running down the right-of-way from individual requestors who are developing out in the area?"

Mr. Willner asked if there are any paved driveways or areas they are going to be running through?

Mr. Weitzel said perhaps Mr. Easley can best answer this question.

Mr. Easley said he assumes the company's contractors when they install it, will restore whatever they damage. There is an obligation.

Mr. Willner said, "I understand that -- but it never gets done. I was going to ask them to push rather than tear up."

Mr. Easley: "That is only a 2 inch line, as I recall -- so they can push that. The Telephone Company does it all the time with their cables under our roads."

Turning to Commissioner Cox, Commissioner Willner asked, "You want other people to be able to tap-in if they pay a portion of the cost? Is that what you are saying?"

Mrs. Cox, "No, I'm just questioning how many 2 inch lines we're going to have running down the right-of-way. And if somebody else comes in and wants to put in a 2 inch line to carry out their effluent, how are we going to guarantee they are not going to dig up or destroy their line here?:"

Mr. Weitzel: "In that roughly half mile to the Oak Grove sewer, I have no idea what the future nature of development might be. Economics simply might dictate how many 2 inch lines are placed in here, because I think development of a field bed (if there were room for that on site) would be considerably less expensive than the installation of this pipe. Economics might dictate how many 2 inch pipes are requested."

Mrs. Cox: "Well, I feel it is going to be a highly developed area in the very near future -- with I-164 coming in out there."

Mr. Weitzel: "That is simply why we made the representation that at such time as a sanitary sewer were constructed we would pay that second tap fee and abandon this 2 inch line and hook into that sanitary sewer. Because I think you are right -- there will be development and there may even be a necessity for a larger common sewer system along that whole Burkhardt Road right-of-way from Division to Oak Grove Rd."

Commissioner Willner: "I think that is true. I guess the question here is -- in order for these people to proceed -- I think they have shown good faith in saying that if the Water & Sewer Department hits the point then to construct that sewer in that area that they would be willing to participate."

Mrs. Cox: "This doesn't say that."

Attorney Weitzel: "Sure -- on the last page. Yes."

Commissioner Borries: "Under Exhibit "A" (about half way down the page) it says that applicant would pay....."

Mrs. Cox apologized, saying she hadn't gotten that far -- she'd just had the document about five minutes.

Mr. Weitzel, in turn, apologized for not getting a copy to the Commissioners on Friday, but they were in a rush to get it finalized.

The Chair entertained further questions.

Mrs. Cox said she does think Mr. Willner has a point. That if there are paved areas, rather than to excavate -- that the contractor would force the pipe under the driveway pavement or road pavement -- or whatever. It doesn't look like they are going to have to go across the road -- but the driveway entrances, if they would force the pipe....

Attorney Weitzel interrupted, "We'll include a provision to that effect in our construction contract."

The Chair entertained a motion.

Commissioner Willner asked, "In the fourth paragraph, you agree to assume responsibility for any injury or damage to the property resulting either directly or indirectly from the work committed by this applicant? Can we add to that -- I guess if something happened to that pipe a couple of years after it was in and there was some liability -- would you also be willing to assume that?"

Attorney Weitzel, "Yes sir; as a matter of fact we've stated in the covenants we've undertaken that we will install and maintain at our sole expense at no cost to the County."

Mr. Willner: "I agree that you are going to maintain it -- because nobody else will. But I want you to assume the liability for that as long as it is in that right-of-way. I don't believe we covered that, did we? You know, some night the water line breaks and we have water all over the road and somebody comes up and puts their brakes on and slides into the ditch."

Attorney Weitzel said, "That's fine; we'll undertake that. If you like I can work with Attorney Miller on some language to that effect, and include same."

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the application was granted with the stipulation that all paved areas that need to be gone through be pushed (rather than tearing areas up) and also that the applicant would assume the liability for this line until it is removed. So ordered.

Attorney Weitzel reiterated that he will revise the language in paragraph on Page 2 and show it to Attorney Miller for his approval.

Commissioner Borries said this will be fine.

RE: DEERFIELD SUBDIVISION, PHASE I

Commissioner Borries said he doesn't know whether Jim Morley will be here today regarding Deerfield Subdivision, Phase I.

Commissioner Cox said she believes all that was required was the signing of the original street plans, with the addition on the plat as requested by the Commissioners. The Commission had wanted this addition on the plat.

RE: REQUEST FOR WAIVER OF SIDEWALKS IN BOLIN'S MEADOW SUBDIVISION

The meeting proceeded with the Chair recognizing Mr. William Bivins, who was present in regards to request for waiver of sidewalks in Bolin's Meadow Subdivision.

Mr. Bivins said this is a 56-lot subdivision, located at the site of the old West Side Drive In. It has been before Subdivision Review Committee and there is one minor change that they requested. The cul-de-sacs will be removed.

The Commissioners and Mr. Bivins spent several minutes discussing the plans.

Mr. Borries asked how far this subdivision is outside the City Limits?

Mrs. Cox said it is about 1/8 mi. Jobe's Lane and Speaker Rd. are the City Limit boundaries.

Commissioner Borries said he believes the ordinance gives the Board some discretion on subdivisions that are over 1 mi. outside the incorporated City Limits of Evansville.

Mrs. Cox said, "It certainly isn't a mile; it is 1/4 mile at the most -- and probably between 1/8 mi. and 1/4 mi."

Commissioner Borries said, "If my understanding is right on that ordinance, I think there is a lack of discretion in terms of the location where this one is. Under large lots and if it is considerable distance outside the City Limits, we are able to look at these on a case-by-case basis, but I am not sure in terms of...."

Mr. Bivins asked if Commissioner Borries would like to continue this and have a representative first before making a decision?



Commissioner Willner said he would like to have a copy of the ordinance.

Mrs. Cox said they haven't finished the excavation and she hasn't seen a drainage plan on it, but we're talking about an area where at one time there was as much as a 100 ft. drop at a time. Felstead Road is on the west of this property and the drive-in was kind of down in a little ravine or what was almost like a lake (when it rained, it was a lake). She is glad they are changing the cul-de-sacs and making it a continuous street around designated area. She thinks the developer is to be commended for that, because these are pretty long cul-de-sacs.

Mr. Bivins said, They surely are, and if a fire truck happened to go down the wrong way.....

Mrs. Cox said, "That is exactly right; minutes are precious at times."

Commissioner Borries said the Board needs to review the ordinance first, to determine whether they can consider sidewalk waiver.

RE: REQUEST FOR WAIVER OF SIDEWALKS - WEST TERRACE DRIVE  
IN KEY WEST SUBDIVISION

President Borries asked if Mr. Bill Nicholson is present. There was no response and this matter was deferred until such time as Mr. Nicholson arrives.

RE: REQUEST FOR DRIVEWAY PERMIT - HERMUS LEWIS

Commissioner Borries asked if anyone is present to discuss request for driveway permit for Mr. Hermus Lewis.

Attorney Edward Johnson said he and Mr. Lewis are here today seeking the application for a driveway permit onto Felstead Road. He thinks it would be easier if he just shows the Commissioners what they are talking about. He presented a map and pointed to Felstead Road. The rectangular piece of property is the piece of property that Hermus Lewis owns. He intends to build his own single-family residential structure in this 5 acre tract of land. What they are seeking today is the Board's permission to have a cut for driveway purposes for a single-family residential structure out onto Felstead Road and the map shows where it is going to go. This is the only issue they are asking the Commissioners to consider today. Would this be acceptable to the County Commissioners. He said he wants to tell all three Commissioners -- so they will know -- the right of Mr. Lewis to use the designated area (the 10 ft. driveway) is in litigation. It is the subject of a lawsuit now pending in the Vanderburgh Superior Court, which will be coming to trial in about eleven (11) days (about a week from Friday) and the Court will make a decision. He will tell the Commissioners what the issue is -- so all three Commissioners will know -- but they are not asking the Commissioners to supplant their judgment for that of the Vanderburgh Superior Court. The Special Judge in that case will decide the legal issue. The legal issue is, "Can Mr. Lewis use this 30 ft. strip of land to get from his property to where Felstead Road is now laid out when that 30 ft. strip of land was a reservation for roadway purposes?" Felstead was originally supposed to come up to the Lewis property and then go north. Actually, the way Felstead Road was laid out, in truth, was in this manner -- it touched the Lewis property. Nonetheless there is a 30 ft. reservation across designated area (across the front of the property owned by the Lichtenbergers, who are here today with two of their lawyers -- and he is sure they will remonstrate this). But he wants to tell the Commissioners that the legal issue is, "Can he use it or can't he use it? Does the 30 ft. reservation allow for a driveway, or doesn't it?" The Court will decide that. What they need the Commissioners to tell them is

that, assuming the Court allows this, can they have a cut for the driveway off of Felstead Road at designated point? That is an issue that is squarely an issue within the Board's province. It is not an issue within the province of the Vanderburgh Superior Court. Only the three Commissioners can tell them if it makes good sense to allow the cut at designated point. If the Court rules in favor of Mr. Lichtenberger and against Mr. Lewis, then allowing the cut in designated area will be academic -- they can't do that. If the Court rules in favor of Mr. Lewis and against Mr. Lichtenberger and the Commission allows the cut, then they will use designated point to put in a 10 ft. driveway over that 30 ft. strip of road reserved for roadway purposes back into the Lewis property. Mr. Lewis is here and will be glad to answer any questions the Commissioners may have. Attorney Johnson said he wants to assure the Commissioners -- and Mr. Lewis wants to assure the Commissioners on the record -- that it is for his single-family residential structure that he seeks the permit. He further wants to assure the Commissioners that Mr. Lewis will put the driveway in (if the Commissioners allow it) with a hard top surface to the Board's specifications -- probably with blacktop. Again, Mr. Lewis is here and would be glad to answer any questions. He has talked with Attorney Miller about the idea of allowing the Board to tell them whether there can or cannot be a curb cut at this point, subject to the outcome of the Vanderburgh Superior Court. In no way with whatever action is taken by the Commissioners will it controvert whatever the Court ultimately decides. This Board and the Court of Appeals in the State of Indiana -- or however far this case gets.

As far as the merits, whatever we do, that is a very steep curve, so the vehicular traffic is slow. But the visibility is a long way. If you go out and go by the Lichtenberger property where Felstead road curves, as you're coming from the Expressway you can see where this driveway cut is for many, many, many feet - clear visibility. If you come past Felstead Road, past the intersection of Rosser Drive, you again have total unlimited visibility of where this cut is. This is not going to be a hidden cut. In fact, it is probably safer than on a straight piece of property, because the vehicular traffic will be slowed because of the curve and yet the visibility is going to be a long way in either direction. Let me further tell you that the Lichtenberger ingress and egress to designated piece of property is off of Rosser Drive. It does not come off of Felstead Road, so you don't have any problem with multiple driveways in this area. Mr. Lewis is here and will be glad to answer any questions you may have regarding the requested curb cut for the driveway permit.

Commissioner Willner said he will save his questions for later.

Mrs. Cox asked if this is a land-locked piece of property?

Attorney Johnson said, "The Lewis property has some access from the other side (via subdivision Locust Hill). That access is not very acceptable, because it goes down a very steep ravine.

Mrs. Cox said, "This Board is very well aware of that access. I, personally, have reservations to let the Court decide before we make any decision on this. Is this a Jury Trial?"

Mr. Johnson said it is a Court Trial to be heard a week from Friday. The problem is, the people representing Mr. Lichtenberger have said "You haven't exhausted your remedies yet; you haven't gone before the County Commissioners and you haven't found out whether they would allow you to have a curb cut. Maybe a curb cut isn't the exact right application for a driveway onto Felstead Road. That is why we are here seeking it. And if, on its merits, it looks (as I feel that it does) like it makes a lot of sense to have the cut there, then if the Court rules in our favor we would proceed to put the driveway in to your

specifications. If the decision of the Court was against Mr. Lewis, obviously he is not going to violate any Court Order. So whether or not you gave us a cut there simply wouldn't be any driveway there -- if the Court and the Appellate Courts rule against him. All we're asking today is that you tell us on the merits of the propriety of the driveway itself. Is it acceptable to you if the other matters are worked out that we have a driveway going into Felstead Road to service this single-family residential structure on the property owned by Mr. Lewis.

Commissioner Borries expressed appreciation to Messrs. Johnson and Lewis and said he'd like to hear from the other side at this time. Is there someone who wishes to remonstrate?

Attorney Pat Shoulders was recognized by the Chair and said he is here on behalf of Gary and Sheri Lichtenberger, whose front yard Mr. Lewis wishes to come across to Felstead Road. He doesn't envy the Commissioners having to make decisions like this. He's never been in an elected position before and he is not sure what ingredients go into making these sorts of decisions. But he thinks certain things should certainly be important to the Commissioners. He assumes representative government attempts to represent the views of their constituents. To that end, they have counted the heads in the area. There is Rosser Drive, Locust Tree Lane, Felstead Road and Cliffwood Drive out there. The people most affected by this are the people who live on those streets. Of the possibly 55 who live out there, 48 have signed a petition directly against this. So, certainly from the constituents' point of view -- from the people who are most familiar with the area -- who live in the area -- he thinks it is important to consider those views. Sometimes he guesses unpopular causes or for many reasons, it is not always the will of the majority that should govern -- and he is sure of that. He thinks there are times when we have to listen to experts; people who make their living judging things like safety and road planning. To that extent the Evansville Urban Transportation Study was asked to take a look at this. He doesn't know whether the Commissioners have their report in front of them or not. He thinks it is important that they don't just say, 'We advise against this; we think it could be better somewhere else.' They say, 'This would be an unsafe location for the driveway.' So you are really being asked to allow a driveway permit in an area where it has been specifically found by the experts to be unsafe.

Thirdly, Mr. Johnson addressed the legality and the pending legal case. I think it is important for you to realize the present status of the title there. If you were to do an abstract and asked your surveyor to plot the present state of the title (with or without a lawsuit), right now this is Mr. Lichtenberger's property and this is Felstead Road (pointing to map). The 30 ft. we are talking about is the 30 ft. that comes along Felstead Road. The original deed described that area as coming down and making a right angle turn. Felstead Road wasn't built that way -- it curves. The correction deed filed when the surveyor discovered he was in error said "I'm sorry, there was a correction deed filed; the 30 ft. follows the curve of Felstead." What is the point of this? Mr. Lewis can't get to Felstead under the current legal title out there across anyone's property. His property doesn't touch the very 30 ft. he is talking about.

Finally, let's talk about the issue of fairness just briefly. The fairness is that Mr. Lewis has been before you previously, asked you for a curb cut onto Locust Tree Lane and you granted it. He has ingress and egress to his property. He is not land-locked. The first choice he had for a driveway has already been granted. He can build his driveway tomorrow. He has failed to file a minor subdivision plot which, I understand from Bev Behme, he is required to do. But when he does that and shows ingress and egress, he can show it right out onto Locust Wood Subdivision. You, I think, are familiar with the problems out there. But to put it all into perspective for you, this is

Locust Wood Subdivision (now a cul-de-sac) and this is Mr. Lewis' rectangular property and here is Felstead Road (pointing to map). He was granted ingress and egress right off the back of designated cul-de-sac. The only logical thing he is attempting to do is to make a road right on through there. Very few of us have driveways across our lot letting us out on two roads -- but that is what he wants you to do today. So, fairness suggests that he stay out of Mr. Lichtenberger's front yard. Thank you and I'll be glad to answer any questions you may have.

Commissioner Borries entertained questions of Mr. Shoulders.

Commissioner Cox asked, "Is the Court trying to determine whether this is, indeed, Mr. Lichtenberger's front yard? Of if it is an easement? Is that what we are trying to get the Court to decide and tell us?"

Attorney Shoulders said, "The Court is attempting to decide where this 30 ft. exception is. Whether it runs along Felstead or runs 30 ft. on the north side of this property."

Commissioner Borries entertained further comments on this specific issue.

Mrs. Shirley James said that the West Side Improvement Association has talked with both parties and they have been asked to make a comment. It is their opinion that any rulings on road cuts pertaining to the above-mentioned properties should perhaps be deferred until the case is heard in Court and property ownership is clarified. Should a ruling be decided upon by the Commissioners, it could be construed as prejudicing the case. They base that on something that happened with West Side Improvement when they tried to send some information ahead of time to a Judge. His office notified them that they could be taken to Court for trying to prejudice the case.

Commissioner Borries thanked Mrs. James for her comments.

Attorney Ed Johnson was again recognized by the Chair. He said he would like to respond to what was said by Attorney Shoulders and Mrs. James. In the first place, as Mrs. Cox points out, ownership of that area is exactly what will be decided by the Vanderburgh Superior Court. If it is decided that this property is what it said -- a reservation for roadway purposes -- then they will be allowed to utilize this if they're allowed to have the cut for ingress and egress into the Lewis property. Otherwise, they won't. Now, as far as whether or not it is good planning to do so, he is always interested when EUTS writes a letter and they write it to the Attorney (in this case for Mr. Lichtenberger, one of the remonstrators). He wonders if they have been out like he was and drove up and down that road and took a look at that area to see whether or not it was going to be a problem to see people. It's not on a hill. It is highly visible whether you are coming off the Expressway or going to the Expressway. Now, as far as whether or not you should defer this until after the Court enters a ruling, you need to know that this trial is going to be heard by Judge Hendrickson as a Special Judge. When they were in Judge Hendrickson's Court they told him they were coming here. They told him that a week ago when they were in his Court. They told him they were coming before the County Commissioners and that they were going to request this. This is not going to prejudice the case in any way. In fact, he thinks it would be helpful to the Court to know whether or not the Commissioners are going to allow the driveway permit. They think it makes a lot of sense and if the Commissioners have been out and looked at it they could see the visibility from both sides. They think it would be in the best interest to allow this subject, of course, to the final action of the Vanderburgh Superior Court. As far as whether or not there is another way in, there is; but you have to be a real mountain climber to get in there. Mr. Lewis does not want a road running through his

property; he wants to get onto his property the most expeditious way possible and that would be off Felstead Road. He can do it in grade there. If you've been around to the back of the 5 acre tract of land and looked at it, it is like going down the side of a mountain. He doesn't think if there was 1/4 inch of snow you'd be able to get up that thing. Aesthetically, it would be a lot nicer to come in at grade off Felstead than down that huge ravine off the back. Thank you.

(End of Side A, Tape 1)

Mrs. Rose Zigenfus of Evansville Urban Transportation Study was recognized by the Chair. She said, "We were requested by Mr. Ziemer to look at the site. She and the Engineer did drive out there and take a look at that and at Locust Tree Lane and concluded with their comment to Mr. DeLucio. She will be glad to answer any questions.

The Chair entertained further questions.

Attorney Miller said he has been in discussion with both parties (through their Counsel) on this matter. "It is my opinion that if the Board determines to address this subject today with a definitive response, that you should not concern yourself with the issues that are pending in the lawsuit that is before Judge Hendrickson. It would be my recommendation that you approach the question of this driveway permit as though there were no lawsuit and as though you were making a determination based upon the existence of no dispute whatsoever as to the right of Mr. Lewis to use the property that he proposes to use. You do not have to take a position on the issues set forth within the lawsuit in order to determine whether you believe that this would be an appropriate placement for a driveway absent those ownership issues. Any vote you take here today should not be construed by either party as expressing any feelings regarding whether or not the property that Mr. Lewis proposes to use to construct this driveway is his property that he is entitled to use. That is not the decision you make when any other driveway permit comes up here. You make a determination based upon your conclusions as to safety factors, the public interest, and what you believe to be in the interest of good government. I know that there are very strong feelings -- and understandably so -- on both sides of this question. It is unfortunate that such a dispute has developed. But that is not your dispute. If you say today, as I understand the situation, that you do not believe that a driveway permit is appropriate here and therefore you deny the driveway permit, it is my understanding from Mr. Johnson that that essentially saves everybody the problem of going to Court. Because if they are not going to get the driveway permit, it doesn't really make any difference. Is that correct, Mr. Johnson?"

Mr. Johnson replied, "That is essentially correct."

Attorney Miller continued, "On the other hand, if you determine that this is an appropriate place for a driveway permit to be granted, that does not mean that a driveway is going in there. It only means that if Mr. and Mrs. Lichtenberger do not prevail in the trial of the lawsuit, then and only then would the driveway go in. Therefore, if you determine to go forward and vote upon this question rather than to delay it, you will be only sending a message to these parties that has nothing to do with the issue in the lawsuit. That is not say you have, in my opinion, an obligation to make your decision today. I leave that to you. On the other hand, if you make a decision, it is not going to be the final determination as to whether or not that driveway is going to be there or not."

Commissioner Borries said, "Explain to me a bit, David, what Area Plan's role in this is going to be."



Attorney Miller said, "As I understand the Subdivision Ordinance, I believe that a minor subdivision plat needs to be filed in connection with the construction that Mr. Lewis purports to plan on this property. And I don't believe any such minor subdivision plat has been filed. Am I correct?"

Mr. Johnson said, "That is correct; we have to do that. Are you talking about the one on the rear of the property?"

Attorney Miller said, "I'm talking about the structure that Mr. Lewis proposes to place, as I understand it, would require the filing of a minor subdivision plat. I think it is because of the size of the property. That is my understanding."

Commissioner Willner queried Mr. Johnson concerning the size of the property.

Mr. Johnson said it is a 5 acre tract with one house.

Commissioner Willner said, "He does not need a subdivision."

Mrs. Cox: "Of course he doesn't -- not for one house."

Attorney Miller, "Well, I'll have to look at the Subdivision Ordinance. But I don't see that as critical to whether or not you decide to issue a ruling today. If you vote in favor of Mr. Lewis' position, the Court still must decide whether or not Mr. Lewis is entitled to use this particular property to build a driveway. If you do not make a decision today -- if you withhold any decision -- the lawsuit, I presume, will go forward and the Court's decision will then be made subject to your decision, rather than your decision being made subject to the Court's decision."

President Borries asked County Engineer Andy Easley for his comments.

Mr. Easley said, "The comment about the need for a subdivision -- Beverly Behme advised me Friday afternoon that it is Planning Commission policy that any parcel that didn't have a separate identity in 1957 (if it didn't have its own Tax Code Number) it was not Grandfathered and they had to file a minor subdivision plat. Now that is not a big thing that is hard to get. I am just saying that is the policy she stated, because she said that if it came up she wouldn't be here on Monday. But I don't think that really affects --but they are seldom denied -- as far as a minor subdivision. It is strictly for the Tax Assessor and other people who have to trace boundaries."

Commissioner Borries queried the Board concerning their feelings.

Commissioner Cox said, "Commissioner Borries, first of all I would say it is highly unusual that this Board receives requests for roadway cuts -- driveway permits. Usually we don't even know that they are being issued. This is done through the County Engineer's Office and doesn't come before our Board at all. I, personally, have a lot of reservations because I did learn some things today that I didn't know previously. That it is not just a portion of the area -- but the entire area -- that is concerned is undetermined as to ownership. And I, personally, feel that this is completely out of our Board's jurisdiction to make that decision. I think we realize that -- that it is in the Court's hands and I, personally, don't see how I can vote to approve something when we don't know who owns it. That is my personal opinion."

Commissioner Willner commented, "I think I agree with that one thousand percent. I think also that if John Jones requested a driveway permit at this spot that it certainly would be granted -- probably on a one hundred percent basis. But you certainly

don't grant a driveway permit if somebody else owns the property. It just isn't done. So I think we ought to table this for two weeks and take the matter under advisement."

President Borries said it sounds as though there will not be a motion on the floor at this point.

Mrs. Cox asked, "Is that a motion to table it? Is that what you did?"

Commissioner Borries said his only comments are that the record would state that in deference to Mr. Lewis' side, this matter was discussed in the County Commission's meeting of this date, but as the other two Commissioners have pointed out, his feelings also would echo the concern that the reality of this is that in a system of limited government it places this Board in a very awkward situation to have to rule on a private property dispute first and foremost. Until the property question is settled, this Board is just faced with a situation it cannot easily decide. That is his comment.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, it was the decision of the Board to take the matter under advisement until the Court makes a final judgment. So ordered.

RE: VACATION OF RIGHT-OF-WAY ON MILL ROAD BRIDGE

The meeting proceeded with President Borries asking County Engineer Andy Easley if he is going to handle the matter of the vacation of right-of-way on Mill Road Bridge, or are there other persons who are going to speak regarding the matter? Mr. Easley has been looking into this since the Board was aware of some problems with that structure.

Mr. Easley said, "As I see it, I guess we have three options:

- 1) Reconstruct the bridge
- 2) Ask the State (and he has met with Rex King) officially for permission to connect the old right-of-way of Mill Road to Highway 66 and put in a culvert. We'd have to spend some money there. And that is a limited access highway and I am not sure they would grant us permission for that. They say their policy is that if it will save a local governmental agency a large expenditure, they would consider it.
- 3) Build a frontage road to St. Joe Road. Scaling off the map, it appears to be 1,400 ft. (approximately 1 acre) -- if we were to take 30 ft. right-of-way for a lane suitable for farm implements. It would be an easement for a County road, as I've shown shaded in yellow on the map. Whether or not we put any surface on it or just made it a dirt road and graded some ditches on it. If the ground were to cost us \$3,000.00, and we might need a culvert up near St. Joe Road and I could see spending another \$1,000 to make this it a decent, well-drained dirt road. So that would cost approximately \$4,000.00.

If we were to get permission to connect Mill Road into Highway 66, that may require a 30 inch culvert, sizable pipe and the with the length of that we could probably spend \$3,000.00 installing the culvert and taking the fence down and improving the connection to Highway 66.

We anticipate that a bridge (18 ft. wide x 40 ft. long with 17 inch thick beams) with the pre-cast concrete set in place would cost \$12,000.00 and it would maybe cost another \$2,000.00 worth of material and equipment to construct approaches to the bridge --so we're talking about a total of around \$14,000.00.



Commissioner Borries asked, "How long would it take to construct the bridge in the manner in which you mentioned here?"

Mr. Easley said it would take two to three weeks.

Commissioner Cox asked if we have the materials available to do this? Or, would they have to be ordered?

Mr. Easley said they would have to be purchased. We have some beams in the County Highway Department Yard that we have salvaged. Because of their length, Dan Hartman said they would be more valuable in a couple of other bridges that are going to need to be replaced.

Mrs. Cox asked how long it would take to order the other beams we need?

Mr. Easley said they apparently could fabricate them and have them ready to set within two (2) weeks after the order was received. They would come from Henderson, according to our proposal.

Mrs. Cox asked, "No one in Indiana makes them?"

Mr. Easley said he thinks they do some pre-casting in Jasper or Washington -- but he'd have to check on that. But he is not certain about the pre-cast concrete beams.

Mrs. Cox asked, "How long to set them and get the road open?"

Mr. Easley said if they could be cast and cured and available to be transported in two weeks, that would give us time to clear away the debris from the collapsed bridge. They could be set the week following their availability for setting. Dan Hartman said they thought they could have them ready for us in two weeks.

Mrs. Cox said, "I suppose we do not have an answer from the State Highway about the access. You said if we could go out Mill Road on Highway 66 we'd need that. That is Number 1 and you do not have an answer on that. Number 2 is building a frontage road all along the side there, which means we're going to probably have to get permission from the State or permission from property owners for right-of-way buying and we certainly can't build a road I wouldn't think in that length of time. I don't think we have any choice except to go with repairing the bridge or replacing the bridge that is there and getting on with it. And this certainly isn't an exorbitant figure to work with here. Those are my personal feelings."

Commissioner Borries asked, "You had been in contact with Mr. King and said something about an emergency?"

Mr. Easley said, "Rex told me last Tuesday (a week ago tomorrow) that he would check to see if they could give us permission to open it on an emergency basis. But he now says he has been advised -- apparently because Federal funds were involved in acquiring the limited access right-of-way -- they would be breaking their trust agreement with the Federal people to allow any breach of that and we would have to submit a letter and they would submit the letter to Indianapolis and from there it would go to the Federal Highway people. I have not talked to him, personally, but it was a phone message from a call I received early this morning."

Commissioner Borries entertained further discussion.

Commissioner Willner said Mr. Easley mentioned cost of some \$14,000.00 to install a new bridge, how much would it cost to get rid of the old one?

Mr. Easley said, "I think if we got the crane out there -- I would think a good crane operator and some riggers could have the old one out of there in six to eight hours. They will have to lift it up and set it on the bank and cut it up so we can work around it. I'd say a day -- and I suppose we're talking about \$1,500.00 by the time it is cut up and hauled off."

Commissioner Willner asked, "What kind of bidding procedure would we have to go through?"

Mr. Easley responded, "You could declare it an emergency and solicit bids."

Commissioner Willner said, "If we do build a new bridge, before I would get the okay -- I'd want to get the property owners to say -- or sign an agreement -- that they would not stand in the way of our giving the bridge back to the property owners. I would want it to become their bridge after we do that. Other than that, I think we should give them a choice -- either the St. Joe Road deal or the bridge -- and whatever they want, let's do. But I would want that agreement in writing -- they they would not stand in the way of the abandonment. And they need to realize that after we build the bridge that it would be their's to maintain from now on."

Mr. Easley said, "As proposed, it would have to have guard rail."

Mrs. Cox said, "If it were abandoned, it would just be a farm entrance."

Mr. Easley said we're proposing an 18 ft. deck width and he guesses if the Commissioners would so order, our County forces could install guard rail at whatever height was agreeable.

Mr. Edwin Bosecker was recognized by the Chair. He said he is one of the owners and he questions why the bridge would have a guard rail. The way they're built today -- he knows Mr. Mueller has a combine with a 20 ft. cutter bar and with an 18 ft. bridge, he could lift the cutter bar to go over the rail if the rail is not too high.

Commissioner Borries asked if the rest of the agreement (excluding the guard rail) is satisfactory?

Mr. Bosecker said, "We understand it would be a pre-cast concrete form?"

Mr. Borries said that is correct. He then asked, "Do you have any objections? You would be willing to sign an agreement with the County regarding the future maintenance of this bridge?"

Mr. Bosecker said, "If you're going to give it back to us, I don't think we have any choice."

Commissioner Cox said, "I think Mr. Willner wants your cooperation. When this hearing that we have on the vacation of the bridge -- he wants your cooperation not remonstrating against it. Am I right in thinking that, Bob? Is that the bottom line here?"

Mr. Willner responded, "Yes."

Mr. Bosecker asked, "What else would it include? Would it include Mill Road on the other side of the bridge, also?"

Mr. Willner said, "Everything the County owns from the curve from the bridge on would be abandoned."

Mr. Bosecker asked, "But everything on the east side of the bridge would still be County road?"

Mr. Willner said, "No; from our right-of-way on the new road, thence West, would all be abandoned."

Mr. Bosecker asked, "You mean the highway right-of-way?"

Mr. Willner said, "The Mill Road (not the highway) -- but Mill Road from the County's right-of-way. I guess it's 50 ft. or 60 ft. -- from the center of the road."

Mrs. Cox asked, "So there would be a section of Mill Road which would lie east of the bridge, the bridge, and the rest of the bridge where it dead-ends at the new Highway 66. That would be abandoned."

Mr. Bosecker said, "I thought since it would be a residential driveway on this side of the bridge that it would remain a County road up to that driveway."

Commissioner Willner asked "You're talking about the driveway to the Old Mill Road?"

Mrs. Cox interjected, "No; Mr. Bosecker has two (2) driveways to his property. He has one that comes off Mill Road (which was Old Mill Road) and then when it went and curved down and around -- he had another one."

Mr. Willner asked, "But they are both on the abandoned section?"

Mrs. Cox said, "No; one is on the regular section and one of them is on the area to be abandoned."

Mr. Willner, "We always take care of our roadway driveways up to the property line anyhow. We always do that."

Mr. Frederick Bump was recognized by the Chair. He said he is a tenant with Mrs. Mueller's ground, which is involved in this. He guesses another concern of his is, 'What is the capacity of this bridge after built?' He doesn't want it to happen again on his part.

Mr. Easley said the bridge would carry highway loads.

Mr. Bump said he guesses the other question that is a concern of his (as stated the other night) is that, when we are tenants, we still are the concern of the landlords and, for instance, what if these individuals (there are close to 150 acres there), sell this property and they will come back to you folks and say we want to sell this property and we want to have a public road going back there. Is this bridge going to be accepted by you folks then, again? I am just asking a question. Do you think it will be built then to that extent, or will you object to accepting this bridge? That is a concern of mine - a taxpayer and a concerned person who is involved with the property."

President Borries said, "I doubt that it would meet the standards. I would say 'no'."

Mr. Bump asked, "It would not be accepted? They actually have land-locked ground back there, the way you folks are presenting it to them. Right? I am just asking these questions."

Mr. Mueller said, "Not really. If someone wanted to develop this in terms of their own private property. Often times developers extend roads wherever at their expense."

Mr. Bump said, "But you are the owner of this property now, right? And you are wanting them to assume the responsibility of this property?"

Ms. Cox said, "It is a very good point, Mr. Bump, and you are looking to the future."

Mr. Bump said, "I am sure I am not going to get anything out of this other than I am concerned about the landlords."

Ms. Cox responded, "When the State bought the right-of-way, Highway 66 and for re-aligning Mill Road, I think there was compensation to the property owners at that time for the change in this."

Mr. Bump said, "I don't believe there was, because they stated that the property had some excess. In other words, they did not (I don't believe), get any damage because they said there was a County Road going to the property. So, if that was the case, I think that there was an obligation on the County to keep the road there."

Mrs. Mueller said, "Twenty years ago my husband and I went to court with the State and this one little section in here has quite a bit of the State right-of-way around it. The thing of it is, you can no longer go at an angle onto State Highways, so they had to make the curve in Mill Road to come on up. So, this little bitty section (about 3 acres), had so much of the State right-of-way. The State right-of-way has where the Old Mill Road takes off to the new Mill Road, it has a lot of the right-of-way there and around Highway 66 and the Creek there is bordering here, so that makes this little portion landlocked if you don't extend that down to the bridge at least. Like Mr. Bump says, this other property would be landlocked if you do not at some time accept the responsibility right-of-way back, in case they ever want to sell that property. You were saying something awhile ago about a frontage road off of St. Joe Road. You would have to come back, buy some frontage back up toward the Old Mill Road to get over here to that little seven (7) acres."

President Borries asked, "What is your feeling then?"

Mrs. Mueller responded, "Well, I have a feeling like Mr. Bump -- at some time later on if you want to sell this, the County should maybe re-assume the right-of-way for a road. And we definitely need the County to upkeep that because of the Bosecker property on the east side down to the bridge. If you relinquish those two designated sections, we'll be landlocked."

Mrs. Cox said, "Just to comment on what Mr. Bump said, if a developer down the line in the future would buy this property, their option that they would have, I am certain, would be this frontage road."

Mrs. Mueller said, "That would probably be the only way they could get to it."

Mrs. Cox: "They would have to build that in order to be able to divide it and then you would have problems because of two property owners involved. I can see where you are coming from."

Mrs. Mueller: "Unless they maintain the bridge, there would no way of getting over there in those seven (7) acres. The three or four acre section has a knoll in it and I know the State would not even let my husband bulldoze that knoll, because of some of the property on the new Mill Road. I think there perhaps should be some stipulation that if that would ever be developed that the County would acquire the rest of that old Mill Road. That is good property there. It would be good property for anything. There used to be some kind of access road to get to that seven (7) acres. It is good flat land right in there for some type of development; but they would not have a road to get to that property."

Mr. Easley said, "Perhaps if they are concerned about long-range future development possibilities or options -- or whatever you want to call it -- the frontage road would be the most viable

solution and the Commissioners could negotiate the purchase of a 50 ft. frontage road would be a good compromise width and grade it for proper drainage, ditches -- and then it would be available for either agricultural use or some day if and when someone ever wanted to put some houses back there (if the sewers ever got out there) they could get out where there is a cross-over at St. Joe Road."

Mrs. Cox: "Wouldn't we also have to install a large culvert in this frontage road, Andy?"

Mr. Easley: "Just looking at the topo map, it would take at least one -- I don't think that valley we're looking at would be much more than a 36 inch pipe."

Mrs. Cox: "I do know I looked at one of the farmers out there several years ago when some drain tile got stopped up out on Highway 66 and flooded out a lot of his farm ground that had been planted. There is a lot of water. I know the topos don't always show -- people live out there. I would take their word for it rather than looking at a map -- and they did come out and clean out those culverts and do some ditching, which helped to relieve the situation. But I certainly don't want to go to the expense of putting a road in there -- it would have to be up a little bit -- and create any problems with drainage."

Commissioner Willner: "Why don't we have Andy go out to see the property owners and give them something to sign -- and whichever they want, we'll go. Let's move it along."

Commissioner Cox said, "The only thing that would cloud my decision now is the multiple ownership of the property. I was under the impression that the two owners (one each side) -- each would get half of the road right-of-way and half of the bridge -- and that is not the way it is. Is that the way that it is?" Why would it be landlocked then? Why wouldn't there always be an access to the property?

Commissioner Willner, "Nobody is going to be landlocked --nobody."

Mrs. Cox: "If a subdivision went in there, they would not want to use this entrance as an entrance to a subdivision -- I wouldn't think -- in that area."

Commissioner Borries, "We're willing to work with you and if the property had been vacated, that decision in the future would have had to have been made regardless of whether a bridge was or wasn't there or whether or not you all were maintaining it. But since this incident has occurred -- where the bridge is now really in bad condition -- we'd like to work with you in any way we could to get it up. But, again, I'm not speaking for the whole Board here -- but it is going to be very difficult to say that we would include a provision in there that we would maintain that in the future, based right now on current needs -- because, frankly, we just wouldn't want to afford to spend a great deal of money at this point -- insuring our planning for whatever purpose you had. Again, this is the second time it has happened. But if you are a believer in limited government (which is what this group does and I'm thinking in a lot of instances) we can't make a decision on private property on how the use is going to be. We can make a decision now on where the public right-of-way is and what is going to happen with sewers and everything else -- that there would be a time when conditions would change to the point where this County would be spending money in a case to insure development in that area. This is tough. Do you want another week to work with Mr. Easley to see what your opinion would be? Based on the discussion, it looks like we have two clear alternatives. One would be the frontage road that has been mentioned. The second would be if we declare this an emergency and went for a pre-cast bridge and tried to begin as quickly as we could to resolve the situation on the bridge site."

Mr. Bosecker said he'd be satisfied just to go with the bridge.

Commissioner Borries asked if there would be a spokesperson present for the other property owner? Would you all want to discuss that further?

Mrs. Mueller said, "Again, I want what is best for everybody and if the bridge is a good substantial bridge --

Mr. Easley said the pre-cast concrete will take a highway load H20S16 (a 20 ton truck).

Mrs. Mueller asked, "And it has plenty of time to be aged or cured -- so it will hold all the equipment -- then I guess we will go ahead with it. Because in the future if you want to use that property, someone could enlarge that bridge themselves, could they not?"

Commissioner Borries, "If at that point it has been vacated and is a part of private property -- certainly. That decision hasn't been made yet. That is a decision we were considering."

Mrs. Mueller: "Well, as long as I am living I hope I don't have to part with that property, because I have held on to it as long as I can -- I love it. But it may be that sometime down the road we have to and it is good property -- good flat ground -- and there have been requests for it even before (gas stations and what not) and I guess if someone really wanted that section they could put in as wide a bridge as they wanted to and there would be no objection from the County?"

Commissioner Borries: "If there were development in the future and the property were vacated it would have to be built according to County standards if at any time a developer would want to insure that that bridge then be maintained by the County. Do you understand what I am saying? If the developer did it themselves they'd have to build it according to County standards."

Mrs. Mueller: "And the County would accept the bridge for them if it came to that point?"

Mrs. Cox. "What Mr. Borries is saying, too, is that in many of these subdivisions where you have covered bridges or walking bridges alongside the roadway there, it's a Homeowner's Association that is formed by the people who live in the subdivision that takes over the maintenance of the structural areas, rather than it being a County function to do."

Mrs. Mueller: "I think we will go ahead with that -- if it is a good substantial bridge where we can get across it with farm equipment. Thank you."

Mrs. Mueller asked if the County will maintain the road up to the bridge? The Commissioners responded in the affirmative.

President Borries entertained further discussion. There being none, a motion was entertained.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the County Engineer was authorized to order the necessary materials to build the bridge, hire a company to remove the debris on an emergency basis, and get a signed agreement from the property owners in remonstrance of the abandonment of the bridge. So ordered.

(End of Side B, Tape #1)

RE:

AREA PLAN

B. Cunningham  
B. Behme

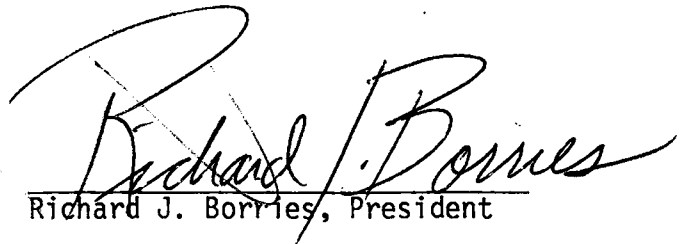
OTHERS

J. Lindenschmidt  
W. Clements  
Fred Bump  
E. Bosecker  
Leo Gumbel  
Henry Schlensker  
Jim Sermersheim  
Ed Patterson  
Eldon Bates  
Jerry E. Riney  
Jim Francis  
Rodney Young  
Richard Alvey  
Theresa Colston  
Elizabeth Schlensker  
Ken Wendt  
Tim Worley  
Steve Gubbins  
Jane Gubbins  
Kathleen White  
Marsha Luttrell  
Dr. & Mrs. J. Samuel  
Phil Bowman  
Carolyn Rector  
Wilma Hardison  
Walter Hardison  
Clata Horn  
Cathie Francis  
Beth Young  
Gary Deig  
Linda Deig  
News Media  
Others (Unidentified)

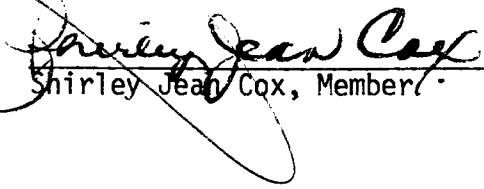
OTHERS (Continued)

W. Clements/WSC Associates  
Tim Mueller  
M. Scott Watson  
R. D. Bud Schnell  
Teresa S. Patchin  
Michael McCray, Attorney  
Mr. & Mrs. Wm. Felts  
Bob Seymour/Bethel Temple  
Betty Whittinghill  
Ronald D. Crook  
Karen Kishline  
J. Neal Whittinghill  
Alex Colston  
Nace Wilhite  
Jim Morley  
Phil Garrison  
R. R. Schwambach  
Geneva Schwambach  
Steve Schwambach  
David Schwambach  
Michael Tron  
S. Tron  
Nancy E. Gumbel  
Carol Riggs  
Leo M. Riggs  
Colleen Mueller  
Gene Rector  
M. Bartholamew  
Ann Bartholamew  
Francis Barton  
Paul B. Yokel  
William H. Horn  
Coradella Baker  
Alex Colston  
Mary Kay Deig  
Craig Deig  
Bob Gulick/SIGECO

SECRETARY: Joanne A. Matthews

  
Richard J. Borries, President

Robert L. Willner, Vice President

  
Shirley Jean Cox, Member



MINUTES  
COUNTY COMMISSIONERS MEETING  
MAY 31, 1988

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MINUTES  
COUNTY COMMISSIONERS MEETING  
MAY 31, 1988

The Vanderburgh County Board of Commissioners met in session at 2:50 p.m. on Tuesday, May 31, 1988 (due to the Memorial Day holiday on Monday) in the Commissioners Hearing Room, with President Rick Borries presiding. The meeting was delayed due to extreme noise interference from the thermostat unit, which made it impossible to conduct the meeting until said noise was under control.

Having called the meeting to order, President Borries welcomed the attendees and subsequently entertained comments, questions, or a motion concerning approval of the minutes of April 11, 1988.

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

RE: U.P.P. BUSINESS SYSTEMS - DON CLARY

Mr. Don Clary of U.P.P. Business Systems was recognized and welcomed to the meeting.

Mr. Clary identified himself and said he represents U.P.P. Business Systems of 1 Transam Plaza Drive, Oak Brook Terrace, Illinois 60181. He expressed appreciation to the Commissioners for taking time to see him this afternoon. The reason for his request to talk to the County Commissioners is that their firm is one of the firms bidding on the Facilities Management portion of the Vanderburgh County/City of Evansville proposal for Data Processing. It came to his attention that they were being disqualified from the final short list because of their inability to support any other vendor's equipment besides UNISYS and he is here this afternoon to inform the Commissioners that that is not the case. Ninety-five percent (95%) of their client installations where they are currently are multi-vendor shops, which is the trend in data processing today -- to find several vendors as a most effective solution for operating companies and they have been involved with a number of conversions and programming systems development on a number of different systems and he wanted to present his case in front of the Board for questions concerning their inabilities to support just one system.

President Borries entertained questions of Mr. Clary. There being none, he proceeded to comment that there are at least two of the vendors and perhaps a consultant in the audience and the Board certainly appreciates and recognizes his statement here for the record. There has been no decision made and in the interest of what he would say in his position on this Board it is, to say the very least, a tremendously complicated situation and the Commissioners are guided by a number of aspects, but particularly the aspect of what we have among many of our major users in the County of what we have and they will assure him that they will ask questions. If he has any concerns -- now that he has said these things for the record -- that he would wish to put in writing and forward to the Commission so they can deal with these with the Consultant, they will be happy to do so. That is really the best that he would want to assure him at this time. They have not made a decision. They certainly want to insure that our users for the future are best served by whatever system we have and, again, recognizing that it is a highly technical, complicated situation, they certainly appreciate his comments and hope that, based on his concerns, they will ask the Consultant those things and do the best they can.

Mr. Clary asked, "So, in other words there has been absolutely no decision made one way or another?"

Mr. Borries: "Speaking for myself, I know at this time that this Board has not discussed this at any meeting. You see, when you go into a situation like this when there are so many players -- as there are in the County -- as well as players (and by players I mean 'users') in the City -- that is really why we hired a Technical Consultant or Advisor to look to the technical assistance that many of us would not have. And, again, I would want to assure you that this Board has taken a step backward in order to insure that an open bidding process has taken place and that each group would then be examined according to what their offers are and, of course, he understands Mr. Clary's concern. But in the final analysis we will be able to select only one firm for Facilities Management, probably one firm for Software, and one firm for Hardware. So that is what makes this process a slow one and an involved one."

Mr. Clary asked, "Did you consider the possibility of bringing in the Facilities Management Team as the first part of your selection to insure that all of the users' requests would be heard as far as different types of vendor, hardware and software? Vendors solutions would be heard in that vein, so that the Facilities Management Team would be in place and then could proceed to speak with the users to determine their possible needs so that the proper selection can be made?"

Commissioner Borries said, "That certainly is a very good option and a very good suggestion. Again, we have not fully discussed all of that with the Consultant, but we are waiting for his feeling about that and maybe an option."

RE: COUNTY ATTORNEY - CURT JOHN

President Borries called upon County Attorney Curt John for his report.

Evansville Dance Theater: Attorney John reported that we received another check today from the Evansville Dance Theater in the amount of \$100.00. They are pretty well living up to their bargain. He has notified the Auditorium.

Vacation of Bridges: Attorney John said he was notified last week that the Commissioners would like to vacate Mill Road, Boonville-New Harmony and Kansas Road bridges on June 20th. Is this still the Board's intention? He would recommend that the Hearing be held June 27th for two reasons. First, it would give us a little additional time for legal ads and notifications. Secondly, June 27th is his meeting and he would be present for the hearing.

Commissioner Borries said he will poll the Board to see what they would like to do.

Commissioner Willner said that June 27th is fine with him.

Mrs. Cox asked if this is a night meeting? \*

Commissioner Borries said it is not; but there is a Drainage Board Meeting scheduled.

Commissioner Cox said the delay does make a difference because the Board has heard the special concerns of the abutting property owners regarding the Mill Road Bridge. She thinks the vacations should be heard before June 27th. She asked Mr. Willner what he thinks? Will the Board make a decision on June 27th?

Commissioner Willner said, "I would hope so."

Commissioner Borries asked, "Can we hear it on June 20th?"

Attorney John said, "Well, we can try for June 20th. I am to pick up the legal descriptions from the County Engineer today and I will try my best to make sure that the Hearing can be held on June 20th.

Commissioner Borries said the Board had scheduled meetings at 6:30 p.m. and 7:00 p.m. (this is a night meeting). Could Attorney John let the Commissioners know for sure this week so perhaps they could go ahead and hold the hearing on June 20th.

Attorney John said he will assume that he can be ready. His main concern was that since he is handling the petition that he probably should have been there.

Commissioner Willner said perhaps he can trade meetings with Attorney Miller.

Attorney John said he thinks he'll pass; he already has three night meetings.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Work Report/County Garage: Mr. Bethel submitted the Weekly Work Report for Employees at the County Garage for period of May 23 thru May 27, 1988.....report received and filed.

Gradall: Brookview, Old State Road, Mann Road, St. Joe Ave., 9600 New Harmony Rd.

Paved: Owensville, Newman and Adler Roads

Tree Crew: 7325 Upper Mt. Vernon Rd., Miller Rd., and Upper Mt. Vernon, Baumgart Rd., curve on Middle Mt. Vernon Road, St. Wendel Road and Peerless Road

Patch Crew: Upper Mt. Vernon Rd., Five Dollar Road, 7914 Old State Road, Kirchoff, Bergdolt Rd., O'Hara Drive, Booker Rd., and Red Bank Rd.

Mower: Pollack Avenue, Lynn Rd., Fuquay Rd., Spry Rd., Indian Mounds Blvd., Red Bank Rd., Nurrenbern Rd., Broadway, corner of Eickhoff, Middle Mt. Vernon, and Old Henderson Road

Grader: Cemetery Rd., Lyle Rd., Eisterhold Rd., and Burdette Park

Trash Crew: Hogue Rd., Broadway and the Garage.

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

- Cut grass and painted guard rail on Bergdolt Rd., St. Joe Avenue, Darmstadt Rd., Mesker Park Drive, Red Bank Rd., Old 460, Koressel Rd. and Mill Rd.
- Repaired grate on Green River Rd.
- Removed headwall and installed guard rail on Inglefield and Darmstadt Roads
- Removed guard rail from Kansas Road Bridge
- Cleaned log jam from Weinbach Avenue

- Placed 53's on Stacer, Petersburg Rd., Schutte Rd., and Fuquay Rd.
- Hauled trash from Yard
- Installed guard rail at Kleitz and Kremer Roads
- Repaired washout at the intersection of Mill Road and White Pine

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

Request to Go on Council Call: Mr. Bethel said he is requesting permission to go before the County Council and transfer \$8,000.00 to a fund where he can hire high school students again this year to help cut the bushes, etc., at intersections in the County, as we have done the last two years.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the request was approved. So ordered.

Commissioner Cox queried Mr. Bethel regarding the age limitation for these students.

Mr. Bethel said they have to be 16 years of age.

Commissioner Willner said he thought they had to be age 17.

Mr. Bethel said, "No, they can work at age 16 -- as long as they are out of school."

Commissioner Cox asked, "And our insurance covers this?"

Mr. Bethel confirmed that our insurance covers this.

Commissioner Cox asked Mr. Bethel what fund he is going to transfer the money from?

Mr. Bethel said he wants to transfer it out of Bituminous Material.

State Closing of Weinbach Avenue: Commissioner Borries said he has an item -- not for any decision today but just for perhaps a report back to the Commission next week -- on any plans Mr. Bethel may be aware of that may involve the State closing Weinbach Avenue at some point this summer.

Mr. Bethel said, "Yes, South Weinbach is supposed to be closed. The State is supposed to be closing it."

Commissioner Borries said if Mr. Bethel can find out as to when that might be, he would appreciate it.

Mr. Bethel said he thinks they are trying every way in the world to keep it open, but he will try to get an answer from the State and report back to the Commission next week.

Mrs. Cox asked, "Is that in regard to the I-164 Spur?"

Mr. Bethel said that it is.

North Burkhardt Rd.: Mr. Bethel reported that we're having a problem with North Burkhardt Rd. The Sheriff told him today that big trucks are running North Burkhardt Rd. and we're supposed to pave that and they are supposed to be off that road. They are

not supposed to be running it and he's got to determine who is running it, because they are supposed to be off of it completely right now. So he will be checking on this, also.

RE: COUNTY ENGINEER - ANDY EASLEY

Acceptance of Streets in Whispering Hills Subdivision, Section "B": Mr. Easley asked if the Commissioners are ready to act on acceptance of street improvements in Whispering Hills Subdivision, Section "B"?

Mr. Willner said he has no problem with it.

Commissioner Cox asked, "It's the one we can't get a report from the Surveyor on insofar as compliance with the drainage plans because we don't have a drainage plan? Is that correct?"

Mr. Easley responded, "I believe Joe Elpers built this back in 1980 (is this the date he recalls?) It was begun sometime around 1973 and the street maybe was built to designated intersection in 1980. Bill Bethel and I inspected it and it looks quite presentable, in my opinion. It has a Grandfather status; it does not have any guarantee on the street improvements that the Planning Commission is holding. They would like for the school bus to be able to use the street to pick up the students."

Mrs. Cox said, "I have a note here, Andy, on the report -- has Rush Ridge been accepted?"

Mr. Easley said, "Yes it has."

Mrs. Cox asked, "And has Whispering Hills from St. Wendel Road easterly to an east line of Lot 5 in Section "A" been accepted? Do you have a date on that?"

Mr. Easley said, "I think it was accepted the latter part of 1986. This part should have been included in that. There was a misunderstanding between Bill Nicholson and I as to...."

Mrs. Cox asked, "We do not have a void somewhere in between what has been accepted and what you are asking us to accept now? We don't have a section in there that is hanging in the air?"

Mr. Easley replied, "No."

Mrs. Cox said, "There was a notation -- have you also checked this out, Andy, on Lot #5? The note says that this 12 inch culvert seems to be inadequate and may cause ponding during heavy rainstorms?"

Mr. Easley, "I haven't gone back out to personally inspect that, no."

Mrs. Cox said there is also a note about it being obstructed by waste concrete. "Do you have a copy of the Surveyor's report?"

Mr. Easley said, "Yes, I have a copy of it."

Commissioner Borries said, "We need to address these items and I would say that if obstructions have been removed and if as you have mentioned here that as far as the other parts of the subdivision they have been accepted -- we could go forward. But I would like to have one more week to address these items."

Mr. Easley said, "Okay; I can take another look at it and perhaps Mr. Bethel and I can meet with Mr. Elpers. But I didn't see any drainage inadequacies that would cause any carpets to get wet or damage the roadway, itself."

Commissioner Borries commented, "Of course, we're not hearing much about drainage problems these days because of the rainfall. That's always something we hear more from when rains hit. But I'd like a little more information on those items."

Mrs. Cox asked, "Andy, will you please check those culverts that are obstructed?"

Mr. Easley responded, "Yes Ma'am, I will."

Mrs. Cox asked, "Then we will consider this next week?"

Commissioner Borries replied, "Yes."

Report on Replacement of the Mill Road Bridge Over Little Creek East of State Road 66: Mr. Easley said he has ordered \$10,000 worth of pre-stress concrete beams for the replacement of the Mill Road Bridge that collapsed. They are going to be provided by Consumer's Products Corporation in Henderson, KY. He was able to get one other quote that could deliver within two weeks and that was from Salem, IL. However, Consumer's Products has promised they will have them by June 14th (if not before) and Mr. Bethel has requested that I have a contractor take the old bridge out, because he felt the County forces shouldn't perhaps be involved in what could be potentially dangerous work (cutting it up and hoisting it out of the creek). I would say that this is proceeding on schedule. Mr. Easley entertained questions.

Commissioner Willner asked, "Have we officially declared this an emergency?"

Mrs. Cox said the Board did this last week.

Mr. Easley said he was under the impression that it was. It will probably be a \$1,500 or \$2,000 contract. He will be lucky to find someone who can do it this week and he doesn't know how many quotes he can get on that. Normally it runs so much per hour for the crane and their people -- and he can watch them to make sure they are not out there an excessive amount of time.

Commissioner Willner asked if Mr. Easley has called anyone yet?

Mr. Easley said he called one man, but he hasn't gotten word that he can do it this week.

Mr. Willner asked if he's called John Mans?

Mr. Easley said he will call him.

Authorization Requested to Select an Abstract Company to Document the Width of the Existing Right-of-Way on North Green River Rd.: Mr. Easley said there was discussion last week re the need for an abstract company to document the width of the existing right-of-way on North Green River Road and he was able to obtain two quotations, and he is submitting copies of the two letters he received (Evansville Titles Corporation and Hoosier Abstract Corporation), and he said the one from Hoosier Abstract about an hour prior to this meeting. It would appear that Evansville Titles' proposal would be the least expensive.

Mrs. Cox asked, "How many easements are there? Hoosier Abstract is going to do it for \$15.00 per easement."

Mr. Easley said they will have to check. According to letter from United Consulting Engineers, there are approximately 52 property owners on list they were unable to determine if the existing right-of-way is 45 ft. He would assume they will have to check, and as to whether they find any deeds -- they are being paid for the checking and not the deeds. Because if they don't find anything, they wouldn't get any money.



Mr. Willner said, "My question is, is all of that south of Hirsch Road? We know none have ever been done north of Hirsch Road. So my question is, are all of those 50 parcels south of Hirsch Road?"

Mr. Easley said, "According to the letter they have, Evansville Outdoor Amusement, Payless Cashway, Weber's, Bob Jarrett, Public Storage Properties -- that is south of Theater Drive (Evansville Day School, Noffsinger, Edward Rose of Indiana (that is the apartment complex), Kixmiller, Risley's, Spurling, Pugh, Lant, Temple of Praise, RHO, Inc., Grimm, Plainview Acres Subdivision, etc. It looks like it is a mix. I don't recognize anything that is north of Hirsch."

Mr. Willner said, "My second question is, have we decided what the intersection at Theater Drive is going to look like on the east side?"

Mr. Easley said, "I believe so."

Mr. Willner asked, "And do we need some property there?"

Mr. Easley responded, "Maybe for the curb returns. That area is owned by the heirs to the Hirsch family. I don't see it here on the list."

Mr. Willner asked Mr. Easley for his recommendation.

Mr. Easley said, "I recommend that Evansville Titles help us out in this matter."

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the selection of Evansville Titles Corporation was approved. So ordered.

Approval of Street Improvement Plans for Eastland Estates Subdivision, Section "D-2": Mr. Easley said he wrote a note to the Commissioners the latter part of last week that we have a small set of street plans for Eastland Estates Subdivision, Section "D-2", which he believes they had a chance to look at.

During brief discussion with the Commissioners concerning the plans, Mr. Easley noted that the sidewalks were waived and the storm drainage structures conform to the drainage plan. In fact, as he recalls, they increased the size of them.

The Chair entertained questions. There being none a motion was entertained.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the street improvement plans for Eastland Estates Subdivision, Section "D-2" were approved. So ordered. (Mr. Easley presented the milar for the Commissioners' signatures.)

Authorization Requested to File Condemnation Proceedings to Acquire Parcel of Right-of-Way from Wilbert E. Fehd, Et Ux for Boonville-New Harmony Road Extension: Mr. Easley said he is requesting that the Commission authorize condemnation action on the parcel of right-of-way that we need for the easterly extension of Boonville-New Harmony Rd. He and Lee Stuckey have met with Wilbert Fehd and his wife several times and have made their best offer to them and are unable to get them to accept the offer. Therefore, he thinks it is time to bring condemnation action into being.

Mrs. Cox asked if we've had this appraised?

Mr. Easley said we did -- Vic Funke appraised it. In response to query from Commissioner Borries, Mr. Easley said we also had Bob Goff do a review appraisal, and we used that to guide us.

Mrs. Cox asked if Mr. Easley has a copy of the appraisal?

Mr. Easley said he has a copy -- would Mrs. Cox like for him to make a copy for her?

Mrs. Cox said, "No, I'll call -- I assume it was so much for the parcel we needed, wasn't it?"

Mr. Easley said, "Yes, and he had some field drains in there -- and he was losing his investment in that and wanted some reconstruction work on the outlet to the remaining field drain north of the highway -- and that was all considered."

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, authorization was given to file condemnation proceedings. So ordered.

Selection of Consultant for Engineering Study on U.S.I. Overpass:  
He, Rose Zigenfus, Jim Lindenschmidt and Rick Borries interviewed the Consultants. Do the Commissioners want to have another meeting? They've never gotten back together as a "Selection Committee" -- or are they ready to make a recommendation?

Mrs. Cox asked, "Did this Committee meet this past week? I have a note that it was going to meet and I would be advised as to the time and place -- and I didn't know that it had met."

Commissioner Willner said, "I think the three of us should meet with the State Highway Department before we select a Consultant."

Mr. Easley said he thinks Mrs. Zigenfus is aware of that and it was mentioned that perhaps we should get a letter from the Indiana Department of Highways that they would cooperate and approve a grade separation structure at this location -- and we have not received that letter at this time. Maybe we should obtain that before we appoint a Consultant.

Mrs. Cox asked, "Do you have a time frame for these three different consultants insofar as their design time would be concerned?"

Mr. Easley said, "When we interviewed them I think we got a 60 day to 90 day time frame -- and I believe the earliest we could have it would be 60 days."

Commissioner Borries, "I think you may want to share the questioning that you did with the other Commissioners and I will do that -- and as Commissioner Willner has pointed out, we need to get that documentation from the Indiana Department of Highways."

Mr. Easley asked if there is any further discussion re the overpass at U.S.I?

Mrs. Cox asked, "At the interview, you did talk about the time element involved? And was there an approximate fee amount?"

Mr. Easley said, "Yes."

Mrs. Cox asked, "Are they going to use sub-contractors on any of this? Or, will it all be done ...."

Mr. Easley said, "I think they would do it in-house. One of them said he thought maybe a boring would be desirable. I think one of the Consultants said he thought there were enough borings nearby that they could extrapolate some information from them insofar as depth of rock, etc."

Notice to Bidders re Resurfacing Program: Mr. Easley submitted the original Notice to Bidders re Resurfacing Program for 1988. As we did last year, we saved some advertising cost by advertising at one time for six (6) bids. He has broken the road resurfacing program down into six (6) contracts and they are basically grouped by Township to keep the contracts within a manageable amount at the various geographical locations in the County. The Purchasing Department consulted with Margie Meeks and came up with some -- as soon as you approve this, they can get this in the paper on Friday, I believe. So the first time we could take bids then would be June 13th. (I didn't think we could make the 13th. I don't think she's right -- I think it takes 20 days -- that's not right. We're going to have to revise that. I think we publish twice, seven days apart and then open ten days after the last date of publication. There is no way to get 17 days between now and the 13th).

Mrs. Cox said the Notice said to publish in Evansville Courier and Press on June 3 and 10th. Does it have to be 10 days after the last publication? Andy, I do just want to bring up -- you know, last year when we let these contracts for various paving projects, we had a number of days expire even after the contract was awarded before the successful bidders started their paving program. I was wondering, I don't see anything in here...."

Mr. Easley interrupted, "That is in the Specifications."

Mrs. Cox asked, "Where are they?"

Mr. Easley said, "I spent eight (8) hours over the weekend finishing this -- while I had a little peace and tranquility in my Study at home -- in order to get it out. The number of days in in the Special Provisions. The Specs will be almost identical to what we had last year and the year previous. We gave it 90 working days last year. They have other work going on and I think we get a better price if we don't lean on them too hard, so to speak. Not all of you may share my philosophy on that. We could make it 60 working days since -- once they got started last year, they did it in something almost like a week and a half."

Mrs. Cox, "There was a problem with a piece of equipment or something -- we're not talking about too much here. We're talking about some 30 miles here."

Mr. Easley said, "And I think there are some three or four roads on this so-called Final Preliminary List where the work needed before they can resurface is getting into what we would call a fairly good-sized improvement -- and we're still trying to determine the scope of what has to be done before these roads can be resurfaced. One of those is Motz Road. It is a narrow road -- it has right-of-way problems -- and the Commissioners will be consulted a little later on that one -- We have a recommendation."

Mr. Willner said, "I have a problem with Stacer Road. At one time last year you were asked to do an update on Stacer Rd. because the southwest corner is owned by an Industrial Park -- and a business was going to locate there. Before we pave Stacer Road, I'd like to update that corner and see what we need, rather than pave it and have to tear it back up."

Mr. Bethel agreed.

Attorney John returned to the meeting following research re advertising requirements and Commissioner Borries asked, "There was a suggestion then that if we advertise twice, could we make the first advertisement then on June 3rd and June 10th and then open on June 20th?"

Mr. Easley said, "We could do that."

Mr. Easley asked that the Commissioners sign the Notice and the advertising dates can be amended.

Returning to the subject of Motz Rd., Commissioner Willner said that before we get too far along, he would like the County to ask the residents to give to the County a 50 ft. right-of-way before that road is paved. There is not enough right-of-way in most places to even have ditches there, and if they want a new road he thinks they ought to be willing to supply us with enough right-of-way to build a new one.

Mr. Easley said he will get a letter out to the residents.

Middle Mt. Vernon Rd.: Mr. Willner queried Mr. Bethel as to whatever happened with regard to Lower Mt. Vernon Rd.? Did we decide to buy 30 ft.? What happened on that?

Mr. Bethel said Mr. Easley is working on that.

Mr. Easley said the easements have been written and they have been waiting about a week and a half to get them typed. They should be typed this week and they'll take them back out and get the residents to sign them.

Mr. Willner asked, "We don't have that road on the list at all, do we?"

Mr. Easley said it is Middle Mt. Vernon Road. We won't be damaging the roadway, but there are some culverts that will have to be replaced. It would be desirable to get that done first.

Commissioner Willner said, "Absolutely."

Mr. Bethel said we won't pave it until they get that ditch finished.

Mrs. Cox asked, "May I make a suggestion? If we ask the people on Motz Road for a 50 ft. right-of-way, could we extend that pavement out a little, rather than just having the 16 ft. width?"

Mr. Easley said he shows 18 ft.

Mrs. Cox said, "At least that -- because we don't want to go through what we went through on McDowell Road."

Schutte Rd.: Commissioner Cox said the Board discussed some improvements that were going to be done on Schutte Road at the intersection of Clark Lane. There is a deceleration lane up at the State Highway and an acceleration lane as you go east off of Schutte onto Highway 62 -- and that is a State Highway. They have a jurisdiction of she doesn't know how many feet there. But the Board talked somewhat about widening that part of Schutte Road from Highway 62 to at least Clark Lane, where it goes back to the University and she understands that all of the east side of Schutte Road is still under the Webers.

Mr. Easley asked, "This is the right turn lane on Schutte? I wasn't aware that the Commissioners wanted to do this."

Mrs. Cox said it is documented in the minutes that we look at Schutte Rd. -- look at those intersections. It carries a lot of traffic and when people want to either turn and go east or go straight across Highway 62 and go west or on up Schutte Road, then it affects everyone else up in that one lane that could go ahead and turn right and east onto Highway 62. I think if we're going to put a new top on Schutte Rd. -- we really need to look at that section of it and see if we can improve it. And what I wanted to say -- I understand that it is in the Weber estate. So if we're going to have to buy some right-of-way or get some extra right-of-way, then I think this would be a good time to do it.

Peach Blossom Lane: Mr. Easley reported that he and Mr. Bethel have discussed Peach Blossom Lane and Union Federal (who still owns a substantial number of lots in there) has taken two proposals from firms to repair the street to bring it up to County standards. One is to remove and replace the broken concrete (all of it that I marked) and the other is to repair the badly broken concrete and replace it with full depth asphalt and then overlay the entire street with 2-1/4 inches of asphalt. Mr. Bethel and I are in favor of the asphalt overlay. I may have mentioned it to one or two of the Commissioners (if you will recall). Union Federal would like to have a letter from the Commissioners stating their preference. I will draft the letter if you would like to make a choice today -- or take the matter under advisement for a week. The overlay will cost them a little more money -- several thousand dollars more money -- but we think probably the end result or finished product is worth it.

Commissioner Willner said he would move that Mr. Easley write them a letter with his recommendations.

Mrs. Cox asked, "That is for the overlay?"

Mr. Easley said, "Yes, I recommend that we go with the overlay."

Mrs. Cox provided a second to the motion. So ordered.

RE: COUNTY SURVEYOR'S REPORT - BILL JEFFERS, CHIEF DEPUTY  
Commissioner Borries recognized Chief Deputy Surveyor Bill Jeffers and asked if he anything to report.

Brookview Subdivision, Section I: Mr. Jeffers said he sent down to the Commissioners' office earlier today a Surveyor's Report on Brookview Subdivision, Section I. They asked for street acceptance on December 10, 1987 and he wants to just impress on the Commissioners that there are about eight (8) items to which he calls the Board's attention. But he also calls the Board's attention to the last paragraph that the project is constructed in accordance with the original street plans and drainage plans. The problems he cites here are not serious and the street surfaces are not imperiled by the problems he sees out there. And many of the problems were caused by weather conditions and other utility installations. The developer, Mr. Bussing, still has substantial funds encumbered against the rest of the development.

Audubon Estates, Section "A": Again, the problems out there were caused by weather conditions and other utility installations. He will call the Board's attention to the last sentence. He withheld this report because the water line installation was in progress when they were first asked to inspect this and it is now complete.

Firlick Creek at Bridge No. 82: The third item concerns Firlick Creek at Bridge No. 82. He gave Mrs. Matthews a copy of a letter from County Surveyor Robert Brenner dated May 31st, which is self-explanatory and reads as follows.

May 31, 1988

Board of County Commissioners  
Vanderburgh County, Indiana

Re: Firlick Creek @ Bridge #82

On May 26, 1988, Mr. Arnold Heilman of 4605 Millersburg Road was referred to our office by staff at the County Highway Garage and by the Assistant Bridge Engineer regarding his request that the County clear the banks of Firlick Creek within the right-of-way for Green River Road and Bridge #82.

Mr. Heilman owns farms property in the Northeast Quarter Section 35-5-10. Firlick Creek flows along the western and southern sides of his farm. Bridge #82 carries the creek under Green River Road at the Southeast corner of the Northeast Quarter of Section 35-5-10.

Mr. Heilman has cleared the banks of Firlock Creek as it flows through his property. Mr. Heilman is requesting that Vanderburgh County clean up the creek banks of trees, brush, and rank vegetation within County right-of-way where the channel passes under Green River Road at Bridge #82. The site is located approximately midway between Heckel Road and Millersburg Road.

Respectfully submitted,

s/s Robert W. Brenner

To cut the red tape, they are bringing this to the Commissioners. In conclusion, he would like to say that the improvement he made on the private portion of the creek was a vast improvement.

Commissioner Borries thanked Mr. Jeffers for bringing this matter to the Board's attention and said the letter will be referred to the Bridge Crew. The Board will need a week to examine these two reports filed today by Mr. Jeffers and discuss same at next week's meeting.

RE: DATA PROCESSING - PHIL LIEBERMAN

President Borries then recognized Mr. Phil Lieberman, Consultant re Data Processing for the City of Evansville and Vanderburgh County.

Mr. Lieberman said, "I came to the meeting today because other people had comments about the processes the City and County are going through in the selection of hardware, software and facilities management and he wanted to take time to respond to comments that were made.

Mr. Clary of U.P.P.'s Business Systems called him last Wednesday and asked how his company stood in the bidding process and he gave him an answer that was true and it was partially answered, but he did not have time to go into all the reasons why he was not on the 'short list'. He's done that with a number of vendors that have called because he didn't want to string the vendors along. Some vendors have called and if they are not on the 'short list' and they wish to have their deposit back because they have taken out a loan for the bid bond and they have the option of withdrawing their bid, receiving their check back and stop paying interest. So, the response to him is that we have considered many more items than just the items he gave him for not having him on the short list. The second thing is that he made a comment as to whether we had thought about hiring a Facilities Manager first to help negotiate the contracts. The answer is 'yes'. We may consider something like hiring the Facilities Manager to come in and help us negotiate the contracts and help us make a decision on the winners of the hardware and software. We have three areas that I have to work with: The Courts, Law Enforcement, and Administrative. I have three governing bodies: The Commissioners, County and City Councils -- and it is not an easy task. I am trying hard and I've told Leslie Blenner, the Chairman of the City/County Data Processing Board, that I am ready to make a decision. I told her that I will be ready next week. Within an appropriate time frame she will send out notices to the public and to the people on that Board to come to a meeting next week so we can make an announcement. I'll make a recommendation to the Board and should they accept, I think there will probably be a Joint Meeting of the Board of Public Works and the County Commissioners so they can make that same presentation to that group. And the

recommendation I'll make to that group will be that we start negotiating contracts. So we're just weeks away from a final decision.

Commissioner Borries entertained questions of Mr. Lieberman. He said he knows Mr. Lieberman has worked extremely hard and, again, he thinks in the short amount of time whatever statements we make could be tremendously simplified. He appreciates the work Mr. Lieberman is doing and he would ask that in the vast area of County Government with so many users that he take special care (as he is sure he is doing) to poll all of those major users so that we can have some consensus as we begin to make that decision. It is very important for us. It is an ideal situation to try to please everyone, but they do want to plan for the future and try to reach that kind of a consensus to make all the major users feel comfortable with whatever decision is made.

RE: BURDETTE PARK - FINANCIAL STATEMENT

The meeting continued with President Borries submitting the Financial Report from Burdette Park for period ending April 30, 1988.....report received and filed.

1988 STARTING BUDGET

1988 Budgeted	\$497,289.00
1987 Encumbered by P.O.	13,382.00
1987 Encumbered by Contract	15,382.02
1988 Additional Appropriation	150,382.00
Total 1988 Budget	\$676,435.02

EXPENDITURES & BALANCE 1/1/88 TO 4/30/88

Total Expenditures	\$284,233.72
Total Balance	\$392,201.30

INCOME 1/1/88 TO 4/30/88

Pool	\$ 450.00
Rink	13,000.00
Rentals	25,630.06
Miscellaneous	1,181.54
Totals	\$ 40,902.35

4/30/88

Total Expenditures	\$284,233.72
Total Income	
Deficit Sub-Total	\$243,331.37
Less Capital Improvements	- 106,730.80
Total Deficit	\$136,600.57

RE: EUTS -- SIGN RECOMMENDATIONS

President Borries said he has a letter from John Stoll of EUTS regarding sign recommendations at specified intersections.



In response to request from the public, EUTS has evaluated the following streets/intersections and recommends that the following signs be installed:

- 1) Little Schaefer Rd./Brookdale Drive -- Install a STOP sign on Brookdale Drive approach to the intersection.
- 2) Eastland Drive/Pollack Avenue -- Install a STOP sign on the Eastland Drive approach to the intersection.
- 3) Greenfield Road/Greencove Avenue -- Install a TWO-WAY STOP on the east and west approaches on Greencove Avenue.
- 4) Ward Road -- Post a 30 mph Speed Limit north of St. George Road.
- 5) Elmridge Drive -- Post a 30 mph Speed Limit on the segment of Elmridge Drive that has been accepted by the County (between Oak Hill Road and the crest of the first hill to the east).

Commissioner Borries asked for comments or recommendations from the Commission.

Commissioner Willner moved that the recommendation from EUTS be taken under advisement and given to the County Engineer for his expertise. Mrs. Cox provided a second to the motion. So ordered.

Commissioner Borries said the Commissioners may want to look at those intersections and if they have any input, give same to Mr. Easley.

RE: ALEXANDER AMBULANCE SERVICE. - MONTHLY REPORT

The monthly report for April from Alexander Ambulance Service, Inc. was submitted.....report received and filed.

RE: OLD BUSINESS

The Chair entertained matters of Old Business for discussion. There were none.

RE: SCHEDULED MEETINGS

Wed.	June 1	2:30 p.m.	County Council Meeting
Wed.	June 1	6:00 p.m.	Area Plan Commission Mtg.
Mon.	June 6	3:30 p.m.	APC Meeting re Flood Plain Studies (Room 303)

Commissioner Cox said correspondence from APC advises of meeting concerning the Flood Plain Studies. "I think that we, as Commissioners, should be involved (I certainly would like to be involved) in hearing what they have to say."

Commissioner Borries said that due to the importance of the U. S. 41 Corridor for industrial development and because of the drainage improvements made by the County Surveyor's Office and the Big Creek Drainage Association, the Mayor and County Commissioners have requested a re-survey of the flood plain for this area. After a lengthy dialogue with the Indiana Department of Natural Resources, a meeting has been set to lay the ground work for a study of local flood hazards and flood plain designations. The original request was to study the Highway 41 Corridor, but it appears from the attached letter that other areas may also be examined. "The meeting will be held at 3:30 p.m. on June 6th in Room 303 of the Civic Center. In order to make this a successful project you are invited to attend to provide your input." (This is from Barbara Cunningham; again, concerning the Department of Natural Resources' re-determination of flood plains.)

There is an attached letter which I will not read -- but enter for the record. The letter is addressed to Mr. Chris Forney or the Area Plan Commission and, again, looking at perhaps a wider area than specifically the U. S. 41 Corridor. This letter is from Mr. Norbert Schwartz, Acting Chief of the Natural Hazards Branch. This is also through FEMA (Federal Emergency Management Agency).

RE: DEERFIELD SUBDIVISION - SECTION I

Mr. Borries recognized Mr. James Morley of Morley & Associates, and said that he has a milar of street improvement plans (with additions as requested by the Commissioners) for Deerfield Subdivision, Section I, to be signed by the Commissioners. (The plans, with stipulations, were approved previously -- it was just a matter of recording the stipulations on the milar of the plans before the Commissioners affixed their signatures thereto. Having reviewed the milar, the Commissioners signed same.)

RE: TRAVEL REQUESTS

President Borries said he has several travel requests (it looks like they all will be about the same). He will read from Union, Center, Pigeon and Knight Townships -- requests for travel, lodging, and per diem from John Bernard, Jr., of Union Township; Alvin Stucki of Center Township; Al Folz of Knight Township; and Robert Dorsey of Pigeon Township -- to attend the Indiana Assessor's Association 1988 Annual Conference on July 11, 12 and 13 in Clarksville, Indiana. This is requested by the State Board of Tax Commissioners.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, the requests were approved with instructions that expenses be paid for from otherwise unappropriated funds, if necessary funds are not in the budget -- as these are State-mandated meetings. So ordered.

RE: CLAIMS

Commissioner Borries said he has no claims to be presented for approval today.

RE: EMPLOYMENT CHANGES

Pigeon Township Trustee (Appointments)

Kimberly Wilke	Clerk	\$35.00/Day	Eff: 5/23/88
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County Assessor (Appointments)

Mary A. Hollander	Sec./BR	\$35.00/Day	Eff: 5/24/88
Jeannette Reuger	Sec./BR	\$35.00/Day	Eff: 5/31/88

Treasurer (Releases)

Curtis Sturgeon	Part Time	\$10.00/Hr.	Eff: 5/12/88
Patricia Tutt	Part Time	\$10.00/Hr.	Eff: 5/19/88
Georgiana Harris	Part Time	\$35.00/Day	Eff: 5/26/88

Superior Court (Appointments)

Julie Annakin	P.T. Intern	\$5.00/Hr.	Eff: 5/18/88
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County Auditor (Releases)

Bettye Miles	Sec./BC	\$14,535/Yr.	Eff: 5/27/88
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County Auditor (Appointments)

Bettye Miles	Sec./B.C.	\$15,035/Yr.	Eff: 5/31/88
Julie Reis	Part Time	\$ 35.00/Day	Eff: 5/31/88

Circuit Court (Appointments)

David D. Kiely	Intern	\$4.00/Hr.	Eff: 5/16/88
Kelli E. Ulrich	Intern	\$4.00/Hr.	Eff: 5/9/88
Tracy Thread	Intern	\$5.00/Hr.	Eff: 5/16/88
Jeffrey Shoulders	Intern	\$5.00/Hr.	Eff: 5/15/88
Steven L. Lehman	PTBB	\$5.00/Hr.	Eff: 5/23/88
Charles W. Marx	PTBB	\$5.00/Hr.	Eff: 5/23/88
Patrick Kelly	PTBB	\$5.00/Hr.	Eff: 5/23/88
Brian Wilson	PTBB	\$5.00/Hr.	Eff: 5/23/88
Elizabeth Deem	PTBB	\$5.00/Hr.	Eff: 5/23/88
Norman Hoskinson	PTBB	\$5.00/Hr.	Eff: 5/23/88

Circuit Court (Releases)

Brian Wilson	PTBB	\$5.00/Hr.	Eff: 5/20/88
Elizabeth Deem	PTBB	\$5.00/Hr.	Eff: 5/20/88
Darrel W. Healy	PTBB	\$5.00/Hr.	Eff: 5/20/88
Norman Hoskinson	PTBB	\$5.00/Hr.	Eff: 5/20/88
James C. Dassel	PTBB	\$5.00/Hr.	Eff: 4/30/88
Sherry Gard	Part Time	\$5.00/Hr.	Eff: 5/6/88
Todd Corne	PTB	\$5.00/Hr.	Eff: 4/27/88
Janet Hamer	PT Intern	\$3.35/Hr.	Eff: 4/29/88
Mark D. Acker	PT Intern	\$5.00/Hr.	Eff: 5/20/88
Steven Lehman	PTBB	\$5.00/Hr.	Eff: 5/20/88
Charles W. Marx	PTBB	\$5.00/Hr.	Eff: 5/20/88
Patrick J. Kelly	PTBB	\$5.00/Hr.	Eff: 5/20/88
Janet McConnaughay	Pro. Coun.	\$631.00 BIAN	Eff: 5/24/88
Janet McConnaughay	Counselor	\$19,936/Yr.	Eff: 5/24/88

\*To reflect salary from two (2) accounts

Burdette Park (Appointments)

Barbara Owens	Reg. Guard	\$3.60/Hr.	Eff: 5/15/88
Liz Fravel	PTGC	\$4.00/Hr.	Eff: 5/14/88
John Bippus	PTGC	\$4.00/Hr.	Eff: 5/15/88
Shawn Stanley	Asst. HG	\$4.00/Hr.	Eff: 5/11/88
Alicia Minton	Ext. Guard	\$3.35/Hr.	Eff: 5/21/88
Benjamin McCarthy	Ext. Guard	\$3.35/Hr.	Eff: 5/21/88
Randall Seidehamel	Reg. Guard	\$3.60/Hr.	Eff: 5/21/88
Barb Bain	Cashier	\$3.35/Hr.	Eff: 5/24/88
John DeVoy	Reg. Guard	\$3.60/Hr.	Eff: 5/12/88
Jill McNaughton	Reg. Guard	\$3.60/Hr.	Eff: 5/12/88
Libby Borries	Reg. Guard	\$3.60/Hr.	Eff: 5/13/88
Julie Dougan	Slide Att.	\$3.35/Hr.	Eff: 5/13/88
Angela Lawrence	Rink Cash.	\$4.00/Hr.	Eff: 5/22/88
Perry Gostley	Pool Mgr.	\$48.00/Day	Eff: 5/11/88
Joeli Staley	Asst. HG	\$3.60/Hr.	Eff: 5/16/88
Rick Rausch	PTGC	\$4.00/Hr.	Eff: 5/16/88
Frank Current, Jr.	PTGC	\$4.00/Hr.	Eff: 5/16/88
Jeff Ludwig	Slide Att.	\$3.35/Hr.	Eff: 5/21/88
Amy Helfrich	Reg. Guard	\$3.60/Hr.	Eff: 5/12/88
Dan Durbin	Slide Att.	\$3.35/Hr.	Eff: 5/15/88
Eddie Starns	Ext. Guard	\$3.35/Hr.	Eff: 5/15/88
Charles McConnaughay	Ext. Guard	\$3.35/Hr.	Eff: 5/20/88

Burdette Park (Releases)

Don Chamberlain	Asst. Mgr.	\$19,515/Yr.	Eff: 6/13/88
Tony Behme	PTGC	\$4.00/Hr.	Eff: 5/31/88
Perry Gostley	Rink Guard	\$4.35/Hr.	Eff: 5/11/88

There being no further business to come before the Board at this time, President Borries declared the meeting adjourned at 4:20 p.m.

COUNTY COMMISSIONERS  
May 31, 1988

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<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R. J. Borries R. L. Willner S. J. Cox	Sam Humphrey	Curt John
	<u>COUNTY HIGHWAY</u>	<u>COUNTY ENGINEER</u>	<u>COUNTY SURVEYOR</u>
	Bill Bethel	Andy Easley	Bill Jeffers (Chief Deputy)
	<u>AREA PLAN</u>	<u>OTHER</u>	
	B. Cunningham	Don Clary/U.P.P. Systems Phil Lieberman/Consultant James Morley/Morley & Assoc. Others (Unidentified) News media	

SECRETARY: Joanne A. Matthews

Richard J. Borries, President

  
Robert L. Willner, Vice President

  
Shirley Jean Cox, Member 5/6/88

MINUTES  
COUNTY COMMISSIONERS MEETING  
JUNE 6, 1988

I N D E X

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MINUTES  
COUNTY COMMISSIONERS MEETING  
JUNE 6, 1988

The Vanderburgh County Board of Commissioners met in session at 2:40 p.m. on Monday, June 6, 1988, in the Commissioners Hearing Room, with Vice President Robert Willner presiding.

The meeting was called to order and subsequently opened by Sheriff Clarence Shepard, who declared the Commission in session pursuant to adjournment.

Commissioner Willner said that Commissioner Rick Borries is not present today because he is in Indianapolis at the State Democratic Convention, but he will be back in Evansville tomorrow.

RE: APPROVAL OF MINUTES

Commissioner Willner entertained comments, questions, or a motion concerning approval of the minutes of the Commissioners Meeting held on Tuesday, May 31, 1988.

Commissioner Cox noted that on Page 2 where it is talking about the reason for holding the Hearing on the bridges to be vacated on June 20th (a night meeting) is to hold the Hearing before a full Commission Board and to give people an opportunity to come to the Hearing and not have to take off from work for a 2:30 p.m. meeting. This is the only addition to be made that she saw.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, with the inclusion of the addition to the minutes as requested by the Commissioners, the minutes were approved as engrossed by the County Auditor and the reading of same waived. So ordered.

RE: AUTHORIZATION TO OPEN BIDS RE NEW ROOF FOR HILLCREST-WASHINGTON CHILDREN'S HOME

President Willner entertained a motion authorizing County Attorney Miller to open the bids received re the new roof for the Hillcrest-Washington Children's Home.

Upon motion duly made Commissioner Cox and seconded by Commissioner Willner, Attorney Miller was authorized to open said bids. So ordered.

RE: READING OF BIDS RE NEW ROOF FOR HILLCREST-WASHINGTON CHILDREN'S HOME

The meeting proceeded with Attorney Miller reporting that two (2) bids were received. Both were properly executed and contain a

Whiting Sheet Metal \$76,600.00  
\*Existing roof not removed -- does not include removal of roof.

U. S. Industries Group, Inc. \$94,400.00  
\*All flat roofing is to be removed and all sloped roofing not to be removed.

Attorney Miller pointed out that we are not exactly comparing apples with apples.

Commissioner Cox asked Commissioner Willner whether he has an Engineer's Estimate?

Mr. Willner said that County Engineer Andy Easley is unexpectedly appearing before the Grand Jury today and that is the reason he is not present.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, the bids were referred to the County Engineer for his expertise and recommendations. So ordered.

Continuing, Commissioner Willner said he does have an Engineer's Estimate.

Commissioner Cox asked if Mr. Willner wants to read the Engineer's Estimate into the record?

Mr. Willner responded, "Not right now. I want you to take a look at it. Both bids were below the Engineer's Estimate.

Mrs. Cox said, "That is all I needed to know."

Commissioner Willner said he also has the Proof of Publication to be made a part of the minutes. "However, we do not want to reveal the amount of the Engineer's Estimate at this time. If the Board rejects either one of the two bids or both bids for one reason or another and the Commissioners have to re-advertise for a new bid, then we wouldn't want that Engineer's Estimate divulged at this time."

Mr. Whiting of Whiting Sheet Metals asked if the Public isn't entitled to know what the Engineer's Estimate is?

Commissioner Willner repeated his comments, saying that if the project is awarded to one of the two bidders -- or one segment is awarded to one bidder and another segment to the other bidder, (if that is possible) then the Engineer's Estimate will be made public. He asked Mr. Whiting if this is good enough reason? Mr. Whiting responded in the affirmative.

RE: POOR RELIEF APPEAL - PIGEON TOWNSHIP

The meeting proceeded with Commissioner Willner asking if Mr. Victor Carnes is in the audience (this is a poor relief appeal in Pigeon Township) and, if so, would he approach the podium?

Mr. Carnes complied with the request, identified himself and stated he resides at 1424 West Maryland Street.

Commissioner Willner requested that Mr. Carnes advise the Commissioners as to his problem and state the nature of his request.

Mr. Carnes said the Pigeon Township's Office helped him back in February of 1986. At that time he was a transient with his family. They went away but later returned and made their home in Evansville and they have been at home here for some time now. Under the rules of the Trustee's Office they say that there is no way they can help them for 18 months. But what he is asking for -- he is in a position where he needs help. They just had a new baby on the 27th of last month and they have a two year old daughter and he hasn't been able to find any work here lately. He just kind of needs a little help right now with his rent.

Commissioner Willner asked if the property at 1424 W. Maryland is owned by a private individual?

Mr. Carnes responded that it is -- by Jack Marr.



Mr. Willner queried Mr. Carnes as to the amount of his monthly rent.

Mr. Carnes said it is \$175.00 per month.

Mr. Willner asked Mr. Carnes if he has any income at all?

Mr. Willner asked, "How many persons in your household?"

Mr. Carnes responded, "Four -- my wife and two children. I have a two year old daughter and a 10 day old son. I have worked for a couple of different companies here, but the jobs have only lasted for like two months at a time."

Mr. Willner asked, "When you received assistance as a transient, where did you go back to?"

Mr. Carnes said, "We went to Newport, Indiana."

Mr. Willner asked, "How long did you stay in Newport?"

Mr. Carnes said, "We were only there about a week."

Mr. Willner asked, "What made you decide to come back?"

Mr. Carnes said, "Well, it wasn't exactly my intention. We were going to head south. But on the way back my truck broke down here -- so I didn't have much choice. So we figured -- well, I was able to find a job within a reasonable amount of time -- "

Mr. Willner asked, "Who was that job with?"

Mr. Carnes replied, "At that time it was with M&M Steel Fabrication."

Mr. Willner asked, "And you have no income at all? Is that correct?"

Mr. Carnes responded, "No Sir, not right now.?"

Commissioner Willner asked if Commissioner Cox has questions or comments.

Commissioner Cox asked, "Have you applied for food stamps?"

Mr. Carnes said, "We get food stamps and my children are on W.I.C."

Mr. Willner asked, "Do you have relatives in Newport?"

Mr. Carnes replied, "My wife does -- her grandmother."

Mr. Willner asked, "And she is not able to help?"

Mr. Carnes said, "No -- she is 75 years old and on a fixed income and she is in no way able to help us."

Mr. Willner asked, "Do you have any relatives here in the City?"

Mr. Carnes said, "No, we are originally from Tennessee. I like it here and I'm trying to make my home here."

Mrs. Cox asked, "Would you give me the date when the Trustee helped you previously? You said it was 1986."

Mr. Carnes apologized and said he was in error -- it was in February of 1987.

Commissioner Cox said she has no further questions.

Commissioner Willner asked that Mr. Carnes take his seat while the Board talks with the representative from the Trustee's Office.

Ms. Ruth Anslinger, representative from the Pigeon Township Trustee's Office, said this is the same case she was before the Commissioners on previously (April 15th) -- when Mr. Carnes did not show. She didn't talk to him the first time he came into their office, but he said at that time they arrived here from Johnson City, TN and were on their way to St. Louis, where he supposedly had a job -- and said their car broke down here and he used what money he had to get the car repaired. At that time we gave him gasoline to help him get to St. Louis and he was told that we couldn't help him for 18 months thereafter. He has been in the office several times since then, but we have not been able to help him. It's in the Guidelines that they don't get help for 18 months after we help them out of town.

Commissioner Willner asked, "Are my mathematics correct -- it's been 16 months now -- so he has two months to wait?"

Ms. Anslinger said this is correct.

Commissioner Willner again asked, "The 18 month period is listed in your rules and regulations?"

Ms. Anslinger said, "Yes -- I'm sure you have a copy of our Guidelines."

Commissioner Cox said, "It is correct -- because this has come up before."

Ms. Anslinger said, "We have this happen quite often -- when we help them out of town."

Commissioner Cox checked her guidelines and said the ruling is on Page 5 in Section 5 under "H".

Attorney Miller asked to peruse the Guidelines.

Commissioner Cox queried Mrs. Anslinger about the Trustee's Workback Program and Ms. Anslinger said they no longer have that -- they haven't had that for a couple of years now.

In response to comments by Commissioners, Mrs. Anslinger said that Catholic Charities or Outreach Ministries might be able to help him with some of his rent.

Mrs. Cox said they need to ask Mr. Carnes -- he may already have been to these agencies. He is on the W.I.C. Program, so that means the children are getting some milk -- and on food stamps, so they have some food -- but he still has to pay his rent.

Commissioner Willner requested that Mr. Carnes step back to the podium. He said the County is unable to help Mr. Carnes for two (2) months. To explain, the Trustee has a Board which sets their standards for them. The Board has set a standard for the Pigeon Township Trustee that says they will previously helped as a transient for a period of 18 months. The Commissioners have no power to break that agreement or rule that has been established. Therefore, what they are going to try to do is to help him some other way. Has he tried any of the Charity places that might help him for a two month period?

Mr. Carnes said, "Well, Catholic Charities and Outreach Ministries helped me pay last month's electric bill, which was \$137.00. And I don't know if they would help us any further -- with the rent. The only amount they could help with (if they have any money) -- Outreach Ministries could only come up with like \$25.00 and then Catholic Charities, at the most, would come up with about \$35.00."

Mr. Willner asked how far in arrears Mr. Carnes is with the rent?

Mr. Carnes said, "I am a month behind in the rent."

Attorney Miller asked, "You owe for May?"

Mr. Carnes said that is correct.

Mr. Willner said, "See, you would qualify. But we need to try to get you some other means of assistance for at least two months. You said you are going to try to make this your home. Is there maybe a job in sight -- or do you particularly like our City -- or what?"

Mr. Carnes said, "Really, I do like it -- I'm not giving you a bunch of bull or nothing. I do like the area and some of the people I've met. And we'd kind of like to stay here. I've even gone as far as -- I'm a registered voter here now. Like I said, we'd like to be able to stay here. And I've gone as far as to try to get help in setting up a small business here. I do custom leather craft work. I'm a Vietnam veteran. If I was a foreigner I'd have no problem getting the money to open up a business, but since I'm not -- you know."

Mrs. Cox asked, "Mr. Carnes, do you have employment applications in currently?"

Mr. Carnes said, "I have applications in just about everywhere around."

Mrs. Cox asked, "Like where?"

Mr. Carnes said, "Mead Johnson, Flair Plastics -- and of course, Moll is the one that is...."

Mrs. Cox interjected, "Of course, you are going for the good jobs. Have you tried for maybe a lower paying job? There were four pages of help wanted ads in yesterday's paper. Have you tried any of the fast food places for kitchen help or something like that -- temporarily, until something better comes up?"

Mr. Carnes said, "Most of the fast food places either want teenagers or older people. I've been to 'em."

Mrs. Cox said, "I don't know how many people could turn down a person who has a ten day old baby. This is a wonderful area and there are a lot of people here who care and it would be awfully hard for an employer to turn them down when they have a 10 day old baby -- and I'd say you need to get back and check with some of these places. (Here comes a note from our Secretary; have you tried Jr.'s Market on First Avenue or Covert Avenue?)

Mr. Carnes said, "No; I've been to Royal; I've been to Great Scot; I've been to Hill's; I've been to TG&Y; I've even tried some of the small contractors. I can do painting; I've done all types of labor work."

Mrs. Cox asked, "Do you have any experience in leather working? If you were experienced in leather working. Is it like for car or furniture upholstery, or what?"

Mr. Carnes said, "Repairing saddles, harnesses, etc. You see, after Viet-Nam, I laid in the hospital and I didn't have anything else to do -- so I started learning how to do leather work."

Mrs. Cox said, "I think we only have two suppliers here in Evansville for the leather..."

Mr. Carnes interjected, "Actually, I am a machinist by trade."

Commissioner Willner said, "Why don't we ask the Trustee to help Mr. Carnes get a job, if it is possible and to let us hear back in another two months to see what is happening on this case."

Attorney Miller asked, "Where can you be reached? I take it you don't have a telephone."

Mr. Carnes said, "No."

Attorney Miller asked, "How could someone reach you.."

Mr. Carnes said, "The only way would be to come by my house. My wife is usually home."

Attorney Miller asked Mr. Carnes to repeat his address."

Mr. Carnes said, "1424 W. Maryland."

Attorney Miller exited the meeting. (He subsequently returned and advised the Commissioners that he had spoken with Ms. Anslinger in the Pigeon Trustee's office and asked her to have Mr. Carnes contact an individual at a fast food establishment, with whom he had spoken, concerning employment.)

RE: RESOLUTION RE CITY-COUNTY AGREEMENT/HUMAN RELATIONS COMMISSION

Commissioner Willner said he has a Resolution re City-County Agreement on Human Relations Commission to submit to the Board for approval.

Secretary Margie Meeks said she tried to call Betty Lou Jarboe, because the original for signatures isn't there. She couldn't reach her because the line was busy -- and she thought Mrs. Jarboe would be at the meeting. (It was subsequently noted, however, that Mrs. Jarboe is also in Indianapolis today.)

A brief discussion followed as to whether or not any changes had been made or whether the agreement was the same as previous agreements. Upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, any action on this matter was tabled for one (1) week to allow the Commissioners time to review the agreement to determine if any changes have been made and to locate the original agreement for signature purposes.

RE: APPROVAL OF BRIDGE PLANS FOR PROJECT NO. R76-82 BOONVILLE-NEW HARMONY RD. EXTENSION

Mr. Tom Bernardin of Bernardin, Lochmueller & Associates was recognized by the Chair. He said he has some bridge plans for the Boonville-New Harmony Rd. Extension project R76-82, which are ready for signatures. They have been reviewed and approved by the State Highway Department. As soon as he gets all stampings and signatures complete, he will provide a final set of prints to the Commissioners for their records. He needs to get the Title Sheet signed today so he can get them on their way.

Commissioner Willner said that normally the Board has the County Engineer review the plans, but the State has approved these plans and Mr. Bernardin does need the signatures today.

Mr. Bernardin said he just ran into County Engineer Andy Easley in the hall and he is on his way to the meeting -- but he said it would be okay for the Commissioners to go ahead and sign the Title Sheet.

Commissioner Willner asked Commissioner Cox if she has any objections?

Mrs. Cox said she does not -- he is our Consultant, who is providing us with these plans.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, the bridge plans for Bridge Project No. R76-82 (Boonville-New Harmony Rd. Extension) were approved. So ordered.

RE: COUNTY ATTORNEY - DAVID MILLER

Settlement Agreement/Ohio Valley Welding: Attorney Miller reported that on Friday, June 3, 1988, he was able to reach a Settlement Agreement in Vanderburgh County's legal action against Ohio Valley Welding. This lawsuit was filed to recover for damages Ohio Valley Welding caused to Franklin Road on the far west side of the County. The settlement authority that he last obtained was that the Commissioners would approve a settlement of \$25,000.00. The Company has agreed to a settlement of \$26,000.00. He is happy with this settlement. The trial was set for October 31st, which would have meant a longer delay. He believes that this \$26,000.00 settlement will come within a very few dollars of completely paying for the damage that was done and he is delighted to get this one behind us.

Crafton vs. Vanderburgh County: In the case of Crafton vs. Vanderburgh County, wherein Mr. Crafton was injured while riding a motorcycle at the intersection (he thinks) of Mesker Park Drive and St. Joe. Mr. Crafton had alleged that the injuries he suffered, which were substantial and which caused him medical expenses in excess of \$40,000.00, resulted partially from weed overgrowth and the negligent placement of a STOP sign by County authorities. He alleged that the weed overgrowth was also the responsibility of the County. We have been able to settle that case for the sum of \$7,000.00 and that is substantially below the settlement authority that he was given. He thinks that given the exposure the County had in that case, a \$7,000.00 settlement is more than appropriate. It probably would have cost in excess of that even to defend the case.

State of Indiana vs. Lewis Volpe, etc.: Attorney Miller said he has just today dispatched a letter to Mr. Thomas Strodtman, the Deputy Attorney General in charge of the State of Indiana in relation to Vanderburgh County vs. Lewis F. Volpe et al. This letter is intended to express our frustration at what we believe to be the inattentiveness of the Attorney General's office to this case. The Attorney General's office has control of this case by virtue of Statute and we have gotten involved in it in order to make efforts to assure that the County's substantial interests are protected and he has become more and more frustrated with what he regards as a lack of attention to this case by the Attorney General's office and he felt compelled to send this letter, which he will place in the record. The letter requests a meeting with the Attorney General's personnel and asks that they give their attention to the matters that are raised there. The letter is as follows:

June 6, 1988

Deputy Attorney General  
219 State House  
Indianapolis, Indiana 46204

Re: State of Indiana ex rel. Vanderburgh County Board  
of Commissioners vs. Lewis F. Volpe, et al.  
Vanderburgh Circuit Court, Cause No. 382  
Our File No. 1202.018

Dear Mr. Strodtman:

Jeff Harlan of my office notified me that Deborah Pilley of your office notified him that the Attorney General's office will make no response to the Motion for Summary Judgment filed by Defendant, Home Insurance Company. This news caused me to reflect upon progress of the above-referenced action.

The initial Audit Report prepared by the State Board of Examiners revealed a shortage in the Vanderburgh County

The initial Audit Report prepared by the State Board of Examiners revealed a shortage in the Vanderburgh County Treasurer's office in the amount of \$95,657.64. Pursuant to the Attorney General's statutorily prescribed duty contained at Indiana Code 5-11-5-1 to "diligently institute and prosecute such civil proceedings against such delinquent officer, or upon his official bond, or both, and against any other proper person, as will carry into effect the findings resulting from such examination, and secure to the State or the proper municipality, the recovery of any funds misappropriated, diverted or unaccounted for," the Attorney General's office filed a Complaint on July 25, 1985 against Lewis Volpe, Indiana Insurance, Home Insurance and Hartford Insurance.

Subsequent thereto on October 11, 1985, the Attorney General's office consented to the dismissal of Defendant's Hartford Insurance Company and Home Insurance Company.

On December 9, 1985, the State Board of Accounts released its second Auditor Report which revealed that \$420,451.88 was missing from the Vanderburgh County Treasurers office. The Attorney General's office filed its First Amended Complaint on February 6, 1986.

No substantial progress was made in this action until the Vanderburgh County Board of Commissioners intervened in March, 1987. Shortly thereafter on May 1, 1987, we secured leave from the Court to file a Second Amended Complaint.

A meeting was conducted in our office on Monday, December 14, 1987, at which time all counsel of record, except the Attorney General's office, convened to discuss the possibility of obtaining an independent audit of the records of the Treasurer's office. An invitation to attend said meeting was extended to the Attorney General's office; however, the decision was made not to attend.

Recently we have been attempting to obtain from Charles Linder, attorney for Indiana Insurance Company, specific alleged deficiencies in the Audit Report so that we may confer with your office with regard to possible settlement of this proceeding. However, Mr. Linder has been very dilatory in responding to our repeated requests.

In light of the foregoing, we are greatly disappointed in the performance of the Attorney General's office in prosecuting this lawsuit, especially in light of their statutorily mandated duty to diligently prosecute this action. Our reason for intervening approximately one year ago was that we did not feel that the Attorney General's office was adequately protecting the interest of Vanderburgh County who stands to suffer the greatest if a satisfactory result is not achieved in this action.

We invite your comments to this letter and would request that you contact us at some mutually agreeable date in the near future to discuss a mutually agreeable plan of action with regard to this action.

Very truly yours,

BOWERS, HARRISON, KENT & MILLER

/s/ David V. Miller  
Attorney-at-Law

Commissioner Willner asked that the record show the letter was submitted for inclusion in the minutes.

Alexander Ambulance Lawsuit Collections: Continuing, Attorney Miller said he has only a single proceed to submit to the Board this week from the Alexander Ambulance Lawsuit Collections. (It is a payment of \$5.00 from one of the Defendants ). He is also submitting an update of the efforts that have been made during the last two weeks.

AK-AR Investments (VC-8-88): AK-AR Investments previously requested the Board of Commissioners to grant an Encroachment for the installation of a very small sewer pipe in the right-of-way of Burkhardt Rd. north of Morgan Avenue. He believes the Commissioners previously approved the concept subject to appropriate wording and Mr. Steve Weitzel of the firm of Early, Arnold, & Ziemer representing the applicant, has now provided language in the amended application which is in conformity with requests that Attorney Miller made for revisions -- and he would now recommend that when the amended application of AK-AR Investments reaches the Commission containing the language that is in Exhibit "A" (which he is herewith submitting) that it is appropriate for that request for Encroachment to be approved. Essentially the change he asked for was that the applicant would continue to maintain that sewer line until a public sewer line became available -- that they would not abandon it until a public sewer line became available -- and that if and when a public sewer line at any point adjacent to the property did become available, that they would tap in immediately.

Mrs. Cox asked, "That is what we in essence talked about and they agreed to do those things?"

Attorney Miller responded, "Yes -- and it simply was not expressed in the Exhibit as accurately as I thought it should be, so I had them change the language." Exhibit "A" should read as follows:

"The applicant, AK-AR Investments, hereby requests that the Board of Commissioners of Vanderburgh County, Indiana, grant an Encroachment Permit within the westerly boundary of the right-of-way for Burkhardt Road to permit the installation of a two-inch polyvinyl chloride pipe, as shown on the attached drawing. The pipe is integral to the applicant's planned septic tank effluent pumping system which will connect the applicant's on-site proposed septic tank system to the existing Oak Grove sanitary sewer located at the intersection of Burkhardt Road and Oak Grove Road. The two-inch pipe would extend from the applicant's property a distance of approximately 2,800 feet to such intersection. The applicant would pay any and all sewer tap-in fees associated with the tap-in to the Oak Grove sewer.

At such time as the County, the City of Evansville, or a private developer should construct within the Burkhardt Road right-of-way, or on adjacent property, a sanitary sewer serving the applicant's property, the applicant shall abandon its private sewer line and shall tap into such sanitary sewer, paying at such time any and all required fees. The applicant represents, furthermore, that the applicant shall not abandon its private sewer line until the construction of such public sewer.

Until such abandonment, the applicant shall maintain its private septic tank effluent pumping system and the associated two-inch pipe to be laid within the right-of-way for Burkhardt Road, all at the applicant's sole cost and expense and with no cost to Vanderburgh County. Until the applicant shall abandon its private sewer line by giving written notice thereof to the Commissioners of Vanderburgh County, the applicant shall assume all liability for personal injury and/or property damage occasioned by the installation, maintenance and repair of the two-inch sewer line."



RE: ACCEPTANCE OF CHECKS

Julie Hunt: Commissioner Willner submitted a Money Order in the amount of \$5.00 (leaving balance of \$227.88) from Julie Hunt (Defendant in Alexander Ambulance Lawsuit Collection) and asked for a motion to accept same and endorse for deposit into the County General Fund.

Motion to this effect was made by Commissioner Cox and seconded by Commissioner Willner. So ordered.

Evansville Dance Theater: Also submitted was Check No. 2587 from the Evansville Dance Theater in the amount of \$100.00 for payment on their account. A motion was entertained.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, the check was accepted and endorsed for deposit into the County General Fund. So ordered.

RE: COUNTY HIGHWAY DEPARTMENT

Commissioner Willner said County Highway Superintendent Bill Bethel is also in Indianapolis. He will be back this evening. If there is anything urgent, please contact him by telephone. Mr. Bethel did submit reports, as follows:

Weekly Work Report/County Garage: Work Report submitted for employees at the County Garage for period of May 30 thru June 3, 1988.....report received and filed.

Gradall: Mesker Park-Mill Rd. Intersection; cut down bank; ditch on Adler Rd. and at 12501 N. Green River Rd.

Paving Crew: Bender Rd. and finished Schmitt Rd.

Patch Crew: Darmstadt Rd. (mailboxes and entrances); patched across culverts on Schutte Rd. and Millersburg Rd.

Mowing Crew: St. Joe Avenue, Mesker Park Dr., Kasson Drive, Mill Rd., Happe Rd., Allen's Lane, Hobart, Henze Rd., Mohr Rd., No. 6 School Rd., Reis Rd., Neu Rd., Vienna Rd., Kremer Rd., Slate Rd., Old 460, Koressel Rd., Denzer Rd., Marx Rd., Church Lane, Koring Rd., Boonville-New Harmony and Upper Mt. Vernon Rd.

Grader: Kneer Rd., Folz Rd., Sensmeier Rd. and Old Green River Rd.

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

- Installed culverts on St. Joe Avenue, Millersburg Rd., and Crowley Avenue
- Cut grass and painted guard rail on Mesker Park Drive, Hillview Rd., Slate Rd., Woods Rd., Hogue Rd., No. 6 School Rd., and St. Wendel Rd.
- Installed guard rail on Hogue Rd.

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

RE: COUNTY ENGINEER - ANDY EASLEY

Commissioner Willner called upon County Engineer Andy Easley for his report.

Whispering Hills Sub, Section "B": Mr. Easley said old business he has been carrying on his list is the acceptance of streets in Whispering Hills Sub, Section "B". He went out over the weekend and looked at a couple of things Mr. Jeffers had pointed out. He doesn't see anything that would prevent the streets from being accepted as Mr. Elpers constructed them. There is a small drop inlet that somebody has put in at one location, but that is in Section "A" and not Section "B". This does need to be accepted. If the Board wishes to defer this another week until Mr. Borries' return, then that is fine.

Mrs. Cox queried Mr. Easley about Lot #5 in Section "B".

Mr. Easley said he thinks the inlet he was looking at was in front of Lot #5 in Section "A". That is the only thing he could see that Mr. Jeffers made reference to. He sees nothing of any significance out there.

Mrs. Cox asked, "What about the waste concrete? Is that a problem?"

Mr. Easley replied, "I don't believe it is obstructing the culvert. It's on the discharge end. It's an overgrown area that is down on the discharge end on the north side of the road."

Mrs. Cox referred to previous Commissioners minutes and quoted from same. She asked Mr. Easley if he met with Mr. Elpers?"

Mr. Easley replied, "No, I didn't have time to arrange a meeting with him. I just looked at the overall scope of them and I didn't think anything was significant enough to -- maybe I ought to arrange a meeting with him."

Mrs. Cox said, "Maybe he could come to our meeting -- so we could get it on record. If the concrete is going to be there forever, we need to know it. If he is going to remove it, we need to know that. But I don't think there's anything too great here."

Mr. Easley said, "For instance, the comment that there were two culverts on Gold Ridge that were partially obstructed by rip-rap. It is true that some of the rip-rap has fallen down. It will only be a nuisance to the people whose driveways are there. It will not harm the motoring public; it will not cause any harm to the roadway. And if the people want their ditch full of water, they will probably reach down there and rearrange the rip-rap. It will not cause anybody's carpet to be flooded and Mr. Bethel and I quite honestly (as we stated in the past) don't get all upset about half a dozen 6" boulders being near the entrance to a culvert. If you wish, I will contact Mr. Elpers and meet him out there to go over these things and request that he have somebody move the dozen boulders -- the waste concrete that is there is not a complete blockage."

Commissioner Willner asked, "How will you prudently ask him to do those things?"

Mr. Easley, "I think there would be a way to handle it. I could ask him to take care of it."

Mr. Willner said, "Mr. Elpers is a good builder -- he's one of our best."

Mrs. Cox said, "Well, if you don't know, maybe he will know who put in that home-made drop box."

Mr. Easley, "He made those."

Mrs. Cox said, "He may not even know it is in there. It is not called for on the plans, is it? I'll try to call him, too. I don't think when we ask the Surveyor's office to go out and make an inspection that we can ignore any comments they have without addressing them. And I think that is what we should do. I have no problem with approving it subject to the correction being made."

Mr. Willner said, "I will second -- so ordered."

Mr. Easley asked, "Do you want to sign the approval letter? I will contact Mr. Elpers."

Mr. Willner asked, "Will you also advise Mr. Elpers when you talk with him that we have approved this subject to those things, then?"

Mr. Easley agreed to so inform Mr. Elpers.

Mullen Estates, Section "A" - Street Plans: Mr. Easley said he has street plans for some 300 ft. of street in Mullen Estates, Section "A". They would like to have this approved so they can record their subdivision. It is a concrete street. Weren't the sidewalks waived on this? Is it Grandfathered?"

Mr. Willner said he believes the requirement for sidewalks was waived.

Mrs. Cox said, "In all fairness, Andy, this was left on my desk sometime after 12:00 noon on Friday. I had been in the office earlier and had left -- and didn't get this until I came in today. I haven't been out to look at it."

Commissioner Willner asked, "Shall we defer this one (1) week? I haven't looked at my set of plans either -- they're on my desk."

Mrs. Cox asked, "Has there been a change in the drainage?"

Mr. Easley said, "No."

It was the consensus of the Commissioners that this matter should be tabled until next week.

RE: WOODS ROAD BRIDGE

Commissioner Willner queried Mr. Easley concerning progress on the Woods Road Bridge?

Mr. Easley said, "I think they poured the pile encasement on six (6) piles by now and they probably have two (2) more to go."

Mr. Willner asked, "Do we need a change order?"

Mr. Easley said, "I haven't prepared one."

Mr. Willner asked, "Is it definitely going to be a dollar amount?"

Mr. Easley said, "There will be a change in the quantities. There will be an additional amount of concrete and some steel. And he may have enough information by now that we can put together a Change Order."

RE: VACATION OF BRIDGES

Mr. Willner said that two weeks from now is the Hearing re vacation of bridges on Mill Road, Boonville-New Harmony Road and Kansas Road. How is the Mill Road Bridge coming along?

Mr. Easley said, "I obtained two quotes on removal -- and I told Tri-Sate Steel Erection to take it out. I haven't selected a crane to set the decks -- and I have to talk to Bill Bethel to see....I would recommend that we use the Bridge Crew to help set the six (6) members and drill the holes for the pins. I think they can do this -- because they are going to be putting the guard rail on there anyway. I'll go out there and watch them and stay with them to make sure nobody gets their head bonked."

Mr. Willner thanked Mr. Easley.

Mrs. Cox said, "I will not agree to that unless Andy puts into writing a set of plans as to how they are to proceed and that someone will be there all the time who is experienced in this type of work -- to supervise these men. I'm sorry."

Mr. Willner said, "No problem."

RE: OLD BUSINESS

The Chair entertained matters of Old Business for discussion. There was none.

RE: SCHEDULED MEETINGS

Tues.	June 7	7:00 p.m.	Soil & Water Conservation District Mtg. (Union Federal Bldg., Room 271)
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Thurs.	June 9	1:30 p.m.	EUTS Mt. (Room 307)
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RE: CLAIMS

Bernardin, Lochmueller & Assoc.: Claim in the amount of \$909.15 for work in connection with Boonville-New Harmony Road Extension interchange with I-164. Attached is a letter with update on the project.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, the claim was approved for payment. So ordered.

Building Authority: Claim in the amount of \$338,194.50 for rent for the first 6 mos. of 1988.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, the claim was approved for payment. So ordered.

Building Authority: Claim in the amount of \$678,992.00 for the last six (6) months of 1988.

Mrs. Cox said, "We've already paid them the first 6 months."

Mr. Willner said, "No."

Mrs. Cox said, "Oh, yes; we paid that in December. We advanced them for it a month before it is even due -- so they can get their money on time."

Mr. Willner said, "These claims are both for the last six (6) months of 1988. One is a fixed rental (\$338,194.50)." The \$668,992.00 is the additional rental for the last six months of 1988."

Upon motion duly made by Commissioner Cox and seconded by Commissioner Willner the second claim was approved for payment. So ordered.

RE: WALLENMEYER ROAD

Mr. Harry Elpers was in the audience and asked to speak. He was recognized by the Chair and asked to approach the podium.

Mr. Elpers approached the podium, identified himself and stated, "Bob, I was concerned that you mentioned that there would not be any gravel roads paved until next year. I notice now that Schmitt Road (which is presumably a road that has been paved and it is my understanding (it is now a rumor, but maybe it is fact) that Bixler Road might possibly be paved between now and the time the bridge is complete on Woods Road. Is that a rumor or is that a mere fact?"

Mr. Willner responded, "That is the first time I've heard about it."

Mr. Elpers said, "Some of the residents on Bixler Road had mentioned that the County Commissioners were out there and, because of the calcium that has been spread on the road it has been seriously injured (well, not injured; but there has been a real problem with cars, etc.) -- that there may be some paving done. Where do I stand on Wallenmeyer Road? We're in a dust pot there, too. There are a lot of roads being paved that, in my opinion, could have waited. About a month ago I went down to the County Garage and asked for some oil. And it's a fact that Bixler Road the last four years had some kind of oil -- and they told me there was no way he would even allow them to come out and put oil on the road. There is something that is not consistent at all at the County Garage. I'm not downgrading them, but if they want to do so much -- be consistent -- okay? When I asked they said 'No way'. Then one resident on Bixler Road gets about anything he wants (I'll not mention any names so I won't be quoted, okay?) -- and he has been a thorn in your side for a long time. And honestly I don't complain about anything. Once in a while I'll even maybe throw in something and mention they did a nice job -- but where do we really stand on paving roads out here? I'm getting tired of the dust. I bet my son and I pay more taxes than all the residents on Bixler Road. Maybe that is not a reason for paving a road, but that's a good place to start thinking maybe. I don't know whether it is traffic or what it is. And taxes are going to be more of a burden -- so I get tired of the dust and paying more taxes -- I really do. It's a shame. It's dust. And a month ago I decided I wasn't going to live in the dust so I ordered \$200 worth of oil and put it on myself and graded it in. I will not live in that dust. There is no way I'm going to do it. So I will be calling somebody -- there is no way you can live in that kind of dust out there, I guarantee you. The way the summers have been it looks like a dust bowl out there -- and I'm certain something could be done -- when we have roads such as Wallenmeyer. There are three (3) buses on that road every day. That's a mere fact. Come out and check it out, if you will. You can quote me on that. We have a mail route (like everyone else, I guess) and a lot of other traffic. So let's get people out of this dust."

Commissioner Willner said, "I appreciate your comments. In order to answer your question, this Board has not approved any oil that I know of -- whether the residents did it or the County Highway Department. What the County Highway is talking about is that we now consider waste oil a detriment to health and the EPA will not let you use it. The fact is, you have to get rid of it under stringent rules and regulations and we will not use it on roads. That doesn't preclude you from putting some asphalt on it, but they have been using calcium chloride, which is salt -- it doesn't hurt anybody that I know of. They argue with that -- but it is calcium chloride salt -- that is what it is. If that is injurious to anyone's health, they will have to prove it to me. It's a good dust eliminator and as far as I know it is a good product and we use it during winter as well as in the summertime. -- and we just have no problems with it. As far as the

Commissioners being out on Bixler Road -- it wasn't this Commissioner. I don't know what you're talking about -- because I didn't go. Bixler is not on the list of roads to be re-paved.

One other point you made with regard to Schmitt Lane. We didn't really pave that, but we prepared that four or five years ago to be paved -- and we should have done it then. But we didn't and that is why they did it this time. They also did the corner of Moto's there and a few other small items."

Mr. Elpers said, "Bob, I don't have any quarrel with anything you've done out there. I don't want to say there were roads that were paved that didn't need it. I don't want to be quoted as saying that -- even though maybe I did. But whatever -- I think if Schmitt Road is paved then anything is deserving of being paved. You can either agree or disagree; that is my opinion just like everybody has one -- okay? But we pay a hell of a lot of taxes -- a bunch of taxes -- and you sit in the dust. If you don't want to sit in the dust, you have to go buy your own oil."

Mr. Willner said, "I'm sure these Commissioners would like to pave all the gravel roads in Vanderburgh County this year -- but that is not possible."

Mr. Elpers said, "I understand that."

Mr. Willner said, "In fact, I don't think we're even going to do Motz Lane this year -- unless we get some right-of-way."

Mr. Elpers: "One more thing, Bob, and then I'll let you go. But when I went into the office at the County Garage some lady mentioned there is a possibility about Maple sap. Now I don't know what the hell Maple sap is -- but it seems that something could be done with a gravel road to lay the dust and that would be a pacifier maybe until such a time as we do get some money, by God, to pave these roads."

Mr. Willner said, "I don't know anything about Maple sap."

Commissioner Cox, "Mr. Elpers, I would like to make a couple of observations. I don't know -- this Commissioner has not been told that we are not going to do any gravel roads this year. I don't know -- it was not brought before this Board, as far as I know, that we were not going to do any gravel roads this year. We did some gravel roads last year. At one time I wasn't -- but now I am -- for doing all the gravel roads, because we are continually out there grading them and dumping rock on them and using our equipment when we could be cleaning out the ditches and right-of-ways and stuff like that. And you're very right -- they are a tremendous hazard and detriment to the people who live in the area. I've seen houses covered with dust; and I've seen gardens covered with dust. Do you live between Baseline Rd. and Nesbit Station Rd. -- and that's about 1-1/2 miles long?"

Mr. Elper said this is correct.

Mrs. Cox continued, "Well, I have it down -- I know you were at the road hearing -- and I was under the impression before County Council and asked for funds to do these roads that they were very specific that the people who had been here and voiced their concerns and complaints be responded to. And I was under the impression that Wallenmeyer Rd. was going to be done this year. I did go out and take a look at Bixler Rd., also. I was one of the Commissioners who went out, because I got a call on it and I went out and looked at it. I think part of it was done by the County and part of it was done by the property owners out there -- insofar as oiling the rest of the road was concerned. But there are health problems in that one family that lives there. And I thought your road was going to be taken care of -- and I will do all I can to see that it is taken care of."

Mr. Elpers said, "Whatever you can do in the future. I know it takes a lot of money to pave roads -- I understand it is "X" amount of dollars per mile and it takes a lot of money. But I guess when you continue to pay more taxes and get no more -- it really bothers the hell out of me -- it really does. We're going to be doubling up on our property tax -- probably 100% on our billings -- and we're getting absolutely nothing for it."

Mr. Willner thanked Mr. Elpers for his comments.

RE: EMPLOYMENT CHANGES

Auditorium (Appointments)

Donald R. Chambliss Mtce. \$8.78/Hr. Eff: 6/3/88

Prosecutor (Appointments)

Paul Alan Marvel Investigator \$16,000/Yr. Eff: 5/30/88

County Assessor (Releases)

Frank A. Papariella R.E. Deputy \$13,924.30/Yr. Eff: 6//3/88

Auditor's Office (Release)

JoAnna Morpew Tr. Clerk \$12,978/Yr. Eff: 6/3/88

\*Auditor's Office (Appointments)

JoAnna Morpew Tr. Clerk \$13,478/Yr. Eff: 6/6/88

Board of Review (Appointments)

Paul Batts Member \$45.00/Day Eff: 6/6/88

Thomas A. Morrison Member \$45.00/Day Eff: 6/6/88

Co-Op Extension Service (Releases)

Ella M. Sheets Sec'y. \$13,978/Yr. Eff: 6/6/88

Debra Bevins Part Time \$28.00/Day Eff: 6/6/88

Co-Op Extension Service (Appointments)

Molly A. Schmidt Part-Time \$27.00/Day Eff: 3/31/88

Carmen Blankenberger Part Time \$27.00/Day Eff: 3/31/88

Mary Hollingsworth Part Time \$27.00/Day Eff: 3/31/88

Debra E. Bivens Secretary \$13,978/Yr. Eff: 6/7/88

\*Commissioner Cox asked if Ms. Morpew was being promoted? Chief Deputy Cindy Mayo responded in the negative. She said Mr. Humphrey starts new employees out at salary less than the full amount and then raises them to the regular pay after a probationary period.

RE: FLOOD PLAIN STUDIES MEETING

Mrs. Barbara Cunningham entered the meeting and advised the Commissioners that the Flood Plain Studies Meeting is in progress.

Mrs. Cox asked, "Is it necessary for us to be in there?"

Mrs. Cunningham, "It is a technical meeting -- and if you'd like to come in and listen, you're perfectly welcome."

Commissioner Willner requested that Mrs. Cunningham provide the Commissioners with an update on their proceeding.



In conclusion, Commissioners Willner and Cox again expressed appreciation to Attorney Miller for his humanitarian efforts in behalf of Mr. Victor Carnes. Attorney Miller said, "If he shows up clean -- he will get the job. That was their only stipulation -- it is a food service company."


The Chair entertained further matters of business to come before the Board. There being none, Vice President Willner declared the meeting adjourned at 4:15 p.m.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R. L. Willner	Cindy Mayo	David Miller
	S. J. Cox	(Chief Deputy)	
	R. J. Borries		
	(Absent)		
	<u>COUNTY ENGINEER</u>	<u>OTHERS</u>	
	Andy Easley	Victor Carnes	
		Ruth Anslinger	
		Harry Elpers	
		Tom Bernardin	
		Darryl Whiting	
		Jerry Riney	
		Danny Spindler	
		Others (Unidentified)	
		News Media	

SECRETARY: Joanne A. Matthews  
(Proofed by Margie Meeks)

Richard J. Borries, President

  
Robert L. Willner, Vice President

  
Shirley Jean Cox, Member

4/13/88

MINUTES  
COUNTY COMMISSIONERS MINUTES  
JUNE 13, 1988

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Bernardin, Lochmueller & Assoc. (\$4,853.90	
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MINUTES  
COUNTY COMMISSIONERS MEETING  
JUNE 13, 1988

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

RE:     APPROVAL OF MINUTES

The meeting was called to order and Vice President Willner entertained a motion concerning approval of the minutes of April 18 and June 6, 1988.

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

RE:     APPOINTMENT TO EVANSVILLE-VANDERBURGH AIRPORT AUTHORITY BOARD

Commissioner Willner announced that the Board had received a resignation letter from Mr. Edgar Kuhlenschmidt, who was serving on the Evansville-Vanderburgh Airport Authority Board. Mr. Kuhlenschmidt wishes to resign due to business interests and the Board has a new appointment to be made at this time. The Airport is going through an important decision during their meeting this coming Thursday and they have asked that the appointment be made today so the appointee will be eligible to vote on that Board at Thursday's meeting. A motion was entertained.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, the name of Robert D. Ossenbergs was placed in nomination for service on the Evanville-Vanderburgh Airport Authority District to fill the unexpired term of Mr. Edgar Kuhlenschmidt. Mrs. Cox said Mr. Ossenbergs has been active in this community for many, many years and he will bring a lot of expertise and a lot of good working relationships to the Airport Authority District. The term of his appointment will be effective today and end June 30, 1992.

Commissioner Willner asked for a roll call vote. Commissioner Cox, yes; Commissioner Willner, yes. Motion approved unanimously by the two Commissioners present.

Mr. Willner said the appointment needed to be a Republican and he believes Mr. Ossenbergs professes to be one of those. He extended his congratulations to Mr. Ossenbergs and said he hopes he continues the fine efforts that Mr. Kuhlenschmidt has put forth. Commissioner Cox and County Auditor Sam Humphrey also extended their congratulations.

Commissioner Cox said she would also like for the Board of Commissioners to send a letter of acknowledgment to Mr. Kuhlenschmidt thanking him for his service on the Airport Authority Board through some very innovative times. She thinks he served very well and is to be admired for recognizing a potential conflict of interest and removing himself from the Airport Board.

Commissioner Willner said he agrees and asked that Mr. Lindenschmidt see that the letter is sent to Mr. Kuhlenschmidt over the Commissioners' signatures.

RE: ALLEN RAILROAD CONTRACTORS, INC. RE ABANDONED RAILROAD

The meeting proceeded with Commissioner Willner stating that Messrs. Bob Beatty and Steve Allen are present for purposes of discussing Allen Railroad Contractors, Inc. and a railroad in Vanderburgh County that has recently been abandoned.

The Chair recognized Mr. Beatty, who approached the podium. He said he has a letter to present to the Board, but he would like to defer any comments until such time as the Commission President arrives.

The meeting was momentarily interrupted as Commissioner Borries arrived at 2:45 p.m. Commissioner Willner advised that the Board is currently discussing Item #4 on the agenda and Mr. Beatty is at the podium.

Mr. Beatty said his address is 102-1/2 Lincoln Way in LaPorte, IN 46359. He is present to discuss the right-of-way that is abandoned between Mt. Carmel and Evansville. Their company is a marketing research development company. They deal with these types of right-of-ways throughout the United States. In the County's interest, in order for this to become taxable property, according to Senate Enrollment Act 395, the material has to be removed. They have the affidavits, the information, and the know-how to get to the railroad to get the property back into the property owners hands which makes it profitable for the County. We just wanted to make the County aware of this and see if the County had any type of input. They also have a Quit Claim Deed, which is an option for the County to Quit Claim it over to Allen Railroad Contractors, Inc., and as they get the property in position to have it reverted back to the property owners, they can then assume the right-of-way and assume the taxes at that point.

Mr. Willner asked, "Could these adjacent or former property owners acquire this property themselves through a Court Action?"

Mr. Steve Allen of Allen Railroad Contractors, Inc. approached the podium and offered comments. "The Senate Enrollment Act that Bob was talking about has made it a lot easier for the property owners to do it, but they really need guidance and that is where Allen Railroad Contractors comes in. They don't have to go through the Courts for anything like that according to the new law. The property owners have to be contacted; you have to explain the law to them, and then Allen Railroad Contractors will file an affidavit in behalf of the property owners.

Commissioner Willner asked, "How much would this cost them?"

Mr. Allen replied, "There is a filing fee that goes along with the amount of property that is there. He would say no more than \$100 on any filing fee for the property owners. Of course, if they owned a half mile of the right-of-way or something, that might make a difference. But generally they don't."

Mr. Willner asked, "And why do you come to us?"

Mr. Allen replied, "Because, generally what happens to the property is that if the railroad has quit paying taxes, it goes to the County and the ownership could revert back to the County. Allen Railroad Contractors, Inc. wants to make sure they have covered all of their territory and that is why they are speaking with the County. It is quite possible they didn't pay the taxes. They have been dealing with the County Auditor's office downstairs for several weeks. In fact, they have been doing the research on this for about four months now -- dealing with them and they have already talked to -- so they know what is going on."

Commissioner Borries asked, "Is this a State act?"

Mr. Allen replied, "A State Act."

Attorney John asked, "Just Indiana?"

Mr. Allen said there are about four (4) states that will do this now and the rest of them are collective. But Indiana was one of the first ones to go ahead and..."

Mr. Borries asked, "What was that Act?"

Mr. Allen responded, "Senate Enrollment Act 395; it's IC-8-4-35 that went into effect in September 1987". (He then submitted a copy of the Senate Enrollment Act to Attorney Curt John.) "There has been a lot of discussion as to what happens to the old railroad lines. The Farm Bureau had gotten together with the people upstate and assessed the situation and they worked out a way for the people to comfortably get the property back with no problems from the railroad, no problems from local governments, or anything."

County Auditor Sam Humphrey asked, "Are you taking up the rails and the ties?"

Mr. Allen replied, "If there is some assessment value left, yes, we will take anything that is there. Our company bases on working with the property owners. But if there are ties, rails, or something of that nature, yes, there is some value left."

Mr. Humphrey asked, "How many tons of steel do you get a mile that way?"

Mr. Allen said, "It depends on how much you want to cover. That's a pretty bad area down in through there. We don't count on that for any recoup, but we do get some recoup off it. As far as the return value, I doubt....."

Mr. Humphrey interrupted, "On steel?"

Mr. Allen said, "Why, yeah, there is some return value on the steel -- there's no doubt about it. But for the cost to recoup it, we'd have to go in to recoup some of that property. But this is a jungle. I mean, this is down in a valley that is buried in trees. It's not a railroad line sitting up with ties, etc. It is one that has been abandoned for some sixteen years."

Mrs. Cox asked, "Then how do you make your money? Off the filing fees?"

Mr. Allen responded, "Basically we work with the property owners. We do get some off any salvage value; but basically what we are looking for is the filing fees, because we contact the property owners individually."

Auditor Humphrey asked, "Are you telling this Commission that the only money you are going to get is from the filing fee from those property owners?"

Mr. Allen responded, "No sir; we are getting some of the salvage value. We don't know what the salvage value is but we count on a certain base to do it. We base our price on what filing fees we get. But if there is salvage value we do salvage work."

Mr. Humphrey said, "You're not doing this just for the fees."

Mr. Allen, "We're doing it throughout the country basically for the fees, because we do a large amount of it. But we also do the salvage work. There will be some salvage value out there, but as far as an estimate it comes and goes as to how much track is out there in areas. We will be interested in doing any salvage work, if possible."

Auditor Humphrey said, "I would think you would, because there are several tons a mile and I know a little bit about that."

Mr. Allen said, "Probably 150 tons or something like that a mile, depending on the weight of the track and what type of rail is out there."

Auditor Humphrey asked, "Have you any idea of how much a mile?"

Mr. Allen said, "I would assume if it is about 75 lb. or 80 lb. rail it will yield 150 tons per mile."

Mr. Humphrey asked, "At how much per ton? Are we talking about \$25,000 or \$30,000 per mile?"

Mr. Allen responded, "I wish we were. No, I don't think so. I really doubt that. I can work on that and give you an estimate, if that is what you want. Although we follow this track, there are a lot of trees and a lot of brush and a lot of work to go into them -- and it takes something to clear them. Right now in this area steel is going at \$55.00 per ton. But you can go a further distance (300 to 400 miles) and get \$100 per ton for it."

Commissioner Willner asked, "Does the property owner have the option to recover the steel himself?"

Mr. Allen said, "In the option, if that is what the property owner would like to do himself -- yes, that would be fine -- we wouldn't have any problem with that. If the property owners want to keep the materials off there, we don't have any problems with that."

Commissioner Willner asked, "What are you asking us to do?"

Mr. Allen said, "If the County feels they have some ownership to it through taxes or anything of that nature, we'd like to talk to you about giving it to us. If not, we just want to make you aware of what we plan on doing."

Commissioner Willner asked, "Okay; when do you plan to contact the prospective owners?"

Mr. Allen said, "We are working with two or three different counties on this -- and we've already talked to Gibson County this morning. We'll start within the next couple of weeks. We'll send out a packet with a letter, an affidavit, and an 800 number where they can contact us. Then we'll schedule a time to come to them and sit down and discuss it with them personally."

Commissioner Borries asked, "How long have you been in this particular business?"

Mr. Allen said, "We've been incorporated in the State of Indiana since 1981."

Mr. Borries asked, "Do you have references from any other counties at this time?"

Mr. Allen responded, "Oh, absolutely; Porter County and Lake County -- those are the Indiana counties. We have other counties -- Stark County, Marshall County, -- I probably could give you a list, as we've worked with many counties."

Commissioner Borries said the Board would like to have that list.

Mr. Allen said, "Some of these people aren't still in it -- but we can give you a list with those people's names. We're working with some right now."

Commissioner Cox asked, "Would you give us the location of this railroad track again, please?"



Mr. Allen said, "It is between Mt. Carmel and Evansville -- just east of Highway 65."

Mrs. Cox said, "I think we definitely need to know that, because we've got some proposed road expansions out in the west side of Evansville and I did talk briefly with Mr. Beatty on the telephone -- and I wasn't aware there was going to be a small filing fee assessed to all property owners. It looks like what we are doing here is charging them to give them back property that they are going to have to pay taxes on -- and I'm not sure that is going to be too popular."

Mr. Allen said, "It would be at their option. Nobody is going to go tell them they have to do that."

Mrs. Cox said, "So then you just maintain ownership of it?"

Mr. Allen, "We talk to all of them -- and..."

Mrs. Cox asked, "And if they don't want it back, you keep it?"

Mr. Allen said, "Well, we'll pay taxes on it for a long time, because we'll get 75% to 80% to go back to them. There are a lot of people whose fields are split right down the center and they will be more than happy to go with it. And, like I said, the filing fee is a small filing fee. But if you had to go to an Attorney and work with him and take it to Court -- you'd be getting into a lot more than a filing fee."

Mrs. Cox asked, "Do you have to go through Court with this?"

Mr. Allen said, "No -- we would file the affidavits with the County -- the County Attorney has the statute."

Mr. Willner asked, "All rights-of-way across public roads would automatically belong to the County? We don't have to file anything?"

Mr. Allen said, "I believe that is in effect right now -- today. According to the State Assessor -- we talked to Gibson --

Attorney John said, "I believe the railroads are all State-assessed. So they would either pay the assessments or not pay them. If they have not paid them, they would probably come over to the County -- they are owned by the County."

Mr. Willner asked, "Do you know whether that is a fact?"

Mr. Allen said, "We're waiting on the paperwork. We were hoping they would beat us down here from the State -- but that is one of the things we're waiting on from them."

Attorney John said, "Where it has been turned over to the County, you are coming back and, in essence, ask the County to sell it to you or give you the right to dispose of it?"

Mr. Allen said, "That is right."

Commissioner Willner thanked Messrs. Beatty and Allen for bringing this information to the Board. He said the Board will study the Statute, take the matter under advisement and talk with Allen Railroad Contractors, Inc. in the future.

In conclusion, Mr. Willner advised President Borries that he has a copy of the Quit Claim deed that Allen Railroad Contractors, Inc. professes to use, and he would like it made part of the record.

Commissioner Borries said he will pass the Quit Claim deed to County Auditor Sam Humphrey for his review, since he said he had some thoughts on that, also.

RE: COMPUTER CONSULTANT - PHIL LIEBERMAN

Commissioner Willner advised Commissioner Borries that although he is not on the agenda, the County's Data Processing Consultant, Mr. Phil Lieberman, is here to make a statement -- and he would like to do so at this time so he can get back to work.

Commissioner Borries recognized Mr. Lieberman.

Mr. Lieberman said, "Thank you. I am Phil Lieberman, consultant for the City-County Data Processing Board. I understand that one or more vendors has brought to your attention the problems that one or more vendors have been having in the State of Indiana -- and one of those vendors is a company I am going to recommend." He will not reveal the name of the company at this time, but he wants the Board to be assured that they are investigating all the pluses and minuses of the different vendors and he is asking that the Board NOT make a decision or form in their heads a concept of the way things may or may not go, based on rumors that have been circulating. He knows that one vendor has handed to some office holders in the Court system a list of seventeen (17) names of people who are dissatisfied with one of the people who is on his recommendation list. And he personally called some of those names and has found that the people are either not using that vendor's hardware or have not used that vendor's hardware a number of years, or are, in fact, happy with that vendor's hardware. In some cases they are not happy. But in no instance is everybody dissatisfied -- as that list would indicate. He asked that vendor last Friday to have all the people in Indiana whom they serviced to send him letters of recommendation or not recommendation -- and today he received nine (9) positive responses. The point is, that we haven't yet made a final decision, he hasn't made his recommendation -- and there are a lot of rumors flying. Please disregard the rumors and let the Board go through their normal process before the Commissioners come to a decision. That is Number 1.

Number 2 is that this coming Friday there is going to be a Joint Meeting of the Commission and Councils at 2:00 p.m. The meeting was set up a few weeks ago and it was supposed to have happened after the City-County Data Processing Board met and he made his recommendation. But that meeting was cancelled last Thursday. So, he is suggesting that perhaps this coming Friday is not an appropriate time to have the meeting to examine the proposals that were submitted. Rather, they should wait until after he has made his recommendation to examine the process they've gone through and to ask questions about their recommendation. To do it ahead of time would mean that some of the negotiating strategies and strategies for selecting vendors would have to be disclosed -- before they actually made a public announcement of who the winner would be.

Mr. Lieberman then expressed thanks to the Board for hearing his comments.

Commissioner Willner asked, "While you are on your feet, Mr. Lieberman, one of the companies who bid has asked to have their bid bond (which was a cash bond) returned to them. They asked my opinion and I said as far as I'm concerned, if they asked for it back, they wanted to withdraw their bid and get their cash bond back -- and I said it was all right with me. I don't know whether that takes an act of this Board, an act of your Board, or what. But I'll just quickly state that I said it suits me just fine to send their money back."

Mr. Lieberman said, "And I had a company ask the same question of me. I checked with Tom Dorsey and he said if they withdraw their bid, then he would send their check back."

Commissioner Borries asked, "Phil, are you saying then that you are recommending at this point to cancel this meeting on Friday, June 17th?"

Mr. Lieberman said, "Yes."

Commissioner Borries said, "I think there were some members on County Council who requested the meeting. From our end, I think perhaps you should notify someone on County Council to so advise."

Mr. Lieberman said he will call the President of the County Council this afternoon and let him know that he spoke in front of the Board of Commissioners. He thinks the Data Processing Board plans to have his recommendation meeting next week and the Chairman of that group will probably send out letters tomorrow.

RE: RESOLUTION RE AGREEMENT RE CITY-COUNTY HUMAN RELATIONS COMMISSION

President Borries said the next item on the agenda is a Resolution concerning agreement re City-County Human Relations Commission. Mrs. Wanda Hansert of the City Clerk's office was in the audience. He asked if she would like to make any comments at all about this.

Mrs. Hansert said the City Clerk asked that she give the Resolution to the Secretary, which she did.

Commissioner Borries said there were some changes in the Resolution since last year -- and they were what?

Mrs. Hansert said the Clerk highlighted the changes in the copy given to the Commissioners.

Commissioner Cox asked Mrs. Hansert if she can explain why in a change the County Council received an appointment to this Board and the City Council did not?

Mrs. Hansert said she cannot explain this. City Councilman Corn should be able to answer that question as Finance Chairman.

Commissioner Borries asked if the Board can have a week to contact Councilman Corn? It just seems a bit unusual -- he doesn't think himself that it is anything for an arguing point -- but the new resolution says (fourteen) 14 Directors will be appointed by the Mayor of the City of Evansville; two (2) Directors by the Vanderburgh County Commissioners, and one (1) Director by the Vanderburgh County Council. He just wonders why the City Council would not get one (1) appointment.

Mrs. Hansert again said she has no idea.

Commissioner Borries said he would just like some information on that. There is a space for the President of the City Council to sign and the Mayor and places for the County Commissioners and each individual Council Member to sign. He would like to take action on this for a week for information purposes. If Mrs. Hansert would also convey to members of City Council that this in no way conveys the Commissioners' concern. This Board has approved the Human Relations Commission county-wide before. So this in no way reflects their approval or non-approval of the Human Relations Commission at all. But the Board is asking for information as to why the Evansville City Council does not have an appointment.

RE: AREA PLAN COMMISSION RE CHANGES TO ZONING & SUBDIVISION ORDINANCES

Mrs. Barbara Cunningham, Director of the Area Plan Commission, was recognized by the Chair.

Mrs. Cunningham said she is presenting amendments to zoning and subdivision ordinances for first reading and she would ask that if possible, the Public Hearing on these be scheduled on July 11, 1988, and then they would hope to go to Darmstadt on these the same week. These are updates to the ordinances to satisfy the State Statute requirements, etc., which have been in process for a while.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the amendments were approved on 1st Reading, the Public Hearing was scheduled at 2:15 p.m. on Monday, July 11, 1988, and the secretary was authorized to advertise. So ordered. (Copy of amended ordinances attached hereto.)

Mrs. Cunningham advised that the Subdivision change re the Darmstadt sewer system has been continued. It was continued at the APC meeting.

RE: AWARDING OF CONTRACT FOR ROOF FOR HILLCREST-WASHINGTON CHILDREN'S HOME

President Borries called upon County Engineer Andy Easley for his recommendations concerning the bids received re new roof for Hillcrest-Washington Children's Home.

Mr. Easley submitted the following letter to the Commissioners:

June 13, 1988

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

Re: Evaluation of Bids Received on  
New Roof for Washington Home

Dear President Borries:

In accordance with your request, I have reviewed the two (2) bids received on June 6, 1988.

The bid submitted by U. S. Industries is for a TROCAL Roofing Membrane that meets the specifications for a 60 mil. (.060 inch) thickness material which has been widely used in the Evansville area.

In addition, the U. S. Industries bid proposes to remove the existing roofing material all the way to the deck on the flat roof portion of the building. This company also proposes to fabricate and install 600' of new aluminum gutter on the sloped portions of the roof.

The bid submitted by Whiting Sheet Metal is for a (.045 inch) thick Firestone ULTRAPLY 78 Roofing Membrane that has only been on the market since January of 1987, which is far less than the 3 years required in the specifications.

The Firestone system requires that the slope of the roof be no greater than 2" in 12". The sloped portion of the roof on the project has a pitch of approximately 3 1/2" in 12", which raises a serious question concerning the ability of the contractor to obtain the roof warranty.

Whiting Sheet Metal has no experience in the installation of ULTRAPLY 78. This would be their first job. They certainly could not have been approved installers of the system for a 3 year prior to the bid submittal, as required

by the specifications, since the product has only been on the market for 18 months.

Whiting Sheet Metal does not propose to remove the existing roofing material on the flat roof portion of the building. The company does not propose to install any new aluminum gutter on the project.

After reviewing the bids and investigating the Firestone ULTRAPLY 78 System proposed as an ALTERNATE by Whiting Sheet Metal, it is recommended that the Board of Commissioners accept the bid of U. S. Industries Group, Inc. for the new roof on the Washington Home, since it is the only bid that meets the specifications.

Very sincerely,

/s/ Andrew Easley, Jr.  
County Highway Engineer

cc: Mr. James E. Lindenschmidt

Mr. Easley said he discussed the bids with Mr. Lindenschmidt. The bid submitted by Whiting Sheet Metal is for a material that is new to the area. They have never installed it before and our specs said we would like to have a roofing product that had been down three (3) years. The product they bid on -- the manufacturer's specifications (and he has provided the Commissioners with an excerpt) says the material shouldn't be installed on a slope greater than 2 inches per foot and part of this roof is flat and part has about 3 1/2 inches in 12" slope. There are also some other differences in the bids insofar as what they did and did not include, and he touched on those. Under the circumstances, (he has previously given the Board a list of all the TROCAL installations in the area -- the School Corporation, the Universities and Hospitals -- who have had good success with it). He would therefore recommend that we take the bid that meets the specs in the amount of \$94,400.00.

Commissioner Borries asked, "That particular bid also calls for a sloped roof, is that correct?"

Mr. Easley responded that this is correct. The slope is in the insulation (there won't be a sloped roof) so it slopes to the scuffer or the downspout.

Mr. Lindenschmidt said, "They put insulation in there which will have a slight slope."

Mrs. Cox asked, "This is the only company that does this?"

Mr. Easley responded, "No -- a representative of their firm (Mr. Clayton) is in the audience." He then asked Mr. Clayton how many TROCAL dealers there are in Indiana?

Mr. Clayton said there are about 12 or 15.

Mrs. Cox asked, "But U. S. Industries is not a TROCAL dealer?"

Mr. Easley responded, "They are installers -- contractors -- and, for your information, they are also an approved Master Installer for this material that Whiting Sheet Metal bid on. They could -- if we wanted that material -- provide us with a price on it. They also install the ULTRAPLY. So I think Jim Lindenschmidt agrees with me -- we recommend that you accept the bid of..."

Commissioner Willner asked, "What kind of guarantee do we have?"

Mr. Easley said it is a 10 year warranty.

Mr. Willner asked "Unconditional warranty?"

Mr. Clayton, responding from the audience, said that he hesitates to say "unconditional". But it is one of the best roofing warranties in the business. They do have a few stipulations in them with regard to things they don't cover -- such as Acts of God and negative abuse.

Mr. Willner asked how long the company has been in business?

Mr. Easley said TROCAL has been in the U. S. about 15 years.

Mr. Willner said he meant the contractor.

Mr. Clayton said U. S. Industries has been in business here since 1965.

Commissioner Borries said, "I might add that I didn't see a check -- but I believe we are going to receive another check from the Southwestern Indiana Mental Health Foundation. When we do, it will be almost a year now that they have returned to the County (in terms of operating expense) over \$1/2 million -- over \$500,000. So, if we award this bid, this will conclude our responsibilities in terms of our initial agreement. He thinks there are other groups who may be interested in using a portion of it, but they will have to deal with the Southwestern Indiana Mental Health Foundation."

Mr. Lindenschmidt pointed out that the contract awarded is below the Engineer's Estimate.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the contract for the new roof at Hillcrest-Washington Children's Home was awarded to U.S. Industries Group, Inc. in the amount of \$94,400. So ordered.

Commissioner Willner said he will now reveal what the Engineer's Estimate was (somebody wanted to know that last week) -- it was \$100,000.00.

Mr. Easley said he believes he made that estimate a year ago.

Mr. Borries said the estimate is dated May 16, 1988.

RE: E-911 SERVICE

President Borries said this past week he and Jim Lindenschmidt met with the contact person for the E-911 System, Mr. Jerry Larrison, who was in town. The Consultants who have been working on this Centralized Dispatch System were also in attendance at said meeting. He was the only Commissioner who received this information, but it is a matter of public record at this point. Jerry Larrison mentioned that if we (being the Board of Commissioners) agree that we're going to move toward the E-911 System and the way the Subscriber situation was set up with the approval of the Legislature, even if we start today it is going to take a minimum of 16 to 18 months from the time we sign the contract. That would mean the earliest absolute time that the E-911 System then could come on line would be November of 1989.

Today he has an Enhanced 911 Service Agreement that is the form that has been used by other counties. There are some counties (New Albany area, Clark-Floyd County area, South Bend, St. Joe, South Bend-Elkhart area, Mishawaka is going into this system) -- and what it would do is to set this process in motion at this point. He knows Commissioners Willner and Cox have raised questions from time to time as to whether we can sign contracts without the money being available. The way the State Legislation now reads, there will be a small monthly charge on the subscribers' phone. They have also worked out a maximum amount they think with CONTEL (Continental Telephone through Cynthiana, Haubstadt and Elberfeld) what that cost might be, as well. They

are estimating there might be some 82,000 subscribers in the Indiana Bell service area and the maximum amount we know would only be less than 10% of this in the CONTEL area with 2,342 subscribers -- and they are figuring less than 10% of that probably would affect Vanderburgh County. But there will be a way in which they can plan for this. He guesses he is bringing this before the Board today to commence discussion to see if we can begin to set this in motion. We will have to go before County Council, but he guesses in the real sense of the word this means that we have a commitment to move forward and that we are not at this time really advocating any money to spend on this particular project, but just to move ahead. He might say that, as a personal note, that the Board might want to seriously consider this at this point in order to even get some chance of around November 1989 should the Centralized Dispatch situation and their housing and everything be settled at that point, because there will be other counties who will also be interested in this service and they probably will want to get going on their's, too. As he understands it, it takes a lot of programming to get this done. Each subscriber has to be programmed in and it takes a considerable amount of time. So this is an Enhanced 911 System Service Agreement. It has already been signed by Mr. Jerry Larrison and he would need the Board's permission to sign it so we can move this forward.

Commissioner Willner said he doesn't feel comfortable signing it at this time. However, he would move that President Borries submit it to County Council for their approval.

Commissioner Cox asked if there is a deadline on this?

Mr. Borries said there is no deadline short of the fact that he made a call through here via Jeffersonville so that, again, in the considerable amount of time it is going to take for them -- he could read the whole thing -- but he is talking programming the lines will take approximately 14 to 16 months plus an additional two (2) months of testing and then the telephone companies cannot begin to surcharge until the programming is complete. "Since the Commissioners indicated their intent to pay the installation costs in view of the surcharge, telephone companies will have to begin to charge subscribers eleven (11) months prior to the final cut-over. In short, the system could be operational 25 to 27 months after receipt of our Enhanced 911 Service Agreement." As he understands it, indicating our commitment or favoritism toward this. He asked Mr. Lindenschmidt if this is his understanding?

Mr. Lindenschmidt responded, "Yes; I talked to several of the Council Members and the Council President told me to tell their secretary to put this on the agenda to speak about it on the 23rd of this month. What I got from Jerry Larrison was that now that this is available to people, you're going to be acted on as soon as you get your names in there -- and two weeks from now there might be four or five counties get ahead of you -- and that is delaying the whole process that much longer. That is what I got out of the meeting."

Commissioner Borries said, "It is going to take a considerable length of time."

Mr. Lindenschmidt said he talked with a couple of other Council Members and they seemed to agree that they are in favor of going ahead -- but "

Mrs. Cox asked, "Do you mean they are in favor of paying the up front costs to get on line and then have the customer pay once we change over?"

Mr. Lindenschmidt said, "If you don't have the money accumulated by the time it goes over, yes, you would have to then...."



Mrs. Cox said, "It said the customers (which she assumes to be individual people) would need to pay for this prior to or during the installation."

Mr. Borries said, "We can do it that way or the other way, which is what some counties are likely to do. If it is agreed upon that the customers would pay the initial charge, then you'd have to begin to collect that surcharge eleven (11) months prior to the final cut-over in order to have the money accumulated at that point."

Mr. Willner said, "That means we would start now -- from the date of that signature -- and it would be 16 to 18 months at the earliest."

Mr. Lindenschmidt said, "If you will read that -- it says you cannot start charging the customer until the thing has been programmed and ready. But, still, it will be eleven (11) months before it will be set to go in. So that way you can collect enough to pay. So we're not talking about anything until the end of next year."

Mrs. Cox asked, "Did we get an estimate of how much this is going to be for each subscriber?"

Mr. Borries said, "Thirteen cents (13 cents) to fifteen cents (15) cents."

Mrs. Cox said she will second Commissioner Willner's motion.

Commissioner Willner said he would say that if the Council approves, that we have the secretary stamp it.

Mr. Lindenschmidt said the Council has to pass an Ordinance allowing the telephone companies to collect from each subscriber. That is what they have to do.

Commissioner Borries said at this point he is only asking if the Commissioners are willing to move ahead with this and to enter into a Service Agreement.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the E-911 Service Agreement was approved by the Commissioners, subject to Council approval. So ordered.

Attorney John said the Commissioners' signatures basically makes them a party to that agreement, whatever Council does. If there is a "subject to funding clause", that means you can't go ahead with it. He would recommend that if the Commissioners are not familiar with the agreement they wait until next Monday to sign it so they will be familiar with the terms and conditions and exactly how things will proceed from here. He doesn't know whether one week will make a difference or not.

Mrs. Cox asked, 'Well, Counsel, what is the merit to not signing it now and sending it to Council for their approval. That will be July when they meet, won't it?

Commissioner Borries said, "I would intend to bring it up at the July Council Meeting should it be approved today. At that time they can either agree to fund or not fund or approve or re-approve, but I don't believe that will happen. I just take this as a commitment to move forward on it. He would see the Council's decision is to either fund or not fund this agreement. He is not sure we would have any obligation if the County Council does not fund it."

Mr. Lindenschmidt said, "There is no funding required. It is an Ordinance that is required."

Mr. Borries said, "Right -- no funding. So we have to get their approval to sign the Ordinance. But we also have to give our approval to get the Service Agreement. That is all I am saying."

Mr. Lindenschmidt asked Attorney John how the law reads that the State passed??

Commissioner Willner said, "I think we have to sign an Ordinance, too, don't we?"

Commissioner Borries said he believes they are also going to explain this in some kind of meeting to Councils later on this month in Indianapolis.

It was subsequently determined that the Commissioners will go ahead and sign the agreement, subject to Council's approval.

RE: COUNTY ATTORNEY - CURT JOHN

Vacation of County Bridges: Attorney John reported that the legal ads were submitted concerning the Public Hearing to be held concerning vacation of bridges on Kansas Road, Boonville-New Harmony and Mill Road.

RE: ACCEPTANCE OF CHECK

Mr. Lindenschmidt said a check in the amount of \$25.00 concerning the Alexander Ambulance Lawsuit collections came in today. He called Attorney Miller's office. He said to just run it through and they will mark it off in his office.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, a check in the amount of \$25.00 from Audrey Chatman was accepted and endorsed for deposit into the County General Fund and credited to Ms. Chatman's account. So ordered.

(End of Side "A", Tape 1)

RE: COUNTY HIGHWAY

Weekly Work Reports/County Garage: Mr. Bethel submitted copies of the Weekly Work Report for Employees at the County Garage for period of June 6 thru June 10, 1988.....report received and filed.

Gradall: Neu Rd., #6 School Rd., S. Red Bank Rd., Allen Lane at Crowley Avenue, Rode Rd., Adler Rd., Frontage Rd., and St. Joe Avenue

Paver: Bender Rd. (finished) and Mohr Rd.

Patch Crew: Big Schaefer, Fuquay, Old Petersburg, Stacer, Outer St. Joe Avenue, Old State Rd., Volkman Rd., Mill Rd., Short Mill, Darmtadt Rd., Neu Rd., and #6 School Rd.

Mower: Rosenberger, Roesner, Dieffenbach, Little Schaefer, Upper Mt. Vernon, Hogue  
Rd., Tupman Rd., Five Dollar Road, Creamery Rd.,  
Green

River Rd., Heckel Rd., Millersburg Rd., Kansas Rd., Hedden Rd. and Heerdink Lane

Mo-Trim Seib Rd., Browning Rd., Old State Rd., Fisher Rd., Wright Drive, and Orchard Rd.

Trash Crew: Wimberg, St. Joe Avenue and the County Garage

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

- Cut grass and painted guard rail on Upper Mt. Vernon, Hogue Rd., Koressel Rd., Pollack Avenue, and St. George Rd.
- Repaired culvert on Boonville-New Harmony Rd.
- Repaired grates at Green River Estates
- Cut brush and trees on Bridge #82 on Green River Rd.

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

Request to Go on Council Call: Mr. Bethel said the County Highway Department is in dire need of another Gradall and he has been going out and obtaining some prices. He is requesting permission to go to County Council to purchase a new Gradall. The way he has worked this is he can buy this and they would take our old Gradall in on payment and we'll have no payments due until next year. He has two prices:

Kitchen Machinery: List price with no trade is \$127,975.00. The trade-in would be \$24,538.26. This would leave us a total of \$97,310.00. That will be paid in yearly payments for five (5) years of \$24,538.26.

Rudd Equipment Co.: List price with no trade is \$190,295.00. Trade-in allowance was \$27,484.00. Trade difference was \$162,811.00. That would be five (5) payments of \$40,892.99.

Mr. Bethel said he has looked both of these Gradalls over and the one at Kitchen Machinery is exactly like the one we have -- but a little more modern. It has one less motor. He would like permission to purchase this..and it is quite a bit cheaper. We may have to bid this out -- he doesn't know.

Mrs. Cox asked, "These are not comparison Gradalls? Not identical?"

Mr. Bethel confirmed that they are not identical.

Mrs. Cox asked, "They did not have one this other size?"

Mr. Bethel said, "No Ma'am. Each of these Gradalls tried to get on the market as 'the Gradall' -- and you either buy the Cadillac or the other one. But we've had very good luck with Kitchen Machinery with the one we have."

Commissioner Borries said, "We may have to bid them though."

Mr. Bethel said that is perfectly all right. In response to query from Mrs. Cox, Mr. Bethel said Kitchen Machinery has an office in Indianapolis.

Mr. Borries asked, "There aren't that many suppliers for Gradalls, are there?"

Mr. Bethel said, "No, there are not. This is about it insofar as suppliers around this part of the country. But if you bid out, I'm sure somebody else will probably submit a bid. You have to watch what they are bidding in. I have all the information on each of these units and I am asking for two buckets -- and each of these units has two buckets."

Mr. Borries asked if Mr. Bethel has to get the money anyway?

Mr. Bethel said he does. The thing of it is, he doesn't need the money this year. He can use the old Gradall as a downpayment and another payment won't be due until one year from today. And the interest is rather reasonable -- around 7-1/2%, which is not too bad.

Commissioner Borries suggested we get the specs together and bid as quickly as we can.

Mrs. Cox asked, "You have two (2) Gradalls and one (1) -- what is the other equipment?"

Mr. Bethel said right now he has two (2) Gradalls and two (2) backhoes.

Mrs. Cox asked, "No graders?"

Mr. Bethel said he has several graders.

Mrs. Cox asked, "Do you have a need for three (3) Gradalls?"

Mr. Bethel said, "I could always use three (3) gradalls."

Mr. Willner said one of them is down and it is too costly to repair it right now. That one is around 20 years old. It needs to be traded in -- you can't buy parts for it anymore.

Mr. Bethel said, "We're building parts for it -- and this is just going on and on and on. We can buy one now cheaper than we can mess with keeping this one up."

Upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, Mr. Bethel was authorized to proceed with preparing specs and submitting to Commissioners for their approval prior to advertisement. So ordered.

Soil Samples at County Garage: Mr. Bethel said he had talked with Attorney Miller and he researched the matter concerning having the soil samples taken at the County Garage -- and he sees no way we can get out of it. He has called Mr. Bethel since the meeting commenced this afternoon and suggested we go ahead and have those cores bored and try to finalize this thing. Indianapolis has been treating us pretty nice and not trying to push him -- as long as we're doing something.

Commissioner Willner said he was waiting for them to arrest Mr. Bethel.

Mr. Borries asked, "You don't have anything that is going to start leaking out there now anyway, do you?"

Mr. Bethel said, "There is nothing out there."

Mr. Borries said we'll just go forward then.

Mrs. Cox asked, "Do we have to advertise? You had a proposal, didn't you?"

Mr. Bethel said he has a proposal from a guy from the only place in town -- so we might as well let them go ahead.

Mrs. Cox said, "I would say go ahead."

Upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, Mr. Bethel was authorized to obtain the services of National Laboratories, Inc. to take soil samples at the County Highway Garage as recommended by the Indiana Environmental Department. So ordered.

RE: COUNTY HIGHWAY ENGINEER - ANDY EASLEY

Mill Road Bridge: Mr. Easley said that tomorrow morning at 9:00 a.m., the bridge beams are supposed to be delivered to the Mill Road Bridge over Little Creek and they will be set. He will be there. The County Bridge Crew is going to drill the holes in the abutments to put the pins in to hold the beams and they'll all stay out from underneath the load when they lift it.

Acceptance of Streets/Audubon Estates, Section "A": Mr. Easley said this is a matter that was on the agenda back in February, which he thinks fell through the cracks. Bud Bussing would like to get these streets accepted. Messrs. Easley and Bethel looked at this some time ago. These are concrete streets with rolled curbs and they have been constructed in accordance with the street plan. He believes the Board has been advised that the drainage was installed in accordance with the drainage plan.

The Chair entertained questions.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the following streets in Audubon Estates, Section "A" were accepted for County maintenance.

Plaza Drive	850.0 LF
Kolb Drive	781.0 LF
Dove Lane	334.0 LF
Total	1,965.0 LF = 0.382 mi.

Mr. Willner then asked if Mr. Easley will forward this information to the State for gasoline tax purposes?

Mr. Easley said, "Yes, I will."

Acceptance of Streets in Brookview Heights Sub, Section I: Mr. Easley said the next item concerns street acceptance in Brookview Heights Sub, Section I, which is the subdivision on Old State Road that is just north of the Old State Golf Course. Again, it is a Portland Cement concrete pavement and has rolled curb and gutter and the streets have been constructed according to the approved street plans. Mr. Bussing is requesting acceptance. Again, he believes the Commissioners were given a report from the Surveyor's office with regard to the storm drainage.

The Chair entertained questions. There were none.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, the following streets in Brookview Heights Sub, Section I, were accepted for County maintenance:

Belmont Drive	743 LF (7" thick)
Hyde Park	378 LF (6" thick)
Belmont Court	373 LF (6" thick)
Total	1,494 LF = 0.28 mi.

Acceptance of Streets in McCullough Sub, Part "B": Mr. Easley said McCullough Subdivision is located off Dieffenbach Road. This was also on the agenda back in February and, again, this fell through the cracks. Again, he believes the Commissioners were given a report with regard to the drainage system and he would like to see these streets accepted at this time. There are no rolled curbs and gutters. The subdivision was approved prior to the subdivision ordinance requiring same.

Mr. Borries queried Mr. Easley concerning width of shoulders.

Mr. Easley said he thinks they are a nominal 6 ft. It seems to him that there may be an area that may have been narrowed a bit, but they are well constructed. He and Mr. Bethel were satisfied with them.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the streets in McCullough Subdivision, Section B, as follows, were accepted for County maintenance:

Apple Ridge Drive	618 LF
Old Farm Rd.	790 LF
Wood Gate Circle	<u>328 LF</u>

Total            1,736 LF   = 0.329 mi.

Street Plan Approval for Mullen Estates Section "A": Mr. Easley said the last item on his agenda concerns approval of the street plans for Mullen Estates. The Commissioners took this under advisement a week ago. Are they ready to act on this? They need to have approval of the street plans in order to record their plat.

Commissioner Cox asked if it was ever determined whether the requirement for sidewalks had been waived?

Mr. Easley said the sidewalks were waived in June of 1986.

Mrs. Cox asked, "It does have rolled curbs and gutters?"

Mr. Easley replied, "Yes."

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the street plans for Mullen Estates, Section "A" were approved. So ordered.

RE:     COUNTY TREASURER - MONTHLY REPORTS

The meeting continued with President Borries submitting Monthly Reports from the County Treasurer for the months of April and May, 1988.....reports received and filed.

RE:     CLERK OF THE CIRCUIT COURT - MONTHLY REPORT

Also submitted was the Monthly Report from the Clerk of the Circuit Court for May, 1988.....report received and filed.

RE:     REQUEST TO GO ON COUNCIL CALL - TRAFFIC ENGINEER

President Borries read the following letter into the record:

TO:     Sam Humphrey/County Auditor

FROM:   Leslie Blenner/City Controller

DATE:   June 6, 1988

RE:     Traffic Engineer - Additional Appropriations

On May 9, 1988, City Council passed Ordinance Number F-88-5, including the attached transfer on Traffic Engineering. This was a transfer of appropriations from the City Garage equipment account to the Traffic Engineering equipment account of \$39,900.00. For the County, this will require an additional \$5,586.00 be dedicated for these purchases (14% per agreement).

Please see that this goes to County Council for action and let me know if we need to be at a meeting for questions.

Thank you.

/s/ Leslie Blenner

cc:   Jo Ann Utley

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the request was approved. So ordered.

RE: ACCEPTANCE OF CHECK

President Borries submitted a check from Joe W. Morgan, Inc. in the amount of \$151.38 for salvage steel from the old Mill Road Bridge.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the check was accepted for endorsement and deposit into the County Highway Bridge account. So ordered.

RE: OLD BUSINESS

The Chair entertained matters of Old Business.

Commissioner Cox said she wants to thank the Bridge Crew for taking care of Bridge #82.

Problems in Wimberg Road /St. Joe Avenue area: Commissioner Cox said she received a call from some residents in the trailer court off of Wimberg Road and St. Joe Avenue concerning the heavy traffic that is using Wimberg and the fact that the road is very narrow and a lot of large trucks are using the area. There is a lot of litter. She noticed on the County Highway Department work sheet that they did clean Wimberg Road again. The trailer park is undergoing a lot of development out there -- they are pouring more concrete pads, which is also going to pour out more traffic onto Wimberg. She would like to ask this Board to consider requesting EUTS to conduct a study re the number of vehicles using Wimberg Road and that the Sheriff's Department be asked to check the speed of the vehicles along Wimberg Road.

There are also a lot of materials being dumped over on the north side of Wimberg Road and she has talked to Roger Lehman concerning the investigation of this for proper zoning. That complaint also came in from the residents.

It was the consensus of the Commissioners that a letter should be written to both EUTS and the Sheriff regarding traffic count and speed studies, respectively, in the Wimberg Road-St. Joe Avenue area.

Blossom Lane Sewer Problems: Commissioner Cox said she will need the help of Commissioners Borries and Willner in recalling sewer problems experienced on Blossom Lane (off Bergdolt Rd. -- by Clover Drive).

She received a call from a gentleman who resides in the 2800 block of Blossom Lane. We're back to the sewer problems -- the cave-in of the sewers. She thought about this and went through her notes to check on past problems with storm sewers in the Blossom Lane area. Do either of the other Commissioners recall this?

Commissioner Borries asked, "Wasn't there a project on Blossom Lane a year ago -- a reconstruction of a ditch there?"

Mr. Easley stated that we made a major modification to a small culvert on Clover Drive. Is this where the citizens are reporting some settlement over the storm sewers -- sinkholes?

Mrs. Cox said it is.

Mr. Easley said he heard about this but he has not yet been out there to look in the backyards.

Mr. Borries asked, "Would this be the City Utility Departments?"



Commissioner Cox said she told the gentleman the Board would first have to determine if it were in the County's right-of-way and if at sometime in the past the County had accepted this for maintenance, she said she didn't think we had made a practice of that up until just the past year and a half -- where they paid in a maintenance fee - but we do need to investigate it, because evidently it is all in the 2800 block of Blossom Lane. The complainant's name is Kenny Taylor who resides at 2820 Blossom Lane.

Mr. Easley said he believes this is the same storm sewer that goes under Bergdolt Rd. Remember the one that -- was it Del Cato who was up here a year or so ago -- and it goes between the houses and it has been a troublesome thing for several years -- and it is on a private easement?

Commissioner Cox said she doesn't know that this is the same one.

Mr. Easley said commented, "Maybe it isn't, but I...."

Mrs. Cox said she will provide Mr. Easley with the address.

Mr. Easley said Blossom Lane is parallel to and the next street southerly of Bergdolt Rd.

Commissioner Borries requested that Mr. Easley check into this matter.

RE: WELFARE DEPARTMENT/MOVE TO NEW FACILITY & PROPOSAL RE  
SUBSEQUENT ALLOCATION OF OFFICE SPACE

Commissioner Borries said he received a telephone call today from Mr. John Schroeder of the Welfare Department. If their plans go as scheduled, they will be moving to a new facility during the weekend of July 3rd. There could be potential problems with some phone service, etc. However, at this time there is no change in the target date given by the State concerning the move.

Subsequently, it is his understanding that the City-County Building Authority who has the authority and maintenance of this building will then do some carpet renovations and a number of things in terms of renovating those areas. This will require some time; perhaps the whole month of July will be needed to change the carpeting, etc.

He and Jim Lindenschmidt have done a lot of walking in terms of studies of requests for this space (and Jim has done more than he). They feel there will be adequate space to provide for many of the needs. They are going to develop a proposal and will try to have that ready for the Board's review next week, and this will be shared with Council and any interested persons. It is just that -- a proposal they will develop to allocate this office space. They hope if they have the cooperation of everyone after they have studied it, that they will be able to enact it. Mr. Lindenschmidt has secured an awful lot of square footage and they are looking at several alternatives to try to put in the requests -- and they are very hopeful that they will be able to meet the needs of many of the people who want to change and/or expand a bit in terms of square feet. So they are going to do their best to come up with a proposal they hope will meet the approval of most of the interested parties.

RE: SCHEDULED MEETINGS

Tues.	June 14	9:30 a.m.	Zoning Subdivision Review
Thurs.	June 16	4:00 pm.	Board of Zoning Appeals
Friday	June 17	All Day	Human Relations Public Hearing

RE: CLAIMS

Dave Guillaum Construction: Progress Claim No. 3 (Final) for pipe installation and seeding on Rollett Lane Bridge Project in the amount of \$890.00.

Mrs. Cox asked if this is included in the contract amount?

Mr. Easley said this is a final payment; we didn't get that seeded until a couple of weeks ago.

Mrs. Cox asked, "Was this part of the original bid?"

Mr. Easley said the seeding was part of his original contract. If the Board will recall, they authorized \$390.00 to pay for that pipe on the east side of Rollett's Lane.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the claim was approved for payment. So ordered.

Commissioner Willner advised Mr. Easley that he has received a lot of compliments re the Rollett Lane Bridge -- and he just wanted to pass them on to him.

Bernardin, Lochmueller & Assoc.: Claim in the amount of \$4,163.35 for Field Survey (100% complete), Roadway Design (29.30% complete) and bridge design/Pigeon Creek (27.6% complete) and bridge design/Crawford-Brandeis (28.1% complete) on Lynch Road Extension from Oak Hill Road to Burkhardt Road.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the claim was approved for payment. So ordered.

Bernardin, Lochmueller & Assoc.: Claim in the amount of \$4,853.90 in connection with Boonville-New Harmony Road Extension, which is almost 100% complete (field survey, corridor design, design study report, roadway design and bridge design).

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the claim was approved for payment. So ordered.

McCutchanville-Boonville-New Harmony Area/Blasting:

Mrs. Cox asked Commissioners Willner and Borries if either of them received any calls about some blasting activity in the McCutchanville-Boonville-New Harmony area?

Commissioner Willner said they talked about it and their consensus was that it was at the strip pits in Warrick County. He is not really sure as to which facility it is.

Mrs. Cox asked, "It can be heard clear over there? I tried to call the Turriss Coal number and couldn't get anyone to answer."

Mr. Willner said, "Turriss is doing nothing. They are cleaning some coal, but they are not actively mining any. They are pretty close to the Vanderburgh County line -- like 200 yards."

Mr. Borries said, "AMAX is very close -- you can see it from Green River Rd."

RE: EMPLOYMENT CHANGES

Clerk of the Circuit Court (Releases)

Sandra Drake                      Dep. Clk.                      \$535.55/Pay                      Eff: 6/13/88

Clerk of the Circuit Court (Appointments)

Amy Lu Herfert	Dep. Clk.	\$535.55/Pay	Eff: 6/13/88
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Circuit Court (Appointments)

William R. Wallace	PDA	\$5.00/Hr.	Eff: 5/23/88
Jon K. Aarstad	PT Intern	\$5.00/Hr.	Eff: 5/23/88
Tracy Thread	PT Intern	\$5.00/Hr.	Eff: 6/6/88

Circuit Court (Releases)

Donald Vowels	Law Clerk	\$592.70/Pay	Eff: 6/3/88
Janet McConnaughay	Mileage	\$30.00/Mo.	Eff: 5/24/88
Kathleen Payne	PT Intern	\$3.35/Hr.	Eff: 5/20/88
Tracy Thread	PT Intern	\$5.00/Hr.	Eff: 6/3/88

Prosecutor (Appointments)

Donald R. Vowels	Dep. Pros.	\$20,000/Yr.	Eff: 6/6/88
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Knight Township Assessor (Appointments)

Paula Baughn	Deputy	\$35.00/Day	Eff: 6/8/88
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Treasurer (Releases)

Mary Jo Mooney	Part Time	\$35.00/Day	Eff: 5/27/88
Julie Reis	Part Time	\$35.00/Day	Eff: 5/31/88

Burdette Park (Appointments)

Tod Hammonds	Slide	\$3.35/Hr.	Eff: 5/29/88
Tracey Trautretter	PT Lifeguard	\$3.35/Hr.	Eff: 5/29/88
Mary Farmer	Slide	\$3.35/Hr.	Eff: 5/29/88
Kelly Seikmann	PT Lifeguard	\$3.35/Hr.	Eff: 5/29/88
Rebecca Eggleston	GroundCrew	\$3.50/Hr.	Eff: 5/29/88
Brandon Shumate	PT Lifeguard	\$3.35/Hr.	Eff: 5/29/88
Matt Caton	PT Lifeguard	\$3.60/Hr.	Eff: 5/29/88
Julie Mitchell	PT Office	\$3.50/Hr.	Eff: 5/29/88
Ahauntrece Crider	FT Guard	\$3.60/Hr.	Eff: 5/29/88
Jocelyn Oak	PT Lifeguard	\$3.35/Hr.	Eff: 5/29/88
Brooke Ranes	FT Lifeguard	\$3.60/Hr.	Eff: 5/29/88
Holly Wade	PT Lifeguard	\$3.35/Hr.	Eff: 5/29/88
Brooke Turpin	PT Lifeguard	\$3.35/Hr.	Eff: 5/29/88
Kristina Howard	PT Lifeguard	\$3.35/Hr.	Eff: 5/29/88
Clifford Harth	PT Lifeguard	\$3.35/Hr.	Eff: 5/29/88
Karen Williams	FT Cashier	\$3.75/Hr.	Eff: 5/29/88
Steve Becher	PT Lifeguard	\$3.35/Hr.	Eff: 5/29/88
Kendra Stinson	PT Lifeguard	\$3.35/Hr.	Eff: 5/29/88
Trisha Perdue	Slide	\$3.35/Hr.	Eff: 5/29/88
Greg Topper	FT Lifeguard	\$3.60/Hr.	Eff: 5/29/88
Michael Pruitt	PT Lifeguard	\$3.35/Hr.	Eff: 5/29/88
Carol Owens	PT Lifeguard	\$3.35/Hr.	Eff: 5/29/88
Bob Hayes	PT Lifeguard	\$3.35/Hr.	Eff: 5/29/88
Tiffany Clawson	Slide	\$3.35/Hr.	Eff: 5/29/88
Bob Kirk	FT Lifeguard	\$3.60/Hr.	Eff: 5/29/88
Sarah Embry	PT Lifeguard	\$3.35/Hr.	Eff: 5/29/88
John Bippus	A.P.M.	\$37.00/Day	Eff: 5/29/88
Liz Fravel	A.P.M.	\$37.00/Day	Eff: 5/29/88
Shawn Stanley	AHG	\$4.00/Hr.	Eff: 5/29/88
Robin Temme	PT Lifeguard	\$3.35/Hr.	Eff: 5/29/88
James Gerard	PT Lifeguard	\$3.35/Hr.	Eff: 5/29/88
Daniel Julian	PT Lifeguard	\$3.35/Hr.	Eff: 5/29/88
Krist Eickhoff	Cashier	\$3.35/Hr.	Eff: 5/29/88
Scott Johnson	Slide	\$3.35/Hr.	Eff: 5/29/88
Jennifer Davis	Slide	\$3.35/Hr.	Eff: 5/29/88
Angela Burmeister	Slide	\$3.35/Hr.	Eff: 5/29/88
Sheila Leister	PT Lifeguard	\$3.35/Hr.	Eff: 5/29/88

Burdette Park (Releases)

John Bippus	PTGC	\$4.00/Hr.	Eff: 5/29/88
Liz Fravel	PTGC	\$4.00/Hr.	Eff: 5/29/88
Shawn Stanley	PTGC	\$4.00/Hr.	Eff: 5/29/88

There being no further business to come before the Board at this time, President Borries declared the meeting adjourned at 4:20 p.m.

PRESENT:      COMMISSIONERS      COUNTY AUDITOR      COUNTY ATTORNEY

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

Sam Humphrey

Curt John

COUNTY HIGHWAY

COUNTY ENGINEER

Bill Bethel

Andy Easley

OTHER

Bob Beatty/Allen Railroad Contractors, Inc.  
Steve Allen/Allen Railroad Contractors, Inc.  
Wanda Hansert/City Clerk's Office  
David Bunner/Attorney  
Robert D. Ossenberg  
Jerry Riney  
Mr. Clayton/U. S. Industries Group, Inc.  
Others (Unidentified)

SECRETARY:      Joanne A. Matthews

*Richard J. Borries*  
*Robert L. Willner*  
*Shirley Jean Cox 6/13/88*

MINUTES  
COUNTY COMMISSIONERS MEETING  
JUNE 20, 1988

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MINUTES  
COUNTY COMMISSIONERS MEETING  
JUNE 20, 1988

The Vanderburgh County Board of Commissioners met in session at 8:10 p.m. on Monday, June 20, 1988 in the Commissioners Hearing Room, with President Rick Borries presiding. The meeting was delayed due to Public Hearings held re the vacation of bridges on Mill Road, Boonville-New Harmony, and Kansas Road, which began at 6:30 p.m.

President Borries called the meeting to order, welcomed the attendees, and subsequently explained that the Board had held Public Hearings prior to the regularly scheduled Commissioner's Session on the vacation of bridges which were affected by I-164.

The meeting proceeded with Commissioner Borries entertaining a motion re the approval of minutes of the previous meeting.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the minutes of June 13, 1988 were approved as engrossed by the County Auditor and the reading of same waived. So ordered.

RE: AUTHORIZATION TO OPEN BIDS FOR PAVING OF VARIOUS COUNTY ROADS

A motion was entertained to authorize County Attorney David Miller to open the bids received re paving of various county roads.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, Attorney Miller was authorized to open subject bids. So ordered.

RE: REZONING PETITIONS

The meeting proceeded with Commissioner Borries announcing that there are three (3) rezoning petitions to be heard on First Reading tonight, following which they will be forwarded to Area Plan, where they will be heard on Wednesday, July 6th before the Area Plan Commission. They will subsequently return to the Commissioners for Third Reading on Monday, July 18th.

VC-15-88/Petitioner, Richard Bengert: Common known address for this is 510 E. Baseline Road. Current zoning is Agricultural and requested change is to M-1. He said he is not clear as to the shaded in lines that are on this particular rezoning petition. The Commissioners then had brief discussion with Beverly Behme of Area Plan to resolve their questions. Ms. Behme noted that C-4 was initially requested but subsequently changed to M-1.

There being no further comments and no one present to speak either for or against subject petition, a motion was entertained.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, VC-15-88 was approved on First Reading for forwarding to Area Plan Commission. So ordered.

Commissioner Willner commented that he thinks this is the same person who zoned the old massage parlor on Highway 41 and Old State Road and three months after that zoning they tore the building down and it looks like they are going to build a new gas station in that area. Ms. Behme confirmed that this is correct.



VC-16-88/Petitioner, Gerald Chipps: Common known address is 3045 Old Henderson Road. Property is currently zoned R-1 and requested change is to C-1. Property is currently used as a single-family residence and gift shop. Proposed land use is for a gift shop.

There being no further comments and no one in the audience to speak for or against the petition, a motion was entertained.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, VC-16-88 was approved on First Reading for forwarding to Area Plan Commission. So ordered.

VC-17-88/Petitioner, L-K Motels: Common known address is 19600 U. S. Highway 41 North. Property is currently zoned Agricultural and requested zoning is C-4 for general business. Proposed land use is a motel. This is to be directly south of the proposed McDonald's.

Attorney Miller commented that this motel chain can be found all over the country.

Commissioner Cox said she would just point out on the legal certification that right-of-way is required in the amount of 25 ft. She said 25 ft. is noted for roadway, but additional 25 ft. right-of-way will be required.

The Chair entertained further comments. There being none, a motion was entertained.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, VC-17-88 was approved on First Reading for forwarding to Area Plan Commission. So ordered.

VC-13-88/Petitioners, James Baker & Darwin Lashley, Jr.: Common known address is 2401 N. Grove Street. Property is now designated as Agricultural and requested change is to M-1. Property is now vacant and proposed use is for automobile repair, including overhauling.

Attorney Les Shively was recognized by the Chair. He approached the podium, identified himself and stated. "I represent the petitioners in this particular matter. As pointed out by Commissioner Borries, the requested change is from Agricultural to M-1 for purposes of automobile repair. The operation is conducted by the two gentlemen and will consist of automobile repair and body work. This particular property, if you will refer to your location maps, is immediately adjacent to the Pro-Wrecking salvage operation. I believe they do operate landfill and salvage activities in that particular location. Also, referring to your location map you will see we have an M-2 immediately south of the Pro-Wrecking operation and immediately to the east we have M-3 and then within about one quarter mile we have two C-4 uses. EUTS has reviewed this proposal and they find no problem due to traffic generated and no need for additional right-of-way, egress, ingress, etc. This particular proposal received a unanimous affirmative vote by the Area Plan Commission. We will accommodate the site plan. It has not been stipulated to nor is it in any way something that is not flexible. In fact, it is very flexible. We will situate the building so we don't need a variance for the 20 ft. required next to the R-1 to the north. Once again, I believe it is very compatible with what is in the area, especially in view of the fact that we have the M-2 salvage yard operation right next to it. The Petitioners and operators of the repair shop are here this evening. (He asked that they stand.)

The Chair entertained questions of Mr. Shively and asked if either of the petitioners/operators wished to make a statement at this time. They indicated that Attorney Shively said it all.

The Chair again entertained questions of Mr. Shively. There being none, Commissioner Borries asked if there is anyone who wishes to remonstrate with regard to this petition -- either for or against -- at this time? There being no response, a motion was entertained.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, VC-13-88 was approved on Third Reading.

Commissioner Borries then asked for a roll call vote: Commissioner Cox, yes; Commissioner Willner, yes; and Commissioner Borries, yes. Motion passed by unanimous roll call vote. So ordered.

VC-14-88/Petitioner, First Federal Savings: Commissioner Borries said the common known address is 59 S. Red Bank Road. This is an area designated as Agricultural and requested change is to C-4. Land is presently in agricultural use and proposed land use would be for a financial institution -- branch office and future commercial development.

Attorney Les Shively was recognized by the Chair and stated he also represents First Federal Savings Bank, the Petitioner in this matter. He said, "The property is located at 59 S. Red Bank Road. That address, itself, won't tell you much, but basically what we are talking about is a piece of ground just west of the University Shopping Center. Additionally, it is First Federal's desire to establish a branch at that location, which will access the new frontage road, because we are going to try to minimize the access necessary off Red Bank Road. We want to basically imitate, if you will, the development of University Shopping Center and use this frontage road to try to limit the access on the main thoroughfare. As you can see, the property has C-4 immediately to the south (which you all rezoned last year) and C-4 to the east and C-1 to the east. You can see what is happening in the area. It is a rapidly changing area, due to the fact that it adds onto agricultural, mixed use residential to the commercial development and this would be along that same theme. Once again, the purpose is for the establishment of another branch of the First Federal Savings Bank and ultimate development of the balance of the property as a commercial retail center, utilizing an interior frontage road. Mr. Robert Clayton, Chairman of the Board of First Federal Savings Bank is also here to answer any questions you might have.

The Chair entertained questions of Mr. Shively or Mr. Clayton.

Attorney Shively noted that the petition received unanimous affirmative vote from the Area Plan Commission.

Commissioner Borries asked if there is anyone in the audience who wishes to remonstrate either for or against this petition?

Commissioner Willner asked, "Do you have other proposed uses for the land? Evidently you are not going to use all of the land you are rezoning for the bank. Is there anything in mind?"

Attorney Shively said, "Commercial retail development, something compatible with the area. It would not be for industrial or any use in that area. Basically retail -- insurance offices and that sort of thing. And, as we have stated, as that property is developed -- even though it is rezoned, they will still have to come back to the Area Plan Commission and the Site Review Committee to make sure that use of property, setbacks, parking, etc., conform to County ordinances. Regardless of it being rezoned, they will still have to go to Site Review and Area Plan Commission to develop that property.

Commissioner Cox said, "On the Staff Field report, it gives us the impression or the understanding that there is also property directly to the south of this parcel that is undeveloped that has been rezoned and that there are approximately 14 acres of property there -- with the bank at this time the only thing for sure that is going to go in there. But it is to be developed by the same developer -- the same owner, which I think makes you think it will be done in some kind of coordinated good taste effect, rather than a piecemeal parcel type of thing. I live out there, Bob; if I can accept it, you ought to be able to.

Mr. Willner asked, "Would University Drive be a county-accepted road or would it remain a private drive?"

Mr. Shively said, "I think the ordinance now requires that it be built to county specifications. And First Federal obviously wanted to build it to County specifications in hopes that you would accept it for maintenance so they would not have that burden. So, yes, that would be the desire -- to build to County specifications. I would note also that this is a good plan because in approving this rezoning you are approving that Site Plan, which calls for the development of University Drive, which will minimize the amount of curb cuts, ingress, and egress on Red Bank -- and that is the best way to develop that land. And I think that is what assures you that it will be done in a quality manner.

Mr. Willner asked if the entire 50 ft. will be on their property?

Ms. Behme said it is on there now.

Attorney Shively said it is on their property now; but he assumes that at such time as this road is developed -- when it is platted as a commercial subdivision, it will be dedicated as a roadway.

Commissioner Willner said, "Sometimes."

Attorney Shively said the entire 50 ft. is on First Federal's property. It is not on the property to the south.

There being no further questions, a motion was entertained.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, VC-14-88 was approved on Third Reading.

Commissioner Borries asked for a roll call vote: Commissioner Cox, yes; Commissioner Willner, yes; and Commissioner Borries, yes. Motion passed by unanimous affirmative vote. So ordered.

RE: COMMUNITY ACTION PROGRAM - TRANSPORTATION PROGRAM

Ms. Alice Weathers, Director of the Community Action Program of Evansville, was recognized by the Chair. Mr. Borries said there is a request that says, "The Community Action Program of Evansville operates a transportation service for the elderly and handicapped of Vanderburgh County. In order to continue the service, we need your support. Please give the attached request your careful consideration. In order to operate this service for the remainder of 1988, I request from the Commissioners the sum of \$23,175.00. Justification is on the following budget page."

Commissioner Borries asked if Ms. Weathers or Mr. Gil McCleary would like to make comments at this time.

Ms. Weathers approached the podium and stated, "Thank you for hearing us this evening. I apologize for not having my name on the agenda, but things are so unpredictable. We have served approximately 2,000 seniors over the past six months. We have increased our service. We did some fliers, advertising, word of mouth, drivers distributed information and our ridership is picking up day by day. I think the service is a quality service.

Our seniors in the County area are especially appreciative. We are therefore requesting \$23,175.00 to continue that service. The breakdown is included with the request and should you have questions, I will be glad to answer same."

Commissioner Borries queried Ms. Weathers about the original appropriation.

Ms. Weathers said the Commissioners originally appropriated \$19,000.00 for start-up funds (purchase of vehicle and some other related things). Then they gave them an additional \$3,000.00 to keep them going. C.A.P.E. thought this would only last them through February. But it did take them through March and they are still in operation. Their original projection had been \$32,000.00, or approximately \$28,000.00 for a 12 month period. In the past they have purchased uniforms for their drivers. Because of a high turnover rate among drivers, they are now looking at renting them and they are talking with a couple of firms. So they do hope to reduce that cost. Deaconess Hospital had sensitivity training for their drivers and the State Highway Patrol has done extensive training -- so she thinks they are in pretty good shape.

The Chair entertained questions.

Commissioner Willner said he doesn't have any questions -- but he would like a little time to study the program.

Commissioner Cox asked, "Alice, this budget is for March 14 to December 31, and we are now at least to the middle of June -- this is three months. Where is the money coming from to operate this program for the last three months?"

Ms. Weathers said, "Obviously, we have been using other program dollars. The budget should have been submitted to you in January -- and I apologize for that. We are having some in house difficulties with planning and we hope to get them straightened out. But you are absolutely right."

Commissioner Borries said, "It is too late for us to get this on Council Call for July. We have to submit requests to the Council by the 15th of the month -- so we are late with this request. If we could have some time, Commissioner Willner has asked for that. Also, we might ask that you give us some revised figures here that would give us a more accurate estimate for Council for the remainder of 1988 and very shortly we will need some budget requests from you for 1989. You know, we have to have that in our budget we're going to submit to the Council for the budget hearings. Would you be able to do that within the next week or so? Council will not be able to consider this until August. Thank you for your attendance this evening. I will make note that you are to provide us with further information. Is that correct?"

Ms. Weathers responded in the affirmative.

RE: READING OF BIDS RE ROAD PAVING

Attorney Miller reported that he has the bids opened on Projects 6-03-88 and 6-04-88.

Project 6-03-88/Resurfacing of Various County Roads in Knight Township. Bids were, as follows:

J. H. Rudolph & Co. (Evansville, IN) - \$155,221.40

The Rogers Group (Bloomington, IN) - \$167,911.46

\*Engineer's estimate is \$167,360.00

Project 6-04-88/Resurfacing of Various County Roads in Center and Scott Townships. Bids were, as follows:

J. H. Rudolph & Co. (Evansville, IN - \$137,692.60

The Rogers Group (Bloomington, IN) - \$129,644.97

\*Engineer's estimate is \$151,680.00

All bids were in proper form and accompanied by the required bid bonds and there were no defects.

Commissioner Borries asked if the Board wants to have the bids examined and award the contracts next week? Or, are they ready to make a decision this evening?

Commissioner Willner said he doesn't think Andy had anything in the specs about when they were to do the work. Was there a time limit?

Mrs. Cox said she did ask him about that at one of the meetings, because she knows we had a difficult time getting one of our successful bidders to start work. Andy said it would be addressed -- but she doesn't see it in this notice.

Commissioner Willner said, "Someone told me that might hamper a good price -- and that is quite possible. I am going to move that on Project 6-03-88 the low bid of J. H. Rudolph & Co. in the amount of \$155,221.40 be accepted subject to approval by the County Highway Department and the County Engineer's office.

Also, I move the low bid of The Rogers Group on Project 6-04-88 of \$129,644.97 be accepted with the same stipulation.

Mrs. Cox provided a second to the motion. So ordered.

The bids were given to Mr. Bethel and Commissioner Willner said he would like for the County Highway Department to find out on these bids approximately when they will start.

Commissioner Borries asked that Mr. Bethel discuss the time frame with the firms and give the Commissioners a report next week.

RE: COUNTY ATTORNEY - DAVID MILLER

Acceptance of Check/Settlement with Ohio Valley Welding:  
Attorney Miller submitted a check in the amount of \$26,000.00 which was received as a result of the settlement of our legal action against Ohio Valley Welding for damage to certain County roads. The check is payable to Vanderburgh County and he submits it to the Commissioners with the contracts of Release and Receipt, which he has reviewed and it is his recommendation that they be signed by the President of this Body in two places, indicating agreement to the contract of release and the second signature indicating receipt of the funds. (There are four copies to be signed.)

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the check from Ohio Valley Welding in the amount of \$26,000.00 was accepted for endorsement and deposit into the County Highway General Fund, and the Contract of Release and Receipt was signed. So ordered.

Request To Go on Council Call: Following clarification that this amount covered damage to three (3) roads, Commissioner Willner said he would like for the Commissioners to go on Council Call for \$26,000.00 for the County Highway Department to resurface the damaged portions of West Franklin Road, Schroeder Road and Volkman Roads.



Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the request to go on Council Call in the amount of \$26,000.00 for the County Highway Department to repair West Franklin Road, Schroeder and Volkman Roads was approved. So ordered.

Alexander Ambulance/Collection Lawsuits: Attorney Miller submitted an updated report on the Alexander Ambulance collection lawsuits, together with the following payments:

Thomas Jarvis	\$ 5.00
Thomas Yeats	10.00
Neal Bass	95.00
Linda Kemper	21.87
Total	\$131.87

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the checks were accepted, endorsed, and given to the secretary for deposit into the County General Fund, and the updated report made a part of the record. So ordered.

The Commissioners commended Attorney Miller for his work on making these collections.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Work Report/County Garage: Mr. Bethel submitted copies of the Weekly Work Report for Employees at the County Garage for period of June 13 thru June 17, 1988.....report received and filed.

Gradall: St. Joe Avenue, 4409 Mesker Park Drive, Red Bank Rd., Owensville Rd., and County Line East

Paving Crew: Wedged St. Joe Avenue

Patch Crew: Bartels Drive, Henze Rd., Neu Rd., No. 6 School Rd., shoulders on Darmstadt Rd., Laubscher Rd., and Arla Jane Drive.

Mo-Trim: Red Bank Rd., Mesker Park Drive, Selzer Rd., and Kasson Rd.

Mower: St. Wendel, Boonville-New Harmony, Diamond Island Rd., Buente Rd., Bromm Rd., Bender Rd., Big Schaeffer, Baseline Rd., Emge Rd., Martin Station Rd., Heppler Rd., Peck Rd., Korff Rd., Meier Rd., Wimberg Road, Kleitz Rd., Kuebler Rd., Schenk Rd., Orchard Rd., Fischer Rd., Edgewater Drive, Estates Drive, Weiss Rd., Frontage Rd., and St. Joe Avenue

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

- Repaired guard rail on Hitch-Peters and Inglefield Roads
- Placed 53's on Hitch-Peters Rd.
- Performed work on Mill Road Bridge
- Built headwalls, cut trees, set deck, drilled holes for guard rail, patched seams between bridge beams, installed guard rail, layed rock for approach, removed old headwall, built retainer wall and leveled off approach

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

Commissioner Borries entertained questions of Mr. Bethel.

Problems on Whitman Drive: Mrs. Cox said she doesn't have a question. However, she does have a problem she would like for him to look into. In the 2500 block of Whitman Drive is a large dead tree with a lot of broken limbs. It looks like all of it is on the County right-of-way. The complaintant lives at 2510 Whitman Drive. It's right out in the Mill Rd.-St. Joe area (out by the County Garage). Did Mr. Bethel look at that?

Mr. Bethel said his people checked it -- but he can't give Mrs. Cox an answer immediately. He will double check on this and call Mrs. Cox.

Mrs. Cox said she knows it is probably too big a job for our own people and it would have to be contracted out. But it is very close to a home and if it falls it is going to cause a lot of damage.

The Chair entertained further questions of Mr. Bethel. There were none.

RE: COUNTY HIGHWAY ENGINEER

President Borries said there are several matters to consider concerning the County Highway Engineer's agenda. He would at this time like to read into the record the statement that he had made this past week for consideration by this Board:

STATEMENT OF RICHARD BORRIES  
PRESIDENT OF BOARD OF COMMISSIONERS, VANDERBURGH COUNTY

The criminal indictment handed down against Andy Easley makes it necessary that I recommend to the County Commissioners that Mr. Easley be suspended from the performance of any further duties as County Engineer until the resolution of those charges.

Mr. Easley's work as County Engineer has generally been very well done. At a time when it is difficult to find competent professionals to serve in government positions, Andy has, in my view, been responsive to our needs and has provided us with generally sound advice on civil engineering matters.

I recognize the previous criticism of Andy growing out of his interest in a private engineering firm and exacted from him promises to take all steps necessary to assure the absence of any conflict of interest including the ultimate sale of his interest in that firm. At the time of that criticism, I did not believe it was in the best interest of Vanderburgh County nor was it fair to Andy to suspend or release him. First, I was not satisfied that a replacement of equal ability and dedication could be found. Second, the life threatening medical condition of Andy's wife was a serious personal concern since it is unlikely that he will be able to replace his current medical and hospitalization insurance. Third, I was inclined to believe that the conflict of interest charge was politically motivated, did not involve any criminal conduct, and did not present any risk to the County's interest.

Now, however, the situation is different. Notwithstanding the presumption of innocence, a criminal indictment carries with it a loss of public confidence.

Even though it is my understanding that the accusations against Mr. Easley relate to a period of time before his service as County Engineer and did not involve any action by him in his capacity as County Engineer, I believe the pending



charges make it impossible for him to perform his duties effectively. Therefore, when the Commissioners next meet in official session, I will propose and support the suspension of Mr. Easley without pay from his County Engineering duties; and as soon as possible, I will seek the appointment of an interim County Engineer to assume all of Mr. Easley's duties.

I have spoken with Mr. Easley and he understands thoroughly the reasons for my action. I truly regret any additional hardship this step causes to him and his family, but we feel we have little choice in view of the nature of charges contained in the indictment.

I have also consulted with County Attorney David Miller and he has advised me that the approach I have chosen does not jeopardize Mr. Easley's legal defense and is consistent with the powers of the County Commissioners.

Continuing, President Borries said, "I would further add that if this Commission would choose to act on this recommendation, that I have spoken with Mr. Dan Hartman, who is a Licensed Professional Engineer, a full time County employee and currently the Bridge Engineer. I would ask that he be moved to the County Engineer's position in order to not only insure current funding in that position through MVH funds, but also in order to insure that the office would continue to operate in a timely fashion. And I would ask the cooperation of the Evansville Urban Transportation Study (EUTS) and the City Engineer's office to assist Mr. Hartman in these duties. Mr. Hartman has indicated that he would be able to move into these duties, because at this time he is at a point in his bridge engineering position that would now allow him to perform the duties of the County Engineer -- since his major bridge duties are at this time being reviewed by the state -- and to a point where he can afford to do this. Again, this would be on an interim basis until the Court matter with Mr. Easley would be decided."

Commissioner Willner said, "I also talked with Mr. Easley and am ready at this time to make this motion. I guess I wanted to say a lot more, but have been advised to keep my mouth shut and breathe through my nose -- so maybe I will do that. I would like to move that in view of the issuance of an indictment by the Grand Jury which named him as a Defendant, Mr. Andy Easley be suspended from his duties without pay until the charges contained in the indictment are disposed of. And I also move (in the same motion) that the suspension be without pay, provided that the County continue to pay its share of the insurance premium for the health insurance carried on Mr. Easley and his family until the Board takes further action."

Commissioner Cox said, "I have a question about the motion. Did I understand you to say that he would be carried on our insurance program and that the County would continue to pay their share of the insurance premium?"

MR. WILLNER responded, "That is correct. In review of the County Personnel Policy, it covers every avenue except suspension by this Body and I understand we are breaking new ground and am fully aware that this might set a precedent -- but, in my opinion, it has already been set several times -- so I, personally, feel that we need to continue the insurance on that family -- at least until some future date. I feel very strongly about that and that is a part of my motion."

Mrs. Cox said, "Well, I have no problem with him having the opportunity to participate in the health insurance program that is available to County employees. But I do have a problem with the County since we're suspending his pay, I can't see us paying a portion of his insurance. So if you would amend your motion to allow him to remain in the program, paying his full premiums..."

Mr. Willner said, "He has that right under statute -- I don't need to make that motion."

Commissioner Cox commented, "Then I can't second your motion."

Commissioner Borries said, "I will second the motion and support that motion. Unless someone calls for roll call vote, I will say 'So ordered.'"

Replacement of Mill Road Bridge: Mr. Borries said under items to be presented or discussed at tonight's meeting -- we've already heard a report about replacement of the Mill Road Bridge over the Little Creek east of S.R. 66. It seems to meet the approval of the residents in that area. If there has been one good thing about this weather, it is that we have been able to finish projects like this in quick fashion.

USI Overpass: Commissioner Borries has asked Rose Zigenfus, Director of EUTS, to provide the Board a recommendation next week based on the interviews with engineering firms re the USI Overpass.

Commissioner had asked for a letter from the State of Indiana (which he would like to read at this time):

Dear Mrs. Zigenfus,

This is a subject regarding S.R. 62 and USI proposed grade separation. The Indiana Department of Highways (IDOH) gives its approval to proceed with the grade separation project at the above-referenced location.

As you mentioned in your letter, the Interchange will be built to AASHTO Standards, designed so that the Eickhoff-Koressel Road can tie into the Interchange when completed. It is to be completely funded by the County. We will also request that the development and design of this project be coordinated between the proper officials of the City, County and State.

If you have any further questions, please do not hesitate to contact me.

Sincerely,

/s/ John P. Isenbarger  
Director

Commissioner Borries said he takes it that letter is the 'go-ahead' Mr. Willner was requesting. He will therefore ask Mrs. Zigenfus to provide the Commissioners with a recommendation at next week's meeting.

RE: APPROVAL OF STREET IMPROVEMENT PLANS FOR KEY WEST  
SUBDIVISION, PHASE I

Mr. Bill Nicholson is present tonight to seek approval of street improvement plans for Key West Subdivision, Phase I. The Board has looked over these plans previously, in terms of sidewalk waivers. (This is the one near West Terrace School, where the Board waived sidewalks except for a portion because of its close proximity to the school.)

The Board spent several minutes perusing the plans with Mr. Nicholson. Mr. Nicholson offered comments, but they were inaudible because he was in front of the Commissioners' table and not at the microphone.

In response to query from Commissioner Borries, Mr. Nicholson said concrete streets were initially proposed, but the streets will now be asphalt with rolled curbs.

Commissioner Borries noted that the original plans were submitted in 1977, at which time Commissioner Willner was on the Board, along with Tom Ossenberg and Bob Schaad.

Mrs. Cox said, "We talked about getting these plans updated, but it's never been accomplished."

Commissioner Borries entertained a motion.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the street plans for Key West Estates were approved, as submitted. So ordered.

RE: ACCEPTANCE OF STREETS IN MCCUTCHAN ESTATES, SECTION I & OAKVIEW PLACE II

Commissioner Borries said he has street acceptance letters re McCutchan Estates, Section I and Oakview Place II, which were signed by Messrs. Easley and Bethel, and submitted by Mr. Easley for the Board's consideration.

Mr. Willner asked if this is the one on the corner of Heinlein Road?

Mr. Borries said it is -- and he believes Commissioner Willner had some questions about that one.

Commissioner Willner asked Mr. Borries whether he'd been out to look at this one yet?

Mr. Borries said he has not.

Mr. Willner said he needs to go -- it will be worth the trip.

Commissioner Borries asked whether this is positive or negative?

Mr. Borries responded, "Negative."

President Borries said he will not ask for any action on these today. It was the consensus of the Board that action on this matter be deferred one (1) week.

Commissioner Cox asked if these two subdivisions could be referred to the County Surveyor's Office for review and ask them to provide the Commissioners with a report as to whether the drainage is in compliance with the drainage plans?

It was the consensus of the Board that this should be done and request that the Surveyor give the Board a report on this next week.

Commissioner Willner said, "I'd like for you to read the minutes re the zoning."

Commissioner Cox said she intends to go out to look at these personally.

Mr. Willner suggested that Mrs. Cox go in the Heinlein entrance.

RE: APPOINTMENT TO AIRPORT AUTHORITY BOARD

The meeting continued with Commissioner Borries reading the following letter from Mr. Robert D. Ossenberg:

June 15, 1988

Mr. Richard J. Borries, President  
Mr. Robert L. Willner, Vice President  
Mrs. Shirley Jean Cox, Member  
Board of Commissioners of Vanderburgh County  
305 Administration Building  
Civic Center Complex  
Evansville, Indiana 47708

Dear Commissioners:

I want to take this opportunity to thank you all for being so kind as to my appointment to the Evansville-Vanderburgh Airport Authority Board. I appreciate your consideration and the fact that I was able to follow the footsteps of a good friend of mine, Edgar Kuhlenschmidt. I feel very honored to be appointed to this Board and will certainly give my best effort.

Certainly in all of my business travels, I have used the airport for flying purposes quite extensively. Look forward to the new airport terminal and believe it will be a tremendous asset to this community and the tri-state and, in my opinion, well overdue.

Again, thank you all.

Sincerely,

/s/ Robert D. Ossenberg  
Vice President & General manager

RE: DEPARTMENT OF PUBLIC WELFARE - TERMINATION OF OFFICE  
LEASE AGREEMENT

Commissioner Borries read into the record the following letter from the Department of Public Welfare:

June 16, 1988

Richard Borries, President  
Vanderburgh County Commissioners  
Civic Center Complex  
Evansville, Indiana 47708

Re: Termination of Office Lease Agreement

Dear Mr. Borries:

The Vanderburgh County Department of Public Welfare wishes to notify you of the pending relocation of its offices. The Department will open its new office at 100 E. Sycamore Street in Evansville on July 5, 1988. This is just west of Heidelberg Street. All divisions including Food Stamp issuance will be at that location. The mailing address will continue to be:

Vanderburgh County Department of Public Welfare  
P. O. Box 154  
Evansville, Indiana 47701-0154

The new Department switchboard telephone number after July 5, 1988, will be 421-8501. The new Child Abuse Hot Line Number will be 422-8924 and to contact the Food Stamp Receptionist you must call 421-5400.

Please consider this as notice for termination of our lease agreement with the Vanderburgh County Commissioners for office space in the City-County Building effective July 4, 1988.

Sincerely,

/s/ John M. Schroder  
Assistant Director

President Borries said that he and Mr. Jim Lindenschmidt have reviewed the space requests. Perhaps they will have their space requirement proposals ready for discussion next week.

Mr. Lindenschmidt said he talked with Mr. Steve Utley of the Building Authority today concerning renovation costs and he said it would be about a week before this information is available.

Mr. Borries said we'll just have to wait and see if the cost data is available prior to next week's meeting.

RE: OLD BUSINESS

Open Burning Ordinance: Commissioner Borries reported that he talked with Mr. Steve Creech (the gentleman from the Division of Forestry and the Fire Weather Forecasting Service). He asked Mr. Creech's advice about our Open Burning Ordinance. He said that at this time we should comply with the warning issued by Governor Robert Orr (voluntary compliance) and he felt that was in order -- and that is what we should follow at this time. Based upon his experience, he also said there were two things we need to watch closely:

- 1) Tree Canopy - if the trees do get to a severe point -- where the leaves begin to fall, he felt this would be one thing then that might cause us to change our decision.
- 2) Frequent Runs by Volunteer Fire Departments - He said to stay in touch with the Volunteer Fire Departments and if their normal emergency status began to change and there were frequent runs to put out fires -- this also might be a warning sign that we would want to impose our ordinance at that time.

Right now, trees are still green. Again, because of this canopy of the natural tree area that is now in full bloom, he did not feel that we would have to do anything other than follow the Governor's suggestion in regards to discouraging open burning as much as possible.

RE: LETTER OF CONGRATULATIONS TO MEMORIAL BASEBALL TEAM

Commissioner Borries asked permission to write a congratulatory letter to the Memorial Baseball Team.

It was the consensus of the Board that the letter should be written.

RE: PEACH BLOSSOM LANE

Mr. Borries said that with regard to Peach Blossom Lane, did the Board decide that we do have to inform Union Federal concerning the asphalt overlay?

Mr. Lindenschmidt said the gentleman from Union Federal called the other day and we will be sending a letter to him in this regard.

RE: CITY-COUNTY AGREEMENT RE HUMAN RELATIONS COMMISSION

Commissioner Cox queried Commissioner Borries concerning the City-County Agreement re Human Relations Commission and the appointments thereto.

Commissioner Borries reported that he talked with Councilman Jack Corn last week and apprized him of the question raised by the Commission. Councilman Corn felt an appointment by City Council would be in order. However, he has heard nothing further from Mr. Corn as to whether the City Attorney is going to make that change -- whether it will come from one of the Mayor's Appointments or what. He thinks it almost will have to. There is also some concern now about the whole ordinance since there was some concern as to whether or not they can ever find a quorum (the Board was being expanded from 15 members to 17 members and there were concerns about a quorum).

RE: STUDIES RE WIMBERG ROAD

Commissioner Cox expressed her thanks for the Board's following through with letters to EUTS and the Sheriff re traffic and speed studies on Wimberg Road -- she received her copies.

RE: SCHEDULED MEETINGS

Thurs.	June 23	8:00 a.m.	Data Processing Board (Room 301)
	June 23	2:00 p.m.	County Council Personnel Cte.
		2:30 p.m.	County Council Finance Cte. (Room 303)
		3:30 p.m.	Dept. Metropolitan Development (Room 303)

With regard to the Data Processing Board Meeting Thursday morning, Mr. Borries said the other two Commissioners are certainly welcome to attend if they wish to do so. Mr. Phil Lieberman will be making some recommendation to the DP Board re computers at that time. While he personally was not able to attend, he understands there was a meeting held between County Council and Mr. Lieberman, at which time he can't say there was much accomplished. But he did want to mention the meeting scheduled for this coming Thursday. Obviously, no decision will be made -- but they will hear Mr. Lieberman at that time and have an opportunity to question him concerning his recommendation.

RE: CLAIMS

Mr. Borries said there are no claims to be submitted for approval at this time.

RE: EMPLOYMENT CHANGES

<u>County Highway (Appointments)</u>			
James D. Brandle	Laborer	\$8.51/Hr.	Eff: 6/13/88

President Borries entertained further matters of business to come before the Board at this time. There being none, he declared the meeting adjourned at 9:35 p.m.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R. J. Borries	Sam Humphrey	David V. Miller
	R. L. Willner		
	S. J. Cox		

COUNTY HIGHWAY

AREA PLAN

Bill Bethel

Beverly Behme

OTHERS

James Lindenschmidt

Margie Meeks

Les Shively, Attorney

Robert Clayton/First Federal Savings Bank

James Baker

Darwin Lashley, Jr.

Alice Weathers/C.A.P.E.

Gil McCleary/C.A.P.E.

Dan Peters/J. H. Rudolph & Co.

Others (Unidentified)

Steve Alexander/WTWV

Eric Edwards/WTWV

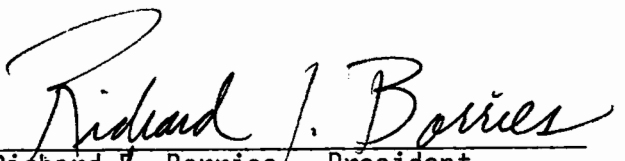
Linda Negro/Evansville Courier

Ella Johnson/WIKY

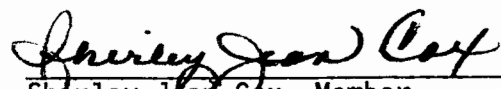
News Media (Unidentified)

SECRETARY:

Joanne A. Matthews

  
Richard J. Borries, President

Robert L. Willner, Vice President

  
Shirley Jean Cox, Member



MINUTES  
COUNTY COMMISSIONERS MEETING  
JUNE 27, 1988

*approved*

I N D E X

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MINUTES  
COUNTY COMMISSIONERS MEETING  
JUNE 27, 1988

The Vanderburgh County Commissioners met in session at 2:40 p.m. on Monday, June 27, 1988, in the Commissioners Hearing Room, with President Borries presiding.

The meeting was called to order by President Borries. He said Commissioner Willner was on vacation.

President Borries entertained a motion for approval of minutes of the meeting held on June 20, 1988.

Commissioner Cox moved the minutes of June 20, 1988 be approved as engrossed by the County Auditor. The motion was seconded by President Borries. So ordered.

RE: OPENING OF BIDS

President Borries said they will now open bids for the resurfacing of roads. He said at their last meeting they opened a first set of bids on resurfacing and today they have others. He said these are for various county roads in Center and Scott Townships then corrected it to be just Center Township.

President Borries entertained a motion to open these bids.

Commissioner Cox moved that the bids be opened, seconded by President Borries. So ordered. At this time the bids were turned over to the County Attorney.

RE: SHERIFF SHEPARD

President Borries said Sheriff Shepard is here today to give them the Wimberg Road Traffic Report.

Sheriff Shepard said on the 13th of this month he was requested to run a speed check on Wimberg Road East of St. Joe Avenue in the Trailer Court area, they started the survey on the 16th and ran it thru the 21st and for the record he would like to read his reply which follows:

June 27, 1988

Dear Commissioners,

As per your request, please accept this report on traffic speeds on Wimberg Road between St. Joe and the railroad bridge for the dates of June 16th through June 21, 1988. The time frames are:

June 21, 1988	7:45 am - 8:30 am 12:00 pm - 1:00 pm
June 20, 1988	12:00 pm - 1:00 pm 4:35 pm - 6:05 pm
June 19, 1988	4:40 pm - 6:10 pm
June 18, 1988	4:30 pm - 6:00 pm
June 17, 1988	11:05 am - 12:50 pm 7:00 am - 8:30 am 4:30 pm - 6:00 pm
June 16, 1988	6:30 am - 8:30 am 11:45 am - 1:00 pm 4:30 pm - 6:00 pm

This stretch of roadway is not posted and is therefore a 45mph speed zone. The average overall speeds were within the normal traffic flow for that open area.

If you have any further questions, I will be glad to comply with your request.

Sincerely,

Clarence C. Shepard, Sheriff  
Vanderburgh County

Sheriff Shepard said his secretary was on vacation last week so what they have here is the officer's fact sheets,

Commissioner Cox thanked Sheriff Shepard for this information and stated that there may be some problem between say 10:30 pm and midnight with speeders in that area and she said she did not know where they are coming from, maybe the North Park area, but maybe someone could just patrol out there.

Sheriff Shepard said there would be someone out there that same night.

President Borries said he does not want the Sheriff to give a recommendation at this point unless he has adequate data, but does he feel there should maybe be some change.

Sheriff Shepard said there does not seem to be a problem along there, it is an open stretch with high visibility.

President Borries said but as he pointed out, this stretch of road is not posted, and if might be very helpful if they asked the Traffic Engineering Department of the Highway Department to post the 45mph.

Sheriff Shepard said it would make their job easier, because that way a person can not say he did not know what the speed limit was.

President Borries asked Commissioner Cox if she would like to take this report under advisement for one (1) week.

Commissioner Cox said they have the average speed for all vehicles which is 46mph on the 17th and it might be that they don't know.....they do have a report coming from E.U.T.S. regarding the traffic count out there, then that wouldn't really have anything to do with the speed, that report would help them to determine what future improvements or widening would be on the road.

Commissioner Cox moved that the County Highway Department be directed to request the Traffic Engineering Department to post Wimberg Road, at both ends, off of Kratzville and off of St. Joe at 45mph speed limit.

The motion was seconded by President Borries. So ordered.

RE: REQUEST TO GO BEFORE COUNCIL...AUDITORIUM

President Borries said Gy Rhoads is here with a request to go on Council Call.

Ms Rhoads said due to the late mailing of their information, because it was their problem and she had to take a room for \$128.00 instead of \$115.00.

President Borries said this is a request for the International Association of Auditorium Managers.

Ms. Rhoads said this is the annual meeting for the Association.

Commissioner Cox asked if the Convention Visitor Bureau sends anyone to this?

Ms. Rhoads said not that she knows of, they have not mentioned it to her.

Commissioner Cox asked if this is the only accommodations in Nashville to attend this, \$128.00 per night plus \$11.75.....\$143.00 for a night. She said she thinks this is prohibitive. and she does not think the county can do this.

Ms. Rhoads said this is the hotel where the conference is being held. This is just reservations that were made for her through the Association.

President Borries said he thinks they are going to have to request, in terms of travel, that they have limits that are imposed by the county and he doesn't think, as Commissioner Cox has pointed out, that they can approve this.

Commissioner Cox asked if they could call and see if they have ever paid \$143.00 a day before, she said she cannot ever remember paying this much.

Ms. Rhoads said the mailing was late and that is why she couldn't get a room for \$115.00 because they were all gone by the time the mailing came out. She said she is sure she could shop around and find an out lying hotel somewhere, but she said she would have to be referred by the hotel as to where to shop.

President Borries thanked Ms. Rhoads for bringing this to them and he thinks they are going to have to get some more information on this and take it under advisement until they do.

Commissioner Cox asked Ms. Rhoads when this convention is going to be held.

Ms. Rhoads said it is from the 22nd until the 27th of July.

Ms. Rhoads said the Association has just moved from Chicago to New York and that is why the mailing was so late.

President Borries said she was going to be late getting on Council Call.

Ms. Rhoads said she figured that and that she would have to put the money up front.

She said because of the late mailing that is the reason they took the registration fee off.

Commissioner Cox asked what is the registration fee.

Ms. Rhoads replied \$250.00, and they deleted that.

Commissioner Cox asked if this is a conference where she needs to go all five (5) days. or is it one where she could pick one (1) or two (2) days that she feels would be beneficial to our Auditorium.

Ms. Rhoads said the one conference they were going to have on a Saturday was a conference for new Managers and she felt that would be beneficial to go for the first day and then there are seminars in association with this that are going to be held on Monday that she felt would be important.

President Borries said he is not sure they can guarantee this kind of expenditure, it is just prohibitive.....

Chief Deputy Auditor Cindy Mayo said she just talked to Gloria Evans, the claims bookkeeper, and she said the most that has been paid that the state has looked at where the hotel did not have government rates has been \$87.50. She said the state did question that amount of money, but they did go ahead and allow it, but that is the highest that has been paid.

Ms. Rhoads said the problem with this is that when Associations hold their International meetings they do go to places that are higher and if they will look there is a 11.75% tax on their rooms, it is called a luxury tax.

Commissioner Cox ask Ms. Rhoads if she pays membership dues into this International Association of Auditorium Managers.

Ms. Rhoads said yes, there was a \$400.00 fee that the County paid, Kim Bitz was a member of this also.

President Borries asked if this membership was still in effect.

Ms. Rhoads replied yes, but they would not let them use any part of Mr. Bitzs' initiation fee on that.

Commissioner Cox asked Ms. Rhoads if she has any travel expense money at all in her budget.

Ms. Rhoads replied she has \$50.00.

Commissioner Cox said apparently Mr. Bitz was not planning to attend this conference if only \$50.00 was budgeted for travel.

Ms. Rhoads said there was a \$350.00 allowance in the travel and that went in addition to an encumbrance for last year to pay that fee of \$400.00.

Ms. Rhoads said she understands that Mr. Bitz went to these, but she does not see how he did on \$350.00 a year.

Commissioner Cox said maybe he did not go for the entire five (5) days.

Ms. Rhoads said that is a possibility. She said she can drive down on Saturday morning and choose some of the things she wants to go to but it is still going to be three (3) days, any way they look at it.

President Borries said it is cost prohibitive and very much out of line of what they have granted before in the county so he would have to suggest she look for some alternatives here.

Commissioner Cox said if enough people would respond in this manner to the Association of Auditorium Managers, that this is quite a bit of money, maybe they will look a bit harder the next time and be realistic.

Commissioner Cox asked if this Association of Auditorium Managers is all Government Auditorium Managers or are they private.

Ms. Rhoads said no, they are private.

Commissioner Cox said she would say that next year she does not get a membership in this Association. She asked if she gets monthly information from them.

Ms. Rhoads said there are newsletters that are mailed out, and magazines, etc.

Commissioner Cox asked if they are helpful in any way.

Ms. Rhoads said anything you read on your profession is helpful.

Commissioner Cox said in Government she does not have the leeway that the private sector has and she can see where a lot of things would not even apply to our Auditorium. She said she remembers one time the Convention & Visitor Bureau ran something combined, where things they would go to on promotions and things they would include our Auditorium Manager and she thinks those would be beneficial.

Ms. Rhoads said she and Mr. Helfrich have discussed this and they are planning on doing this.

President Borries said she needs to look at some alternatives here. He said they encourage them to be involved in professional associations, but in terms of a request like this, they are also very conservative as to what they can offer.

Ms. Rhoads asked what are they suggesting, a dollar amount.

President Borries said yes, he would suggest shorter days and look at some alternative hotel stays. He said she should get back with them.

Commissioner Cox said she feels \$500.00 for three (3) days would not be too high of a figure. She said the Veterans Service Officer was just approved but she cannot remember what the bill was for.

RE: REQUEST TO GO BEFORE COUNCIL...BURDETTE PARK

Mr. Tuley said they have the following request to go before Council to request additional funds as listed below to cover necessary expenses:

145-118...Other Employees.....\$35,000.00

Mr. Tuley said this is for their part-time staff, all of the pool staff, ground crew staff, all the part-time people are paid from this account and with the large crowds they are having, the swimming pool, needless to say is depleting that account rather quickly. They don't anticipate they will need this much money, but if they continue at the current rate, they are averaging about 1,150 people per day and their staffing is real high at this point, and with that the revenue is up too.

145-190...Social Security.....\$ 2,628.50

Mr. Tuley said this request goes along with the Other Employees request.

145-320...Utilities.....\$ 20,000.00

Mr. Tuley said this is for the new water line that he has talked to both Commissioners about it and it will loop the eight (8) inch water line in front of the park to the the six (6) inch line that is coming off of Schutte Road an it comes down in front of the Monastery there on the other end of Nurrenburn and they are going to hook those two (2) together. The total cost of this is \$40,000. and the city is going to pay half of the cost and they are requesting that the county pay for half. As they have known they have had water problems out there for years, when they would go to fill the pools it effects their neighbors around the park. He said they appeared before the Council Finance Committee just to feel them out on this, since it is an unusual request and he has a letter from them that they have written to Gil Dieckman saying that they will approve such request.

145-352...Repairs to Equipment.....\$ 5,000.00

145-355...Repairs to Buildings.....\$ 5,000.00

Mr. Tuley said with all the expenditures, they went back a couple of months and were hoping that the money they picked up there would carry them through, but the heat is causing wear and tear on the air conditioners and they have had to replace some compressors and several units all together and so those accounts are low again.

Commissioner Cox asked Mr. Tuley if the Council allocated his original request for repairs to equipment and buildings or did they cut it back.

Mr. Tuley said at budget time it was cut back.

Commissioner Cox asked if they have restored it back to his original requests.

Mr. Tuley said yes, they have and this is over and above. He said they told the Council that they hoped this would suffice, but it has not, the heat has really worked a burden on them and the large numbers. The rentals are up and the every day maintenance costs are up.

Commissioner Cox moved that the request of Mr. Tuley to go before Council for additional funds be approved. The motion was seconded by President Borries. So ordered.

Mr. Tuley said he has another item to discuss with them today, he said he has been talking to Sheriff Shepard and with the water problem like it is, is it possible for the Commissioners to issue some temporary ban on fireworks allowed in the park. He said they have a souvenir stand out there and they have been selling legal fireworks and they have ask them to halt selling those due to the draught and with the pressure and things being as dry as they are, they are afraid of sparks causing a fire. He said Sheriff Shepard suggested he talk to them and perhaps they could issue a temporary ban on fireworks in the park and they would try to enforce it, opposed to just asking people not to use them in the park.

Mr. Tuley asked County Attorney Curt John what they could do.

Mr. John said he is not familiar with any existing ordinance that would give the Commissioners that right.

Mr. Tuley said that is what the Sheriff thought and why he suggested he bring it before them to see what if anything they could do.

Mr. Tuley said with the Fourth of July next weekend, it is a hasty request, and he wonders if they have time to do anything about this or not.

Commissioner Cox said she thinks this Board has the authority, they have the authority to close the park if they wanted to.

Mr. John said they have the authority to do that, but he does not think there is an ordinance in effect right now that would allow them to ban fireworks or some of the activities that Mr. Tuley is discussing. He said there may be one, but he is not aware of it.

Commissioner Cox said she does think they have a fireworks ordinance.

President Borries asked Mr. John what he would suggest to assist Mr. Tuley with his problem.

Mr. John said his comments were directed countywide, within the Park, he thinks Mr. Tuley may have the authority to request that they not shoot off fireworks as park policy during this season, so they may want to institute that, but he does not believe that it is going to be a law, it is going to be a policy that management enforces out there and not the Sheriff.

Commissioner Cox asked Mr. Tuley how much celebration does he have with fireworks in the park.

Mr. Tuley said actually it goes on all the time, but during the Fourth of July there are a lot of people who came out with legal and illegal fireworks and that has gone on for years, but last week, and that is what has brought this about, someone bought one of the legal type of fireworks, it is like a cone shape item that shoots a shower of sparks and it caught the hill beside the swimming pool on fire and they had a bucket brigade and they got it out before it spread, so they are weary of it. He said what they will do is put on the marquee asking people not to use fireworks, and they can also talk to people who rent the buildings about not using fireworks.

Mr. Tuley said in talking to Mr. Diekman about the low water pressure out there, he asked what would happen if they had a major fire out there and was told they would be in trouble.

Commissioner Cox said she knows there is concern on a lot of peoples parts because she has seen on TV our fire department and volunteer fire departments stressing what even sparklers can do with these extremely dry conditions and she said she thinks they have a lot of things to consider there in the park, not only losses of peoples lives but a big investment in property and she would have no reservation at all about putting the notice upon the marquee asking for their cooperation in not discharging fireworks in the park due to the draught.

President Borries said he thinks Mr. Tuley is faced with a somewhat serious problem because of the numbers of people that are in the park, it is different countywide, Steve Creech, from the Indiana Department of Resources said they should use their ban on burning ordinance as an absolute last resort, that Governor Orrs' communication statewide, he felt was adequate at this time and not to impose the countywide ban on burning ordinance at this time.

Mr. Tuley said over the holidays they will have quite a few deputies (off duty) that they will hire and all of their trucks are equiped with extinguishers so they should be able to handle it. He said he hopes they can keep it down.

Commissioner Cox asked Mr. Tuley if he wants to go one (1) step further and just ban all fireworks from the park.

Mr. Tuley said they might be wise to do this on a temporary basis.

Commissioner Cox asked about camp fires.

Mr. Tuley said they do have camp fires and that is something else that they probably need to address here. He said over the weekend they did put a ban on all open campfires down in the primitive camp area, they do have a big large fire pit that is in an open area that has water right there so they do allow fires there.



Mr. Tuley said the state parks, through the Governors' order have banned campfires and they probably need to do it too

President Borries said he would support a ban on the fireworks until further notice, until the draught eases at least through the fourth.

Commissioner Cox said she also would support this ban.

President Borries said they would ask the cooperation of the media on this also.

President Borries asked Mr. John what authority did Mr. Tuley have as Manager if the people refuse to comply.

Mr. John said if the people refuse to comply, then Mr. Tuley can call the Sheriff.

President Borries said it would be to their advantage to post this clearly in all areas of the park, that way if they said they did not know this then Mr. Tuley can say they did have it posted.

RE: COUNTY ATTORNEY...CURT JOHN

Mr. John said they received three (3) bids on the Resurfacing of Roads in Center Township, the bids are as follows:

Metzger Construction Company	\$140,373.60
Rogers Group, Inc.	119,245.79
J.H. Rudolph & Co.	124,940.30

Mr. John said all bids were in order and the Engineers Estimate was \$138,880.00.

Commissioner Cox moved that these announced bids be referred to the County Highway Superintendent and the County Highway Engineer for their review and maybe they could report their recommendation before the close of the meeting today. The motion was seconded by President Borries. So ordered.

RE: COUNTY HIGHWAY SUPERINTENDENT...BILL BETHEL

Weekly Work Report/County Garage: Mr. Bethel submitted copies of the Weekly Work Report for Employees at the County Garage for period of June 20 thru June 24, 1988, report received and filed.

Gradall: North and Western sections of the county.

Patch Crew: All sections of the County.

Paving Crew: Mesker Park, Kasson Road and Short Mill Road.

Mowers: All sections of the County and Mower Trim on Allens Lane and St. Joe Avenue.

Grader: Northeastern Sections of the County.

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

Retaining Wall for Shoulders on Buente Road for culvert on Seib Road

Installed Culvert on Seib Road, Inglefield Road at Kleitz Road and Mesker Park Drive.

Cut Grass and Trees at Intersection of Diefenbach and Upper Mt. Vernon Road and Old State Road.

Filled in washout on Browning Road

Hauled in Boiler Pipe to Junk Yard.

Removed Concrete Guard Post on Boonville-New Harmony Road.

Commissioner Cox said she would like to thank Mr. Bethel for taking care of the tree that was reported in last weeks' minutes. It has been removed and hauled away and she said she was glad we did not have any injuries caused from the fall of the tree.

Mr. Bethel said Mother Nature beat him to that tree.

RE: COUNTY HIGHWAY ENGINEER...DAN HARTMAN

President Borries said he would like to welcome Mr. Hartman here today as the County Engineer.

Mr. Hartman said he has one (1) blue claim submitted by Guillaum Construction Co. for the dirt and some pipe on Wood Road Bridge. He said he has checked it and found it to be accurate and true.

Commissioner Cox moved that the claim in the amount of \$25,092.00 be approved for the Guillaum Construction Co. for materials for the Wood Road Bridge.

The motion was seconded by President Borries. So ordered.

Mr. Hartman said Mr. Morley of Morley Associates has given him some notices here of the fact that Bluegrass Road, Hermitage Road, Glenmoor Road and East Point Road have been constructed and are ready for inspection and approval and he is getting his forces together and they are going to go out there and walk these off and check them off accordingly.

Commissioner Cox moved that those roads also be referred to the County Surveyor's Office for a review to see if they were built in accord with the drainage plans that were submitted.

Mr. Hartman said he and Mr. Guinn have been earnestly trying to work their way into the Highway Engineers' Office and currently working in a southerly direction and tossing out what they do not think is impertent to the Highway Department today and by the next meeting they should be in full operations.

Mr. Hartman said in his eagerness to accept the duties of the Highway Engineer, he is wondering if his salary would be increased or would it remain the same.

President Borries said it would be increased to what Mr. Easley was making.

President Borries asked Mr. Hartman if he has had an opportunity to review the bids on resurfacing that were submitted last week. He said they were examined by Mr. Bethel and they are going to take the lowest bid.

Commissioner Cox said they were awarded last week.

President Borries said there is some signing to be done on them.

Commissioner Cox said that this would be that the successful bidder from last week would be Rogers Group, Inc. and this is their official notice and they may proceed with the paving.

President Borries said these were accepted last week and he would just like to refer them to Mr. Hartman for review.

RE: OLD BUSINESS

Commissioner Cox said from the minutes there was a letter to be coming in to this Board regarding Peach Blossom Lane from Union Federal.....did they get a letter yet?

President Borries said he has not received that letter.

Mr. Lindenschmidt said he would check to see if a letter was sent from the Commissioners.

Commissioner Cox said while Mr. Lindenschmidt was checking on that she will report a conversation she had with the gentleman concerning the Kansas Road Bridge, and it was her understanding that the county was going to go in and remove the bridge and the letter that was sent into this Board indicated that was one (1) option, if the bridge fell in. She said she understands now that by removing the Kansas Road Bridge this will cut the property owner off from the back portion of that property, so they may want to review their actions on that situation. She said the other two (2) are all-right, the Mill Road and Boonville-New Harmony, and if they reread his letter it does say that if the bridge falls in, the county be responsible for moving or right now pay him X number of dollars. She said if she recalls they were going to have the adjoining property appraised, but the one (1) landowner wanted to get rid of and purchase that from Mr. Smith and then have the bridge removed. She said she doesn't think they have the minutes yet from those hearings. She said she did want to get it on record that there is some concern regarding their action and that this Board may possibly have misread the letter or did not fully understand the homeowners letter that was sent.

RE: EVANSVILLE URBAN TRANSPORTATION...ROSE ZIGENFUS

Ms. Zigenfus read the following letter:

TO: Vanderburgh County Commissioners  
FROM: Rose M. Zigenfus  
SUBJECT: SR 62/Use Interchange Proposal  
DATE: June 27, 1988

The selection Committee met, evaluated four proposals, and interviewed all four firms that submitted proposals based on previous experience, qualification and costs.

Veach Nicholson & Griggs is recommended by the Committee to complete the SR/USI Interchange Feasibility Study. The scope of work will provide conceptional design alternatives and associated costs to construct an interchange at SR 62/USI.

Funding for the study is in place, as County Council has appropriated \$10,000 for the study.

I request that the Commissioners consider the recommendation of the Committee and issue notice to proceed so a contract may be prepared for signature.

Commissioner Cox asked Ms. Zigenfus to repeat what the agreement is with the contractor, she said conceptional design and what after that?

Ms. Zigenfus said 'conceptional design, alternatives and costs.

Commissioner Cox asked if there is a time element involved here with Veach Nicholson & Griggs, she said she knows they have other projects going in Vanderburgh County, but she, as one Commissioner feels very strong that this is one (1) project she would like to see carried out forthwith immediately and she would want it to have very high priority.

Ms. Zigenfus said the original scope of work indicated that the time frame, they are looking at perhaps sixth (60) days maximum, and it is her recollection from the meeting that neither of the firms had a problem with that.

Commissioner Cox moved that the recommendation from the Selection Committee as presented by Ms. Zigenfus be accepted and that the study for the interchange for USI be awarded to Veach Nicholson & Griggs.

The motion was seconded by President Borries. So ordered.

RE: CLAIMS

Ms. Zigenfus said she has some blue claims for the acquisition of right of way, evidently the County Engineer has negotiated cost for all properties associated with the Boonville-New Harmony Right of Way. She said right now they have four (4) signed claims and they will work to get the other six (6) claims signed by the property owners for their consideration.

Ms. Zigenfus presented the following claims:

John P. Young for Right of Way Parcel #9 and #9-A required for Project No. RS-76821, extension of Boonville-New Harmony Road east of Green River Road in the amount of \$12,000.00.

Thomas E. Young for Right of Way Parcel #11 and #11-A required for Project No. RS-76821, extension of Boonville-New Harmony Road east of Green River Road in the amount of \$3,400.00.

Alvin E. Mann, Trustee for Right of Way Parcel #2 required for Project No. RS-76821, extension of Boonville-New Harmony Road east of Green River Road in the amount of \$1,485.00.

Peggy J. Miller for Right of Way Parcel #6 & #6 A required for Project No. RS-76821, extension of Boonville-New Harmony Road east of Green River Road in the amount of \$15,000.00.

Commissioner Cox moved that the above claims be approved.

The motion was seconded by President Borries. So ordered.

RE: CENTER TOWNSHIP RESURFACING BIDS

President Borries asked Mr. Bethel if he has a recommendation on the bids submitted today on the Resurfacing in Center Township.

Mr. Bethel said Rogers Group, Inc. had the low bid of \$119,245.79 and it is well within the Engineer's Estimate and they recommend that they accept that.

Commissioner Cox said on this bid, and she just now noticed it, it is on Caranza Drive and Kimble Drive projects, she said they are having a new sewer line put in out in this area, would this include this area that is undergoing the sewer line.

Mr. Bethel said very possible, and if it does they will have them hold up on that until that is done.

Commissioner Cox said she would move that the recommendation of the Highway Superintendent Bill Bethel to award project #VC-6-0588 to the low bidder, Rogers Group in the amount of \$119,245.79.

The motion was seconded by President Borries. So ordered.

Commissioner Cox moved that the Board sign the notice to proceed to the successful bidders that were awarded last week, J.H. Rudolph and the Rogers Group.

The motion was seconded by President Borries. So ordered.

RE: SCHEDULED MEETINGS

President Borries said the meetings scheduled at this time are as follows:

Council Council	July 6, 1988 at 2:30 p.m.
Area Plan Commission	July 6, 1988 at 6.00 p.m

There will be a drainage meeting following this meeting and there will be no County Commissioners meeting next week, so the next County Commissioners meeting will be on July 11, 1988.

RE: BIG CREEK DRAINAGE ASSOCIATION...DAVID ELLISON

Mr. Ellison said he would like to address the bridges that they talked about several months ago out on Darmstadt Road. He said he was wondering if anything had been done, if they have found out about the drawings or whatever. He said it is where the wooden bridge was proposed.

President Borries said Mr. Hartman had designed some concrete structures, as he understands, that will be presented to this Board.

Commissioner Cox said she doesn't really think this Board has said too much about Bridge #35, but she would like to see both of those bridges replaced at the same time because they are on the same road and it doesn't make much sense to do one and not the other, so they should look at both #34 and #35 and target them both for replacement.

President Borries said they have discussed widening that whole area for drainage because of the trouble the Drainage Association has had.

RE: BILLING SUMMARY...ALEXANDER AMBULANCE SERVICE, INC.

President Borries said he has a Billing Summary from May of 1988 to enter into the record. Received and filed.

RE: EMPLOYMENT CHANGES

County Surveyor (Appointments)

Elvis Freeman	Instrument Man	\$17,726.00	Eff:	6/22/88
Kevin Brenner	Rodman	17,726.00		6/22/88

County Surveyor (Releases)

Tom Goodman	Instrument Man	\$19,050.00	Eff.	6/22/88
Elvis Freeman	Rodman	17,726.00		6/22/88

Cooperative Extension Service (Appointments)

Bryan L. Clements	Part-time	\$27.00/day	Eff.	6/8/88
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County Highway Department (Appointments)

James D. Brandle	Greaseman	\$8.81/hr.	Eff.	6/20/88
Bruce L. Cook	Laborer	8.51/hr		6/20/88
James E. Josey	Part-time	3.35/hr		6/13/88
Gary J. Bray	Part-time	3.35/hr		6/14/88
Russell DeHaven	Part-time	3.35/hr		6/15/88
Ricky Kirk	Part-time	3.35/hr		6/15/88
Robert DeArmond	Part-time	3.35/hr		6/16/88
Arthur W. Baker	Part-time	3.35/hr		6/15/88

County Highway Department (Releases)

Bruce L. Cook	Greaseman	\$8.81/hr	Eff.	6/20/88
James D. Brandle	Laborer	8.51/hr		6/20/88

County Sheriff (Appointments)

Linda Williams	Jail Nurse	\$19,193.00	Eff.	6/27/88
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County Sheriff (Releases)

Roxanne Beckham	Jail Nurse	\$19,193.00	Eff.	6/25/88
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Center Assessor Reassessment (Releases)

George Gossard	Coordinator	\$514.94	Eff.	6/20/88
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Circuit Court (Releases)

Jerry Steckler	Job Placement Off.	\$14,000.00	Eff.	5/6/88
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Burdette Park (Appointments)

Chad Toone	PT/Ground Crew	\$3.50/hr	Eff. 6/10/88
Robert Kieffner	PT/Life Guard	3.35/hr	6/10/88
Ron Stokes	PT/Ground Crew	3.50/hr	6/10/88
Scott A. Pate	Slide	3.35/hr	6/12/88
Andrew Miller	PT/Ground Crew	3.50/hr	6/16/88
Jana Staley	PT/Life Guard	3.35/hr	6/15/88
Adina Allen	PT/Ground Crew	3.50/hr	6/13/88
Heath Goebel	PT/Life Guard	3.35/hr	6/15/88
Toby Riney	PT/Gound Crew	3.50/hr	6/22/88
Jeff Braun	PT/Life Guard	3.35/hr	6/18/88
Tom Goodman	Asst. Manager	19,516.00	6/23/88
Libby Borries	Office Trainee	4.00/hr	6/8/88
Ivy Meisberger	PT/Life Guard	3.35/hr	6/13/88
Darin Jackson	PT/Life Guard	3.35/hr	6/11/88
Roger Storms	PT/Life Guard	3.35/hr	6/10/88
Sloan Carter	Slide	3.35/hr	6/18/88
Susan Borries	Slide	3/35/hr	6/20/88

Burdette Park (Releases)

Libby Borries	Reg. Life Guard	3.60/hr	Eff. 6/8/88
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There being no further business to come before this Board, the meeting was declared adjourned at 4:30 p.m.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>	<u>COUNTY HIGHWAY</u>
	R.J. Borries Shirley Jean Cox	CD Cindy Mayo	Curt John	Bill Bethel

<u>COUNTY ENGINEER</u>	<u>COUNTY SURVEYOR</u>	<u>OTHERS</u>
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Dan Hartman

Clarence Shepard/Sheriff  
Gyneth Rhodes/Auditorium  
Mark Tuley/Burdette Park  
Rose Zigenfus/EUTS  
News Media

Secretary: Joanne A. Matthews

(Transcribed by Jean Wilke and  
Proofed by Margie Meeks)

*Richard Borries*  
*Robert J. Wilke*  
*Shirley Jean Cox 7/19/88*

PUBLIC HEARING  
COUNTY COMMISSIONERS  
JULY 11, 1988

The Vanderburgh County Commissioners met in session this 11th day of July 1988 regarding an advertisement that was legally published concerning the County Zoning Ordinances and a revision of those ordinances with President Borries presiding. Commissioner Willner was absent from the meeting.

Commissioner Borries said Mrs. Barbara Cunningham, Director of Area Plan Commission is here to ask for consideration for these amended ordinances.

Mrs. Cunningham said they have had an opportunity to review and have advertised and this is the public meeting on two (2) ordinances. The first ordinance is Title 15 Chapter 153 Sections 135 thru 141 of the Zoning Code of Vanderburgh County. She said this ordinance deals with special uses and it amends both the text and the special use table and it has been review. She said they felt the Special Use Chapter of the Zoning Ordinance was completely rewritten to reflect changes in State Statute as well as to upgrade terminology and uses, and the proposed new amendment to the current Zoning Ordinance is intended to replace and correct the existing ordinance.

Mrs. Cunningham said the things that were changed were.....there was a special use deleted, railroads and other transportation right of ways because that use is under control of the Federal Government. The Electronics Message Boards Tourist Home Bed and Breakfast.....Bed and Breakfast is a term that was not here before and this has been reflected to change that. Accessory Living Quarters clearly complementery, home occupations has been upgraded and they hope this will also assist the Commissioners in allowing certain special uses that are necessary to the community without the process of rezoning and a special use also can allow a time limit to be put on. A special use is heard by the Board of Zoning Appeals, but it can be very specific in what it ask for which a zoning cannot be.

Mrs. Cunningham said the other one that was adopted is the one that deals with Use 19 and that was adopted thru City Council and Plan Commissions recommendation that there be a special catagory called 'concerning group homes and community residential facilities' and whereas they are facilities with unique characteristics from other uses requiring their own group classifications, so what they have done is they have amended section 153.003 to allow the addition of the following: Group Home Community Residential Facility is a facility which provides residential services for persons in a supervised group living program and they have also .....and that limited the spacing as State Statute does in some of the programs that are exempt.

Mrs. Cunningham said Mr. Mitchell is there today and at the Plan Commission meeting the previous Wednesday, Darmstadt has initiated an amendment to their Subdivision Ordinance and it was heard at Plan Commission two (2) months ago and there was some questions and so it was continued at that time an heard last month..She said they have sent them the certification on this and she does not know if they want this included in this meeting or if they want the ordinance change to come at their regular meeting. She said she thought perhaps they could address today for first reading or at least give it a first reading, so then it could be advertised and they could set the public meeting.



Mrs. Cunningham said they have seen similar copies of this that Mr. Mitchell has presented to them and she thinks that the only change that they would have on this.....the only change that come out of the Plan Commission meeting was that Plan Commission felt that there should be some way to protect those subdivisions that have been approved prior to the date of this ordinance and recorded within the prescribed eighteen (18) month period and also for lots of record, that they should be allowed to be included in this. It is the same language that they have in their subdivision ordinance, so the only change from the materials that they have received before is that last sentence, it says, 'subdivisions approved prior to the date of this ordinance and recorded within the prescribed eighteen (18) months period and lots of record prior to 1957 shall not be required to meet the above stipulations' and Mr. Mitchell is here to represent the Town Board of Darmstadt and he can answer any questions they may have.

Commissioner Cox said she has a question on correspondence dated June 2nd where it was 'consideration of subdivision ordinance amending chapter 151 and that is the one concerning the Town of Darmstadt Septic Tank Pumping Sewer System, that this matter was continued, and now it has been heard'.

Mrs. Cunningham said it has been heard and approved.

Commissioner Cox said she has a question on the ordinance 151.31 on section 2, on the top of the second page where it says a minimum of one (1) acre lot is required in any subdivision or part of a subdivision proposed for residents or uses for an outlet or trunk line is available for connection to and use of the Town of Darmstadt Septic Tank Affluent Pumping System, so whether it goes on the sewer or not it has to be a minimum of one (1) acre even in hooking onto the Darmstadt Sewer.

Mrs. Cunningham said with this type sewer system they are asking for a minimum of one (1) acre, if it is not on the sewer system it is two and one half (2 1/2) acre.

Commissioner Cox asked if it is definitely two and one half (2 1/2) now or is it depending on soil.

Mrs. Cunningham said it is depending on soil.

Commissioner Cox said she personally thinks that the Area Plan Commission in this county is making a step forward by spelling out the use of special uses as opposed to rezoning classifications and she is very happy to see this happen.

Commissioner Borries thanked Mrs. Cunningham for her hard work on these amendments.

Commissioner Borries said they will consider the zoning ordinance amending chapter 153 which is concerning group homes, community residential facilities, this has been approved by the Area Plan Commission so this will go for a third reading and as he understands they will also do the same for the special uses and consider the ordinance amending chapter 151 concerning the Town of Darmstadt on first reading. Commissioner Borries said they will set a public hearing for .....

Commissioner Cox moved that Ordinance Amending the Vanderburgh Code of Zoning Ordinances concerning chapter 153 ...Group Homes and chapter 53 concerning Special Uses be approved on third reading.

MINUTES  
PUBLIC HEARING AMENDMENTS TO ZONING ORDINANCES  
JULY 11, 1988

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The motion was seconded by Commissioner Borries and called for a voice vote of both of these since it is amending an ordinance and they can indicate if they passed since there are only two (2) of them here today. Commissioner Cox; yes, Commissioner Borries; yes. So ordered.

Commissioner Borries said in checking with Town of Darmstadt Septic System they are going to set the public hearing for 2nd and 3rd reading for Monday, August 8th. and they will set this on their regular meeting day at 2:15 p.m.

Mr. Mitchell said this would be just fine.

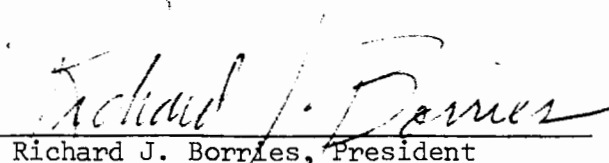
Commissioner Cox moved that the ordinance amending chapter 151 of the subdivision ordinance concerning the Town of Darmstadt be set for second and third reading on August 8th and that they properly meet the legal advertising requirements.

The motion was seconded by Commissioner Borries. So ordered.

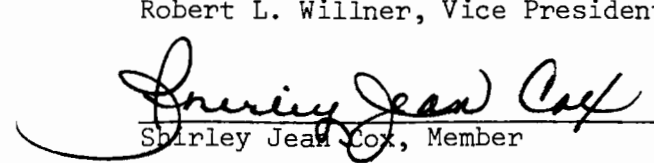
There being no further business on this public hearing on amendments to the zoning ordinances the meeting was adjourned at 2:45 p.m.

SECRETARY: JEAN WILKEY (for Joanne A. Matthews)

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R. J. Borries	Sam Humphrey	David V. Miller
	R. L. Willner (absent-vacation)		
	S. J. Cox		
	<u>COUNTY ENGINEER</u>	<u>COUNTY HIGHWAY</u>	<u>AREA PLAN COMMISSION</u>
	Dan Hartman	Bill Bethel	Barbara Cunningham Bev Behme
	<u>OTHER</u>		
	P. Mike Mitchell, Attorney News Media		

  
Richard J. Borries, President

Robert L. Willner, Vice President

  
Shirley Jean Cox, Member

MINUTES  
COUNTY COMMISSIONERS MEETING  
JULY 11, 1988

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MINUTES  
COUNTY COMMISSIONERS MEETING  
JULY 11, 1988

The Vanderburgh County Board of Commissioners met in session at 2:40 p.m. on Monday, July 11, 1988, in the Commissioners Hearing Room, with President Rick Borries presiding. Commissioner Willner was absent (on vacation).

The meeting was called to order by President Borries, who subsequently welcomed Jean Wilke, who is sitting in for Joanne Matthews who is on vacation. (Mrs. Wilke formerly worked in the Auditor's Office and is currently filling in for some vacations in that area.)

RE: AUTHORIZATION TO OPEN BIDS/RESURFACING OF ROADS

Commissioner Borries stated that County Attorney David Miller is enroute to the meeting and should arrive shortly. If Commissioner Cox will so move, when Attorney Miller arrives he can proceed with opening the bids received on resurfacing of various roads in Union and Perry Townships.

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

RE: AUTHORIZATION TO OPEN BIDS/HYDRAULIC EXCAVATOR  
FOR COUNTY HIGHWAY DEPARTMENT

It was noted by President Borries that bids are also to be opened today re a Hydraulic Excavator for the County Highway Department. For the record, five (5) bids have been received.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Borries, authorization was granted for opening of subject bids. So ordered.

RE: APPROVAL OF MINUTES

The meeting proceeded with President Borries entertaining a motion concerning approval of the minutes of May 16, 1988.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Borries, the minutes were approved as engrossed by the County Auditor (with corrections as noted on pages 2 and 21) and reading of same waived. So ordered.

RE: REQUEST FOR ADOPTION OF ORDINANCE TO ALLOW FOR  
CHARGE FOR OUT-OF-STATE VEHICLE TITLE CHECKS

President Borries said Sheriff Shepard will be represented by Officer Fravel today concerning a request for adoption of an ordinance to allow a charge for out-of-state vehicle title checks. He then recognized Officer Fravel.

Officer Fravel submitted copies of the request to the Commissioners and said the Sheriff would like to get the ordinance reinstated and use their monies for the training facilities they have on Kansas Road, which amount last year was about \$10,000 or \$11,000. If they can get the ordinance changed, this is money they won't have to go to the taxpayers to get the monies to help with the upkeep, etc., of the training facility and to enhance the program we have. On the last page under 70.27 (Disposition of Proceeds) -- if we have it changed from where it says "all funds thus received by the County Auditor shall be deposited" and strike out where it says "in the General

Fund" and replace "in the Vanderburgh County Sheriff's Department Training Facility Operation Fund" (or something of that sort) -- these monies would be used for the Training Facility and for training. In the last seven to eight months we have put approximately \$14,000 into the Training Facility (which they have basically used out of the money they have, tickets, etc., and they have been able to maintain it. But they have simply run out of money.)

Commissioner Borries asked, "Hasn't the City of Evansville done this same thing?"

Mr. Fravel replied, "Yes, they did the same thing."

Commissioner Cox asked, "Officer Fravel, can you tell me how the funds were used before? They just went into the County General Fund and then you had to ask for Council's approval for any projects? I certainly am happy to see a Training Center for the Deputies. I think that it is a much needed thing. I have no problem with those funds being dedicated to the upkeep of that center. Do you feel that would be adequate?"

Officer Fravel said, "The Sheriff discussed it with the staff and with me. At this time we feel it will be more than an adequate amount of money to keep it maintained, along with the money we're getting from the tickets that are written -- the monies we get back -- I think it is \$3.00 per ticket. I think in the last year that has amounted roughly to around \$5,700 -- and that is money there that we won't have to go and ask the taxpayers to help us maintain the training, etc. We're at a point now to where we are getting ready to build a range and that is going to be quite expensive by the time we get the range portion of it completed."

Commissioner Cox asked, "Officer Fravel, after the initial building of the firing range -- the maintenance of it -- I guess what I want not to see happen here is a lot of money in this fund that isn't necessarily used -- or you feel you have to use it or you might lose it -- and perhaps you may want to talk to the Sheriff about this -- as to whether he would have any reservations re an amendment of the ordinance to read 'using the Training Facility Operation Fund with any excess going to the County General Fund'."

Officer Fravel said, "The money we're talking about here wouldn't just be for the Training Facility, upkeep and maintenance. It would also be used to train our officers -- and this is becoming something where we need more money than we've had in the past -- our Training Facility, sending our people to schools, and having people come in -- it will also be used for that in addition to maintenance of the facility."

Mrs. Cox said, "Then you may want to write down specifically what this money is to be used for. You might want to come back with a specific ordinance."

Officer Fravel said, "It now says Training Facility Operational Fund; you're saying to add something to that?"

Mrs. Cox said, "Change it to read 'in the Vanderburgh County Sheriff's Department Training Facility Operation Fund'. Now, Training Facility means that place; it doesn't necessarily stand good for using it for things other than that. I may be mis-reading this, I don't know."

Mr. Fravel said, "The Sheriff was wanting that to be understood when he wrote it. I know that the money would be used out there for the training plus any training for officers if we had to send them away to school. But you read that as just the operation of the Facility?"

Mrs. Cox said she does. She asked County Auditor Sam Humphrey how he feels about this?

In response to query from Mr. Fravel, Mr. Humphrey responded, "I think you could use it that way, but I think it would have to be appropriated. It might be a continuing education fund. Even some of the State User's Funds have to be appropriated."

Mr. Fravel asked, "You don't think we can use it that way?"

Mr. Humphrey repeated, "I think you can use it that way, but I think it would have to be appropriated."

Mr. Fravel asked, "You're saying we should go ahead and put it into the General Fund and then appropriate from there?"

Mr. Humphrey responded in the positive.

Mr. Fravel asked, "Would there be an account in the General Fund where it should be put in order to be used from the beginning to the end? You think that is the way it should be handled?"

Mr. Humphrey said, "I am only saying that I believe there is only one fund the State would permit it to go into without appropriation -- and you can dedicate a fund. But it has to be appropriated. And it has to go to the General Fund to be appropriated."

President Borries asked, "Can we refer this to our County Auditor for interpretation?"

Mr. Fravel said, "That is why the Sheriff brought a copy for each of you, because he wasn't sure."

Auditor Humphrey said, "You have an Attorney here."

Mrs. Cox interjected, "I am going to make a motion and if it doesn't check out legally, then we can do it some other way -- because I know you want to start charging these fees. We're losing money if we don't. Therefore, I would move that we adopt the ordinance that allows the Vanderburgh County Sheriff's Department to charge \$5.00 for an out-of-state vehicle check."

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

Commissioner Cox said her second motion is that this Board request our Legal Counsel to amend the ordinance (70.27) referring to Item B to read "to be used for Training Facility Operation Fund".

Mr. Fravel said, "It is also personnel training."

Mrs. Cox said, "I want you to be able to have this money and be able to use it for your training facility. But I don't know the best way to do this -- and I feel we can probably do this, but I'm not sure. In any event, I will move that Section 70.27 under the disposition of these proceeds, Item B, all funds thus received by the County Auditor shall be deposited in a dedicated fund with the use of the money to be so specified by ordinance or by further ordinance. Does that make any sense?"

Mr. Fravel said they want it to be used for Personnel and Training Facility Operations Fund. "But this money you're speaking of would have to go in through the County General Fund and then we would apply for monies as we need it?"

Mrs. Cox, "No, my motion is to dedicate it and let it stay there until we can adopt an ordinance that specifies -- you want to use this for the upgrading and maintenance of the Training Facility and sending your officers away to school -- and then any excess money at the end of the year will revert to the County General Fund. I think those are the three things you would want in it. But you may want to specify other things where this Board feels...."



Mr. Fravel said, "I think that pretty well covers it."

Ms. Cox continued, "And if you could have some guidelines back here for this Board within a week's time so we don't let this lay, then we'll get the ordinance properly amended."

Mr. Fravel asked, "So we can go ahead and start immediately? Like today or in the morning?"

The Commissioners indicated this would be in order.

Commissioner Borries said, "We've seconded the motion and we both are in agreement. We'll have a roll call vote to this effect. We'll look at the other ordinance. Attorney Miller has to leave due to a personal family emergency, so he needs to read some bids into the minutes immediately. However, I will first ask for a roll call vote on the ordinance."

Commissioner Cox, yes; Commissioner Borries, yes. So ordered.

RE: READING OF BIDS RE RESURFACING OF COUNTY ROADS IN UNION AND PERRY TOWNSHIPS

Attorney Miller reported that two (2) bids were received; J. H. Rudolph and The Rogers Group, respectively. Both bids are in order, except that the Rogers Group bid does not contain a signed bid proposal form. There is just one document missing.

The Rogers Group, Inc. (Bloomington, IN): Bid of \$225,210.08.

J. H. Rudolph & Co. (Evansville, IN): Bid of \$207,991.45.

RE: READING OF BIDS RE HYDRAULIC EXCAVATOR FOR COUNTY GARAGE

Brandeis: A letter from Brandeis indicating they are unable to bid since they have nothing to offer that meets our specifications.

Rudd Equipment Co. They offer a Koehring Model Excavator without trade-in for \$190,295.00; with trade-in, \$162,811.

Reid-Holcomb Co.: John Deere Excavator at price of \$107,000.00, offering a \$17,000 credit for trade-in; thus, the price with trade-in is \$90,000.00.

Kitchen Machinery: Offers a Gradall Model G3WD; price without trade-in is \$127,975.00; price with trade-in is \$93,822.00. They offer five annual payments of \$23,651.00.

Korte Bros., Inc.: There is a bid on a Badger Model 460 at price of \$96,500.00 with trade-in. Price without trade-in is \$135,000.00. They also bid on a Badger Model 444 at a price with trade-in of \$98,500.00; without trade-in price is \$133,200.00.. They offer five equal annual payments on the first model of \$24,182.90 and on the second model, \$24,682.97.

Attorney Miller said all of the bids are in legal order. He then exited the meeting, indicating he will try to return.

Commissioner Borries said the bids will be referred to the County Highway Engineer and County Highway Superintendent for review.

Commissioner Cox asked if we have any estimates -- so we can make sure we are within the ball park figures?

Commissioner Borries said we have an Engineer's Estimate on the road paving.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Borries, the bids were referred to the County Highway Engineer and the County Highway Superintendent (Messrs. Hartman and Bethel, respectively) for their review and recommendations. So ordered.

Commissioner Borries said the Engineer's estimate for the road paving was \$226,880.00. Thus, both bids are below the Engineer's Estimate.

Mr. Bethel said he would like to take the bids on the Hydraulic Excavator under advisement for one (1) week.

With regard to the bids from Rudolph and The Rogers Group, he would like to go over those immediately so the Commissioners could award that bid today.

Commissioner Borries indicated this would be fine with the Commissioners.

RE: RESOLUTION RE CITY-COUNTY HUMAN RELATIONS COMMISSION

President Borries said the Resolution re City-County Human Relations Commission will not be heard today.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Work Report/County Garage: Mr. Bethel submitted copies of the Weekly Work Report for period of July 4 thru July 8, 1988....report received and filed.

Gradall: Baseline Road ditch between St. Joe Avenue and Mill Road at the railroad track.

Paving Crew: Mesker Park Drive and Kasson Road

Patch Crew: Darmstadt Rd., Schenk Road, Meadowbrook, Brookdale Drive and Felstead Road.

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

- Cut grass and painted guard rail at Green River Rd., Mesker Park Drive, Little Schaefer Road, Baseline Road, Volkman Road, and Boonville-New Harmony Road.
- Dug ditch along railroad tracks on St. Joe Avenue
- Hauled trash to dump
- Installed two culverts on Koring Road
- Installed guard rail on Eastbrook Drive and on Boonville-New Harmony Road

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

Mr. Bethel noted that last week was a four (4) day week. He said that with regard to St. Joe Avenue, they figured a way to get the water off the road. He thinks that has been a problem since he's been with the County. They were able to get the Gradall down in the driveway, dug a ditch and ran it into the other drains along there and they are not putting a culvert across the road to take the water from the other side and he believes this is an accomplishment.

Commissioner Cox noted that it was really pouring rain in that area around 11:00 a.m. today.

The Chair entertained questions of Mr. Bethel. There were none.

RE: COUNTY HIGHWAY ENGINEER - DAN HARTMAN

Acceptance of Street Improvements in Eastland Estates Section D-2: Mr. Hartman presented an acceptance letter re street improvements in Eastland Estates Section D-2, which has been signed by former County Engineer Andy Easley but not yet signed by County Highway Superintendent Bill Bethel. He asked if he should hold this or submit same to the Board?

Commissioner Borries said if Mr. Bethel has not signed off on it and the County Engineer's office has, the Commissioners will take it and Mr. Bethel can sign off when he has had the opportunity to review same.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Borries, acceptance was deferred until next week. The Commissioners have pertinent reports from the County Highway Engineer and the County Surveyor, but not from the County Highway Superintendent. So ordered.

Acceptance of Street Improvements in McCutchan Estates Section I: Also presented was an acceptance letter re street improvements in McCutchan Estates Section I. This has been signed by both Messrs. Easley and Bethel, but needs the Commissioners' approval.

Mr. Hartman said he understands it is his responsibility to determine the mileage of these accepted streets, total same, and make certain the information is forwarded to the State Highway for other records and our compensations from them accordingly.

Commissioner Cox said she has copies of the Surveyor's Report concerning McCutchan Estates and Oakview Place II, and she is currently trying to find same.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Borries, the streets in McCutchan Estates Section I were accepted for County maintenance as follows:

Kings Bridge Road	1,039	LF	
Ascot Court	334	LF	(24 ft. wide)
McCutchan Place	637	LF	
Westminster Road	337	LF	
Total	2,347	LF	(0.44 mi.)

Mrs. Cox noted these are all Portland Cement Concrete streets with rolled curbs and gutters and 29 ft. in width, except Ascot Court, which is 24 ft. width.

Acceptance of Street Improvements in Oakview Place II:

Commissioner Cox asked whether the Commissioners have received a Surveyor's Report on Oakview Place II?

Mr. Borries said, "Not yet; we'll hold off on that."

Mr. Jeffers said he will have the report for next Monday.

Commissioner Cox moved that Oakview Place II be continued until next week, with a second from Commissioner Borries. So ordered.

Dave Guillaum & Co.: Mr. Hartman said he is holding one submittal for acceptance of street pavments for some punch items that have to be done yet by Guillaum & Co. With Mr. Bethel's approval, he will just hold this until these items are agreed upon by Mr. Guillaum and himself and approved by Mr. Bethel.

Bridge Reinspection: In response to query from Commissioner Borries, Mr. Hartman said he is going to hold up the copies of the proposal to be sent out to the various Consultant Engineers on the Bridge Reinspection and he has a list of names to whom the proposal is to be sent (which the Commissioners can either approve or disapprove). However, in addition to this list he is told we have additional names to be added. Until such time as those names are submitted by the State Highway Department, he will hold up on forwarding the proposals.

Temporary Easement for County Road/Mill Road Project: Mr. Hartman submitted a Temporary Easement for County Road (which was necessary to improve the vertical alignment on Mill Road) granted by James R. Fechtmeister and Martha J. Wolf, as Joint Tenants.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Borries, the easement to improve the vertical alignment was approved and executed. So ordered.

Commissioner Cox said this is at Mill Road and Happe Road -- to correct a camel-back hump (she didn't know this was the engineering term for it). The easement was necessary in order to accomplish this work.

Mr. Bethel confirmed that this is correct.

Mrs. Cox said she thinks this is one of the things the Board recommended when the roads were put on the list for resurfacing. They said they didn't want the resurfacing done until the road was improved. She asked Mr. Bethel if he knows when the contract was to be let on Mill Road?

Mr. Bethel said the County is doing the work on Mill Road. They stopped at this point -- but part of it was done. The estimates for alignment work were obtained from Harvey Klenck Masonary and this work needs to be accomplished before the County crew can continue with resurfacing.

Commissioner Cox moved that the estimates for the realignment work on Mill Road as obtained by the County Highway Department from Harvey Klenck Masonary, Inc. at the intersection of Mill Road and Happe Road in the amount of \$975.08 (removal of blacktop and dirt, haul, rockfill, level, roll, and compact and an additional 150 ton of rock) be accepted and Harvey Klenck be notified to proceed with said work. A second was provided by Commissioner Borries. So ordered.

Request for Reduction of Speed Limit on Old State Road: Commissioner Borries said he has a request letter concerning reduction of speed limit on Old State Road between Campground Road (toward newer subdivision/Brookview) from 40 mph to 30 mph. This is in the County. The two lane road is heavily traveled and it also has several curves. Morgan Avenue, which is four (4) lanes, is only 35 mph. 'Our mailbox and front yard have been hit three times in the past five years we've lived here --which is due to speeders even exceeding the 40 mph limit. There are runners, bicyclists, and unfortunately, skateboarders who also use this road. We feel the speed limit should be reduced -- since it is a two-lane road and more people are moving out in this direction -- for safety's sake. Thank you for listening'. The letter is signed by John and Sheila Williams and Kids.

Mr. Borries said, "What we usually do is ask the Sheriff and EUTS to conduct some traffic studies and speed studies -- but we do refer this to the County Engineer."

Mr. Hartman asked, "Are Mr. Savage's facilities available out in the County?"

Mr. Borries said, "Well, EUTS will assist, as well as the Sheriff. We've done this on Schutte Road recently and it did result in the Board lowering the speed limit in that particular area. So that would be the procedure -- for you to review this, contact EUTS and conduct a traffic study so a decision can be made."

Mrs. Cox moved that the request from the Williams be referred to the County Highway Engineer's Department, with a second from Commissioner Borries. So ordered.

RE: AWARDING OF PAVING CONTRACT FOR ROADS IN UNION & PERRY TOWNSHIPS

Mr. Bethel said it is his recommendation that the Commissioners accept the bid of J. H. Rudolph & Co. in the amount of \$207,991.45 (which is the lowest bid) for paving of roads in Union & Perry Townships.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Borries, the contract for Project VCC 6-01-88 (Paving of Roads in Union & Perry Townships) was awarded to J. H. Rudolph in the amount of \$207,991.45 for 7.97 miles. So ordered.

Mr. Bethel said Mr. Hartman feels we should have someone out there to take the tickets to see how much they are actually putting on the road and be sure they are giving us what they are supposed to give us. These people are bonded and pretty reputable and we've found them to be rather honest. He thinks it is up to the Commissioners as to whether we want someone out there. But so far we've had pretty good luck and don't feel we've ever been gypped.

Mrs. Cox said, "I hear what you are saying about the tickets. I'm sure that these companies all have their weight tickets if we needed to go back and check on these. I'm not as concerned with the road paving we're contracting out as I am with these roads that we're accepting in these subdivisions -- to have a street inspector out there while these roads are being poured. I think this is of major importance to this County to follow through on."

RE: PRESENTATION BY RICHARD LYTHGOE/COMMON CAUSE OF INDIANA

Mr. Richard Lythgoe was recognized by the Chair. He said he is a Board Member of Common Cause of Indiana. He said, "I have a presentation to make in behalf of Common Cause of Indiana. We have a priority in connection with good government to have openness of government and to have accountability in government -- and we're appalled at the new law that was passed in the spring of this year, which not only is causing a donnybrook for County officials (the Auditor, the County Assessor, one of the Township Assessors, and the Treasurer) -- we're appalled because this law is an affront to home rules and an affront to the option trend that has been given to local governments (to have an option) -- and we're appalled at the amount of this tax exemption. No one really knows the full extent of how many corporations will have a tax exemption under this. Here in Evansville it could conceivably apply to SIGECO, Whirlpool, Bristol-Meyers, Atlas Van Lines, the Railroads, etc., etc."

To save time, on your fly sheet -- I won't read all that -- but I'd like for you to look at it after while. On the flip side (the back side) the Sheraton Inn has an appeal to the three (3) County Officials and one (1) Township official to approve tax exemption going back to 1983. The people I've talked to upstate say there is absolutely no justification for anything like that in the law or anywhere else -- and we would respectfully request that you people use your influence (and especially you) to reject that, Mr. Auditor -- and hope that the State Board of Accounts or State Board of Tax Commissioners would also reject it, which

possibly could lead to a test of the constitutionality of the law. If you people rejected it and it went to the State and they rejected it, then it would be up to somebody to test it -- and we think it should be tested and it shouldn't be at the taxpayers' expense. because the taxpayers would be paying the bill for both the Plaintiff and the Defendant; it's not a fair proposition. So we would respectfully request that you, as individuals, and as the Chief Executive Officers of the County, to use your influence with the Assessor, the Auditor and the Treasurer and the Township Assessor -- and ask them to reject not only the Sheraton Inn petition for a tax because that is a tax increase for other taxpayers. Every one of these exemptions and abatements and freebies raise taxes for other people. It isn't just the tax. We're particularly offended with the stealth and secrecy with which this bill was inflicted and imposed on us. So, it's a bad law. We hope that you will help us work for openness of government and accountability in government. We hope you will use your personal prestige and personal influence to reject those petitions that are now being signed and sent to County officials.

Are there any questions? I know this is a complicated thing. Sam (Humphrey) probably is way ahead of us on it. It is a donnybrook for everybody. But if you have any questions on it, perhaps I can answer them. It's going to be a real can of worms."

Commissioner Borries asked, "Okay, Dick; your concerns here are in reference to a State Law then?"

Mr. Lythgoe replied, "The State Law was amended (it was a patchwork thing -- a series of State Laws) -- it was amended the last time in the spring of this year (March). Right after it was amended, the Sheraton Hotel and others have petitioned the County and Township officials (there are four mentioned in the law on one of those sheets-- the Center Township Assessor, the County Assessor, the Treasurer, and the Auditor -- and they have a decision to make. If they approve it, then these people -- it will open up a big new entitlement program is what it amounts to -- it's aid for the defendant corporations and they are not really poverty-stricken. Whirlpool, for example, is already on Tax Abatement. Why should they get Tax Abatement and then Tax Exemption and then billed on all of those? So we're not only appalled at the way this law was patched in in the middle of the night in stealth and secrecy (which is just the opposite of what openness and accountability of government would be) -- but it's stopping the trend of local options and home rule and all of that. So we would respectfully request that you turn down not only the Sheraton Inn petition, which goes back to 1983 (it's incredible; it's bazaar). The law wasn't passed until March 5, 1988, but the Sheraton wants to go back to 1983 -- they want exemption for 1984, 1985, 1986, and 1987 -- and infinity. Any other questions. Sam, do you have one? I know you're up to your ears in it."

Mr. Humphrey responded, "I don't have any questions. The first time I've seen what you're talking about is now. However, this principle has been going on since 1982. Allen County has a ... the Airport Facility -- it was built in 1982 and they have paid no taxes and the State sued them. It is my understanding that as of last Friday the State has dropped their suit. The precedent was established August 30, 1965 (I just got this this morning and just brought it to the County Attorney's attention -- and he had to leave). Allen County is petitioning and all three County officials (the Allen County Auditor, Treasurer and County Assessor) have signed the petition to the State Board of Tax Commissioners to relieve all property taxes on Allen County's airport, including the Hilton Hotel."

Mr. Lythgoe said, "Well, of course, some of these apply to off the Airport property -- to places like Whirlpool. It would apply to Atlas International, because of the law that was passed March 5, 1988, which is on the sheet there. So nobody really

understands how much pick-up there would be, because a tax exemption is a tax increase on the other side of the coin. But what we're appalled about is the way this was done. This was approved March 5th and nobody really knew about it. It was passed in the final hour of fun and games by the Legislature.

Commissioner Cox said, "I understand there were some bones of contention concerning the appraising and collection of tax monies on what you're talking about here some three or four years. The Township Assessor maintained that they were exempt and the County Assessor said they were not exempt -- and there was a lot of bickering back and forth in the papers and a lot of publicity at that time. Do you think perhaps in order to clarify this concern that the Township Assessor and County Assessor had to come up with something that was law that they could know one way or another what they should do -- why the Legislature passed this?"

Mr. Lythgoe said, "No, I think not. I think somebody who wanted a freebie changed on March 5, 1988 and tried to patch into what Sam was talking about -- going back. But the problem here is that this was done with stealth and secrecy. Our government should be open. There should be some accountability. There should be advertising and these tax problems should be handled in accordance with what is best for the taxpayers -- not what is best for Mr. Hilton or Mr. Sheraton. It's just an insidious arrangement. It seems to me that in accordance with the trend there should be a local option. You people -- you're the Chief Executive Officers of this County -- you should have some role in this -- and they imposed it. The only recourse we have would be if you'd use your influence to have the Auditor and the Treasurer (two or three would do) disclaim this. It would then go to the State -- and then use your influence with the State and let it go to Court and find out if Whirlpool can add Tax Exemption to Tax Abatement, etc. This is a can of worms. The tax is one thing; but for every tax freebie there is a tax increase. But the way this was done is bucking the trend. We should have home rule. We should have openness of government. We should have accountability of government. That is what we have been promised.

Now, there is an Ethics Committee in the Legislature and they have been trying -- and I would respectfully request that you cooperate with this. Dennis Avery and some of the others are trying to clean up the rules of the Legislature so that this fun and games thing near the end in the final hours where they change or strip a bill (maybe they will have a bill on child abuse and they strip completely all the words from it and use the number and the title and everything to put something else in and nobody knows what it is all about. I bet you that there aren't ten or twelve people in the whole State of Indiana who can explain to you the full impact of what happened when they approved this on March 5 of this year. I bet there aren't a dozen people in the whole State who can tell you how substantive a problem that is -- that is why I think it should be declined here, sent to the State. Hopefully, the State would decline. That would then put it into the election campaign and possibly the Legislature with their Ethics Committee could clean up some of the rules. And there is a good chance that it might be so. I see no logic at all for SIGECO with a \$1.00 lease at the Airport -- they gave the Airport a lease and SIGECO got a dollar for it -- I see no logic at all for SIGECO to get tax exemption on the facilities that they feed the Airport (the sub-stations and all that). That is not logical. And Whirlpool -- under this March 5 -- would be affected. I don't know whether they will even apply for it or not. But they have a navigation lease that is spelled out in that fly sheet there -- all of those companies have them. In other words, the Airport is leasing the air rights over Atlas International. Because of this law, Atlas International can claim tax exemption. I don't think anybody understands that and it shouldn't be permitted. I know it's complicated and I don't expect you to do it now. But I respectfully request that you not



only personally use your influence, but, as a Board, pass a Resolution asking that the Ethics Committee's rule changes at the Legislature be cleaned up so we're not faced with these kinds of monstrosities. This is a real abortion. It is premature and harmful. All the bad things in government are tied to this kind of thing and it is precedent setting. So that is my spiel. I appreciate the time -- if there are no more questions."

Commissioner Borries thanked Mr. Lythgoe for his comments.

RE: CONTRACT ON BOVINE BRUCELLOSIS & TUBERCULOSIS ERADICATION

President Borries said the Board has a contract on Bovine Brucellosis & Tuberculosis Eradication to be approved, signed, and returned to the State Board of Health for their signatures. This is an annual program where contracts are in the amount of \$1,000.00 and, should we approve, this grant is used by our County for these programs.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Borries, the contract was approved and signed. So ordered.

RE: TRAVEL REQUEST - PERRY TOWNSHIP ASSESSOR

The following travel request was submitted:

July 1, 1988

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

Dear Commissioners:

I am requesting permission for myself and Chief Deputy, Glen Koob, to travel to the annual Indiana Assessor's Association Seminar, July 11, 12 and 13, 1988, in Clarksville, Indiana.

Sincerely,

Harry A. Tornatta  
Perry Township Assessor

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

RE: COUNTY TREASURER - MONTHLY INVESTMENT REPORT

Also submitted was the Monthly Investment Report from the County Treasurer dated June 30, 1988.....report received and filed.

RE: ACCEPTANCE OF CHECKS

Indiana Planning Association: Check for postage reimbursement for the Area Plan Commission (402 pieces of mail for State Planning) in the amount of \$100.50.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Borries, the check was accepted and endorsed for deposit into the County General Fund. So ordered.

Evansville Dance Theater, Inc.: Check in the amount of \$100.00 on account payable to Vanderburgh Auditorium. The check has been initialed by Attorney Curt John and signed by the President of the Evansville Dance Theater, Inc.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Borries, the check was accepted and endorsed for deposit into the County General Fund. So ordered.

**Commissioner Cox asked if this is their final check??**

RE: HOLIDAY SCHEDULE FOR 1989

## HOLIDAYS FOR 1989

New Year's Day.....	Monday, January 2
Martin Luther King, Jr. Birthday.....	Monday, January 16
Lincoln's Birthday.....	Monday, February 13
Washington's Birthday.....	Monday, February 20
Good Friday.....	Friday, March 24
Memorial Day.....	Monday, May 29
Independence Day.....	Tuesday, July 4
Labor Day.....	Monday, September 4
Veteran's Day.....	Friday, November 10
Thanksgiving.....	Thursday, November 23 Friday, November 24
Christmas.....	Friday, December 22 Monday, December 25
New Year's Eve.....	Friday, December 29

APPROVED BY:

RE: REPORT RE PROPOSAL CONCERNING WELFARE OFFICE SPACE

Mr. Lindenschmidt said, "After much discussion, deliberation, cost estimates and everything else, this is my recommendation for the Welfare space;

That the 3rd Floor available space (2,805 sq. ft.) be given to DMD. DMD currently occupies two separate offices on the Third Floor. One is Room 327-329, which is 2,008 sq. ft., and one is Room 316, which is 1,356 sq. ft. for a total of 3,364 sq. ft. This will be cutting them down over 500 sq. ft.; but they feel that this is much better for them. It is one office -- they can all be together. In the space where they are currently, there is a lot of area lost with hallway and what have you, and they have asked to move into that space.

Opening up these other offices, EUTS has requested more space. They currently occupy 1,117 sq. ft. in behind the Area Plan Commission. They requested 1,500 sq. ft., but Room 316 is 1,356 sq. ft. I went over this with Rose Zigenfus, looked at it -- and she feels this space would be sufficient for her needs.

Area Plan Commission has asked for more space. They are cramped along with EUTS into the same area. By EUTS moving out, this will open up that 1,000 sq. ft. That is a little more than Area Plan has requested, but the only way to get to that office space is right through the middle of Area Plan's office. In my estimation it wouldn't be feasible to allocate a few hundred square feet to somebody who had to walk right through the middle of someone else's office.

The Evansville Police Department has submitted a request for space anywhere in the building for their Training and Personnel divisions. They ask for up to 2,000 sq. ft. The present DMD rooms (327-329) are 2,008 sq. ft. Thus, I recommend that the Police Department be moved into that area.

On the 1st Floor, you've got 6,960 sq. ft. available. The Prosecutor has requested 6,900 sq. ft., including 1,460 sq. ft. for the IV-D Program, which is presently off site. So that will move them into there, saving the rental of an off-site location.

With regard to the Prosecutor's current space (which is 2,690 sq. ft.), we have a request from Drug & Alcohol Deferral (who is presently renting 1,900 sq. ft. off premises. They say they need more space. I am recommending that you move them into the Prosecutor's present office -- if that is agreeable. At the present they are paying \$8,408.00 for the office space they have off premises. IV-D is paying \$6,972.00 rental off premises. (By the way, that is next year's figure on IV-D -- that is per year rental.) That is a lot less per foot than the building here, but we are still paying rent for the space in this building anyway.

Those are my recommendations -- and I have copies of same if anyone wants to see them.

Let me say one more thing; we did have requests from a lot of offices. We considered a lot of requests. Everybody who made a request has been honored in this. We also went through some talk about renovations, and getting figures back from doing some other renovations and moving around -- and the costs were beginning to skyrocket pretty high -- so that is why I made this request."

Commissioner Borries said he appreciates Mr. Lindenschmidt's efforts and said the recommendation looks as though it would cause the least disruption in terms of those offices that submitted requests. We have verifiable written requests -- and we checked these with the City of Evansville to make sure they are in concurrence with the space allocation -- since we are joint tenants in this building. "Again, I really appreciate Jim's work. It is with his cooperation and efforts, along with that of the Building Authority, that we have at this point been

able to propose to honor all the written requests submitted. We had inquiries from other groups -- but among those who submitted written requests, I think this addresses the space needs they have."

Mr. Lindenschmidt said the only other written request concerned Joint Communications and some time back it was ruled that it would not be feasible to do that.

Mr. Borries said the expense of putting a Central Dispatch Division in this building with earthquake needs and all the generators and all the wiring and installation got to the point where he thinks the Committee felt we have to look for an off site location in that situation."

Mrs. Cox said the only question she has concerns the use of the Prosecutor's current space. She hasn't talked with all of the Judges in the Courts Building. She does know at one time they were concerned about some facilities and wanting some additional facilities. That would be the only one she would have any question about at all. She does know she is not sure whether Drug & Alcohol Deferral have evening appointments with their clients. We need to check this out with the Building Authority and make sure we could make accommodations to have the building open or available for use by Alcohol & Drug Deferral. She isn't sure about parking facilities in that area and how many they would require.

Mr. Lindenschmidt said since Welfare moved, somebody thinks that opened up quite a number of parking spaces in the County Parking Lot. He would like to go on record right now as stating that it only opened up one (1) space. Dale Work was the only one who had a space in the County Parking Lot -- and it's hard to divide that one space into a number of requests.

Commissioner Borries said concerns had also been expressed to him by members of the Welfare Department. They would request that we keep that space, because they have frequent meetings and must contact the Auditor, Treasurer -- and have any number of dealings here in the building. Mr. Lindenschmidt is correct -- there is only one space out there.

Mr. Lindenschmidt said the requests got so bad that he said he was going to take it himself!

Upon motion duly made by Commissioner Cox and seconded by Commissioner Borries, the Board accepted the recommendations as proposed by Mr. Jim Lindenschmidt, with the exception of the Prosecutor's current space and that the Board continue to check with the Courts and, again, with Drug & Alcohol Deferral to see what their client times would be and determine whether this would fit in with the security program in this building. So ordered.

Commissioner Cox asked Mr. Lindenschmidt if he will be notifying these people concerning approval of their space requests.

Mr. Lindenschmidt said he will be doing this.

RE: SCHEDULED MEETINGS

President Borries said he had a letter from the Indiana Association of County Commissioners and there will be meeting held on October 17-18 at the Sheraton Meridian Hotel in Indianapolis re Solid Waste Disposal.

RE: CLAIMS

Raymond Young (5046 Boonville-New Harmony Rd.): Claim for right of way for extension of Boonville-New Harmony Rd. (Parcel #8) in the amount of \$1,000.00.

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

Edwin D. Young: Claim in the amount of \$300.00 for right-of-way Parcel #10 and #10-A for Project No. RS-76821 re Boonville-New Harmony Road east of Green River Rd.

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

Ms. Dolores J. Ziliak: Claim in the amount of \$2,000.00 for right-of-way (Parcel #1) for Project No. RS-76821 (extension of Boonville-New Harmony Rd.).

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

Jones & Wallace: Claim in the amount of \$277.60 for contractual litigation services on condemnation/foreclosure cases involving Vanderburgh County and former employees in the Sheriff's office (Mary Evans and JoAnn Reed).

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

Kenneth Davis, M.D.: Claim for witness fee re Elizabeth May case in the amount of \$72.70.

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

United Consulting Engineers: Claim in the amount of \$14,950.00 for engineering services re reconstruction of Green River Road in accordance with agreement of March 30, 1987.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, the claim was approved for payment. So ordered.

Evansville Titles Corp.: Claim in the amount of \$400.00 for title search for right-of-way for Green River Road.

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

Hanson Testing & Engineering: Claim in the amount of \$50.00 for soil borings in connection with Caranza Sewer Project.

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

Hanson Testing & Engineering: Claim in the amount of \$60.00 for Proctor curve - Woods Road.

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

RE: EMPLOYMENT CHANGES

German Township Assessor (Releases)

Adrian L. Wilson	Fieldman	\$35.00/Day	Eff: 7/1/88
John L. Trageser	Fieldman	\$35.00/Day	Eff: 7/1/88

German Township Assessor (Appointments)

Betty C. Werner	Deputy	\$35.00/Day	Eff: 6/30/88
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County Highway Department (Releases)

Terry K. Calkin	Laborer	\$8.51/Hr.	Eff: 6/24/88
James D. Brandle	Greaseman	\$8.81/Hr.	Eff: 6/24/88
Raymond E. Cook	Equip. Oper.	\$8.99/Hr.	Eff: 6/24/88
Dennis E. Dooley	Asst. Mech.	\$8.99/Hr.	Eff: 6/24/88
Carol L. Gorman	P.T. Sec'y.	\$35.00/Day	Eff: 7/6/88
Andrew Easley, Jr.	Bridge Engr.	\$38,000/Yr.	Eff: 7/4/88

County Highway Department (Appointments)

Terry K. Calkin	Equip. Oper.	\$8.99/Hr.	Eff: 6/27/88
James D. Brandle	Laborer	\$8.51/Hr.	Eff: 6/27/88
Raymond E. Cook	Asst. Mech.	\$8.99/Hr.	Eff: 6/27/88
Dennis E. Dooley	Greaseman	\$8.81/Hr.	Eff: 6/27/88
Arthur W. Baker	Part Time	\$3.35/Hr.	Eff: 6/28/88
Dan Hartman	County Bridge Engr.	\$38,000/Yr.	Eff: 7/4/88

Cumulative Bridge Fund (Appointments)

Andrew Easley, Jr.	Bridge Engr.	\$30,834/Yr.	Eff: 7/4/88
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\*For insurance purposes only) — *No salary* —

Cumulative Bridge Fund (Releases)

Dan Hartman	Bridge Engr.	\$30,834/Yr.	Eff: 7/4/88
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Circuit Court (Appointments)

Keith Haas	PT Intern	\$4.00/Hr.	Eff: 6/20/88
Michael Kummer	PT Intern	\$3.35/Hr.	Eff: 7/3/88
Deborah S. Mowbrey	Prob. Coun.	\$20,833/Yr.	Eff: 7/11/88

\*(FY 7/1/ to 6/30)

Circuit Court (Releases)

Michael Kummer	PT Intern	\$3.35/Hr.	Eff: 7/3/88
Paul Wollenmann	CSO	\$631.00/BIAN	Eff: 6/30/88
William Martin	CSO	\$631.00/BIAN	Eff: 6/30/88
Edward Montpetit	CSO	\$631.00/BIAN	Eff: 6/30/88
Robert Howerton	Supv. Tr.	\$208.00/BIAN	Eff: 6/30/88
Justus Hurd	W. R. Guard	\$397.00/BIAN	Eff: 6/30/88
Oscar Kirkpatrick	W. R. Guaerd	\$397.00/BIAN	Eff: 6/30/88

Prosecutor (Appointments)

Daniel DeArmond	Dep. Pros.	\$14,581/Yr.	Eff: 7/4/88
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Center Township Assessor (Releases)

Deborah Lee Toon	PT Off. Dep.	\$35.00/Day	Eff: 7/5/88
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Clerk of Circuit & Superior Courts (Releases)

Janice N. Dudley	Filing Clk.	\$6.00/Hr.	Eff: 7/5/88
Kristine Kay Johnson	M&T Deputy	\$558.04/Pay	Eff: 7/4/88
Judith M. Bumpus	M&T Deputy	\$535.55/Pay	Eff: 7/4/88
Jennifer A. Althaus	Dep. Clk.	\$535.55/Pay	Eff: 7/8/88

\*Leave of Absence

Commissioner Borries asked Mr. Lindenschmidt to call the Clerk's Office to clarify the LOA; the Commissioners do not recall approving same.

Janet Lee Chittenden	Bookkeeping	\$535.55/Pay	Eff: 7/1/88
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Clerk of Circuit & Superior Courts (Appointments)

Lois C. Norman	Filing Clk.	\$6.00/Hr.	Eff: 7/8/88
Karen Winiger	Filing Clk.	\$6.00/Hr.	Eff: 7/5/88

RE: OLD BUSINESS

The Chair entertained matters of old business to be brought before the Board.

Commissioner Cox said she would move that the bids received re the Hydraulic Excavator for the County Highway Garage be taken under advisement for One (1) week.

A second was provided by Commissioner Borries. So ordered.

President Borries noted that next week's meeting is an evening meeting.

There being no further business to come before the Board, President Borries declared the meeting adjourned at 4:20 p.m.

PRESENT:      COMMISSIONERS      COUNTY AUDITOR      COUNTY ATTORNEY

R. J. Borries      Sam Humphrey      David V. Miller  
S. J. Cox  
R. L. Willner (absent; on vacation)

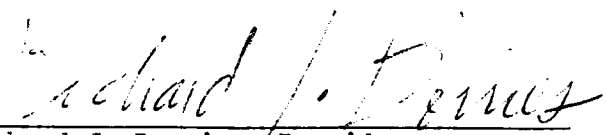
COUNTY HIGHWAY      COUNTY ENGINEER      COUNTY SURVEYOR

Bill Bethel      Dan Hartman      Bill Jeffers

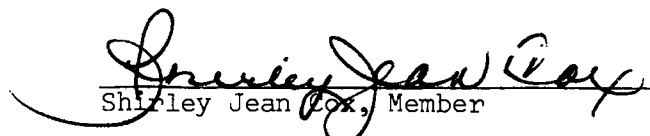
OTHER

Jim Lindenschmidt/Supt. County Bldgs.  
Officer Fravel/Sheriff's Dept.  
Richard Lythgoe  
Others (Unidentified)  
News Media

SECRETARY:      Taped by Jean Wilke July 11, 1988  
Transcribed by Joanne A. Matthews July 21, 1988

  
Richard J. Borries, President

\* Robert L. Willner, Vice President

  
Shirley Jean Cox, Member

\*Absent



MINUTES  
COUNTY COMMISSIONERS MEETING  
JULY 18, 1988

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MINUTES  
COUNTY COMMISSIONERS MEETING  
JULY 18, 1988

The Vanderburgh County Board of Commissioners met in session at 7:30 p.m. on Monday, July 18, 1988, in the Commissioners Hearing Room, with President Rick Borries presiding.

The meeting was called to order by President Borries, who welcomed the attendees and said copies of the published agenda can be found on the table near the entrance to the meeting room.

RE:     REQUEST FOR OFFICE SPACE - JUDGES MILLER & O'CONNOR

Judges William H. Miller and Maurice C. O'Connor were recognized by President Borries, and Judge O'Connor indicated he would be the spokesman concerning a joint request.

Judge O'Connor said he has a rather brief presentation to make to the Commission on behalf of Circuit & Superior Courts. "The reason we have chosen this particular time to make the presentation is because, as you know, there has been an ongoing analysis of the Courts relative to security. We've had several meetings with the individual who has been retained to prepare and make recommendations as to security -- and we needed to get his initial report to us before we came to you with this particular request.

Since 1969, the only increase in Court Room space for the Courts has been the Small Claims Court, which was constructed pursuant to a Statute which mandated that the County create such a Court. Presently that Court is handling over 8,000 plus cases per year. As Commissioner Cox is well aware, there has been a substantial jump in the number of cases and also in the re-filings (which are things which actually arise out of a case once it has been initially filed -- such things as petition to modify, etc.).

We're at the point now where we need additional Court Room and Hearing Room space. Because of the construction of our building we cannot go up -- and it would be extremely costly to go out. The vacation of the space by the Prosecutor's office may allow us to address the needs that we have and may also provide the most economical fashion in which to handle them. The report we've gotten back from the security advisor initially indicates that it is his conviction that all (as he calls them) High Risk Courts should be on the same floor in order to maximize security and facilitate those things we will have available to us for security -- such as an additional deputy, certain screening devices, etc. This request is a joint request from Circuit & Superior Courts. We've been working with Judge Miller and we have examined the space which is available. We've previously measured it. We've made a number of preliminary drawings of possible utilization of the space. It is hopeful that if we would be allowed to utilize that space we could put in at rather economical cost an additional Court Room, two facilities, a Hearing Room, and some additional offices which would arise out of those Courts and Hearing Room. We have previously notified the Council of our needs as to the additional space and the security. It is my impression that they have generally been receptive to the request -- though we have not specifically given them any details as to what we'd be asking. But they are receptive to the idea that those needs are there and they will work with us in meeting them. Our purpose tonight is to give you notice first of all that we are requesting your consideration of this matter; secondly, to inform you that it is a joint request between both Circuit &

Superior Courts; and, thirdly, that the need arises out of our expanding caseload and the security needs and the changes we are going to have to make pursuant to those. If there are any questions of either Judge Miller or myself that you have at this time that we can answer, we'd be happy to do so."

Commissioner Borries expressed appreciation to Judge O'Connor for his presentation and entertained questions from the Board.

Judge O'Connor thanked the Commissioners for the opportunity to address the needs of the Courts.

The meeting continued with Commissioner Borries welcoming Commissioner Willner back from vacation. He said he is not going to get into a travelogue at this time -- but Mr. Willner has been way out there in Alaska -- and the Board is glad to have him back.

President Borries said the Commission will take the Judges' request under advisement. He sees that Bill Campbell (Drug & Alcohol Deferral) is also present tonight. He had submitted a request for additional space. However, the Commission has to weigh the considerations and review all the requests that have been made. The security situation in the Courts has been an ongoing study. Perhaps the Commissioners can make a decision next week. While the minutes are not available (due to vacations) from last week's meeting, he believes Commissioner Cox had indicated at that meeting that the Board would seek input from the Courts in regards to the request from Drug & Alcohol Deferral, which is currently an off site County office. The Commissioners can make calls to the appropriate individuals should they have questions, and then they can resolve this matter. The other available space was allocated last week and to date the Commissioners have heard no negative comments. In conclusion Mr. Borries asked Mr. Campbell if he has any comments.

Mr. Campbell approached the podium and introduced himself. He said, My father always said -- 'Being bright is simply believing half of what you read in the newspaper; brilliance is knowing which half'. I saw this request in the paper and I certainly would welcome the opportunity to speak personally and go through a list of the facilities that might be available. It is important to us and I presume it is important to the County that we can expand and develop services, because I think that is exactly what we can do if we can get in. We can do a better job than we've done. I look forward to answering any questions -- and I am confident there is an answer to any question you might have."

Commissioner Borries said, "We will continue to review what we've done. Again, we do have to be sensitive to all requests. Frankly, last week we felt we did have a win-win situation, with the exception of the security report that had not been completed. We did seek input from the Courts and, of course, you heard them this evening as well. I would also ask that maybe you might want to contact Judge Miller as well as Judge O'Connor and there might need to be some dialogue between both of your groups, as well.

Mrs. Cox said, "President Borries, while he is here this evening and just to get on record (and I talked to you briefly out in the hall) that he is interested in locating in this facility....."

Mr. Campbell said security is not an issue.

Ms. Cox asked, "Space? More space?"

Mr. Campbell responded, "Space is an issue; not so much 'more' space, but because it allows us to be in line with the computer with the Courts and the clerks, as well as just the closeness. As far as any evenings or Saturday classes, it is in the best

interest of our budget and the Council that we do those kinds of things ourselves. But we can lease space outside the City-County building for educational programs. That is very easy to come by and quite economical. But if I can move my staff inside and be involved with the computer network that the Courts are on now, we handle 1,200 or 1,300 people per year and we handle each one of them three, four or five times in Court apiece. We're dealing with 6,000 or 7,000 cases and right now it is all done with a pencil -- and we've done a very good job of not letting things slip through the cracks -- and we've had to check and double check with the Clerk's office and the Court offices. It just becomes unbelievably more simple for us and we can do a far better job for the County. Any security issues (that is, because we do educational programs in the evenings and on Saturdays with young people and with older people) we can do that somewhere else."

Mr. Borries intercepted, "That is an issue in a sense of what the Building Authority (who runs this building) is saying. As you know, the City and the County merely lease this building. There have been ongoing studies done recently where they have had students and other groups (professional groups) come in and analyze traffic patterns -- and it is a major concern from the standpoint of the Courts."

Mr. Campbell said, "We can pay for the space outside the City-County building to hold those groups."

Mrs. Cox said, "You may want to check, too -- we are in the process of looking at the data processing program and updating it. There might be a possibility of a telephone hook-up or something."

Mr. Campbell said, "We've looked into that."

Mrs. Cox asked, "Is that cost prohibitive?"

Mr. Campbell said, "That is pretty prohibitive --especially within our budgetary framework, where we have to pay as we go. But as far as space to conduct educational classes, we can rent that outside the paramater of the City-County building at just a few dollars per square foot. But I'd like to have the administrative and the conventional office staff here."

Mrs. Cox said, "Well, Bill, in all fairness, I don't know that Council will look too favorably upon having space in this building and not being able to use it like in the evenings and on Saturdays and paying additional monies for an off-premises site."

Mr. Campbell said, "If we could use it, I'd be tickled to death to do that."

Mrs. Cox said, "Well, at least he's on record with his indication of an interest in locating somewhere in these parts."

Mr. Borries said, "We'll review what we've done and if we can accommodate you we certainly will -- but we also have to seriously consider these concerns of what the Judges have said this evening, too."

RE: AUTHORIZATION TO OPEN BIDS FOR RESURFACING OF COUNTY ROADS

Commissioner Borries said the next order of business would be authorization for Attorney Jim Casey to open bids received from J. H. Rudolph & Co. and The Rogers Group for resurfacing of County roads.

A motion to this effect was entertained by Commissioner Cox and seconded by Commissioner Borries. So ordered.

RE: REZONING PETITIONS -- FIRST READINGS

The meeting continued, with Commissioner Borries saying First Readings will be considered, forwarded to Area Plan, and then be returned to this Commission for final hearing next month.

VC-18-88/Petitioner, George W. Tabor, Sr.: Common known address is 7806 Spry Road. Property is currently designated R-1 and requested change is to R-2. Mr. Borries said his only comment on this would be that the zoned area that we're seeing on this does not reflect I-164.

Mrs. Cox said that was also going to be her question.

Commissioner Borries continued, "And I have some concerns here."

Ms. Behme said EUTS will have a staff field report to present at the APC meeting.

Mr. Willner asked if this is on City sewer? The application indicates septic tank.

Mr. Borries said he thinks that is going to be a concern and he would also have to say that, again, depending upon the question of where I-164 is, if that sewer isn't in there before that highway comes through..."

Mrs. Cox said, "They are also saying two-family residence. Well, I'm sure from the size of it that it is going to be more than one duplex -- I would assume."

Ms. Behme said, "It is just a duplex -- out of a garage."

Mr. Borries said he would assume that the closest sewer would run along Fuquay road. He knows there is some concern about how that sewer is going to get extended. If that sewer doesn't go across the Interstate before they build the Interstate, it won't happen.

Mrs. Behme said they will also have a report from the Sewer Department at the APC meeting.

Ms. Behme pointed out that the structure is already there. It is just a garage they've made into a unit -- so to be legal they have to be R-2. But they are not going to construct anything more than what is already there.

The Chair entertained further comments with regard to the petition and asked if there are any remonstrators who wish to speak for or against VC-18-88..

There were none, and Commissioner Borries said these comments will be forwarded to the Area Plan Commission. He then entertained a motion.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, VC--18-88 was approved on First Reading for forwarding to the Area Plan Commission. So ordered.

VC-19-88/Thermo King of Indiana: Property is currently zoned M-2 and requested change is to M-1 -- they are requesting a down zoning. Common known address of property is 7924 Burch Park Road. Mr. Borries entertained comments from the Commissioners.

Mrs. Cox said the only thing would note is that on the Engineer's Certification it does say "Right of way required? Yes; Amount -- As platted."

Commissioner Borries asked if there is anyone who wishes to speak to VC-19-88? There was no response.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, VC-19-88 was approved on First Reading and forwarded to the Area Plan Commission. So ordered.

VC-20-88/Petitioner, David Crane: Current zoning is Agricultural and requested zoning is C-4. Common known address is 10200 Highway 57, Evansville, Indiana. Proposed use of property is Offices and Office Distribution Center. The Chair entertained comments.

Mrs. Cox said she would note that right-of-way is required on this application, also.

Mr. Borries then asked if there is anyone who wishes to speak to VC-20-88? There was no response and a motion was entertained.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, VC-20-88 was approved on First Reading and forwarded to the Area Plan Commission. So ordered.

RE: REZONING PETITIONS - THIRD READINGS

VC-15-88/Petitioner, Richard Bengert: Property is currently zoned Agricultural and requested change is to M-1. Common known address is 510 E. Baseline Road. Mr. Borries asked if there is someone present to present this request?

Attorney Dan Hewins approached the podium, identified himself, and said he is representing Mr. Bengert. Mr. Bengert is asking the Commissioners to rezone a 2-1/2 acre parcel from A to M-1. The Commissioners are probably familiar with this particular area, which is just east of Highway 41 North, and north of Baseline Road. There is a lane there called Boyle Lane, which used to be part of Old Highway 41. The Commissioners recently approved an M-2 zoning of a 40 acre parcel immediately to the south of this property. Mr. Bengert is asking for rezoning to M-1. If the Commissioners are familiar with this 2-1/2 acre tract, at the present time it is completely unproductive land. There are a lot of very small trees and a few large trees, a lot of brush -- and it is really unattractive at this point and totally unproductive. It is not being used as farm land at all. Mr. Bengert plans to change the use of this property to an auto parts sales and minor automobile repair.

Questions were raised by the Commissioners, and it was noted that initially C-4 zoning had been requested -- but this was amended to M-1 at the Area Plan Commission meeting. Actually, two petitions were filed; one didn't show the extra one (1) acre. An amended legal was provided. After the initial filing and before the APC meeting, the amended petition and amended legal was filed. Two owners were also involved.

Commissioner Borries said this is why the Commissioners were looking for new information.

Attorney Hewins asked if the questions have been answered to the satisfaction of the Commissioners? He said he was not personally involved in the early stages of the preparation of the documents and he understands everything was cleared with the staff before it went to Area Plan meeting. The only other thing he was going to say about this property is that he reviewed the Comprehensive Plan prepared in 1987 by the APC and this use fits directly within that Comprehensive document. He has also reviewed the more specific document prepared by the APC called "North U. S. 41 Growth Management Report" and there is nothing in that report which would be contrary to what Mr. Bengert is asking to do here. Mr. Bengert's plan is really, he thinks, to beautify this piece of property. He will cut out a lot of the brush, small trees, and scrub. He plans to leave as many thick trees as he can and fit his building within that area -- so it will be attractive. There are no traffic problems anticipated



whatsoever. This is a relatively low volume business. There will be plenty of parking off the streets on his premises. He thinks all the Commissioners are familiar with Mr. Bengert and if he were a Commissioner he would be concerned with how he has treated the Commissioners with regard to promises he has made in the past. His property on McCutchan Road is in very nice shape in comparison to what it was a number of years ago. He has cleaned up all the junk automobiles; none of that is left on the property. He has done as he has promised. His promise this evening to the Commissioners is that he will have a neat auto parts store, neat auto repair store, with all the storage of parts and equipment inside. There will be no junk automobiles. This will not be a junkyard.

The Board may recall that Mr. Bengert was here about a year ago to ask for rezoning of the corner of Highway 41 and Campbell Road (not too far from this place) and at that time he was planning to move his auto parts business to that location. He did, in fact, along with a partner move his business to that location. He set up a corporation and went through everything that had to be done to try to get a good business going. The problem was (as sometimes happens) the partners had disagreements, things that didn't work out the way they had agreed. (Being an attorney, he is not at liberty to go into a lot of detail -- but it was fully Mr. Bengert's intention to utilize the property from that time forward -- and he is saying this to assure the Commissioners that Mr. Bengert is not someone who is going out, picking a piece of property, coming to the Commissioners and asking for a rezoning with the intention of selling for profit. He is not a developer; he is not a speculator. He plans to move his family business to this new location, which he feels will enhance his business and will improve presently unproductive property.)

Two land owners in the area are here this evening -- Ms. Norma Hartz and Mr. Roger Bacon. Both of these people own property in the general vicinity and express their satisfaction with Mr. Bengert's plans and their hopes that the Commissioners would approve this rezoning. He has also spoken with Mr. Fred Creech of Southern Indiana Properties, who owns that 40 acre tract across Baseline Road and Mr. Creech said he will express no negative thoughts whatsoever about this rezoning. He has expressed the same feelings that Ms. Hartz did at the APC meeting -- that as long as Mr. Bengert has a neat, well-kept property, it will enhance his property and enhance the other property surrounding it. Thus, they respectfully request that the Commissioners approve this rezoning.

Commissioner Borries entertained questions of Messrs. Hewins and Bengert.

Commissioner Willner said, "Mr. Hewins, at one time it was perceived that none of these properties would be large enough for the operation. Why have you come back now to rezone?"

Mr. Hewins said, "There are two properties there -- one with 1-1/2 acre and one with one (1) acre. As I understand it, it is strictly because of the fact that there is no sanitary sewer in that location and there is a requirement for a larger parcel. Of course, while a sewer is very insignificant in an operation of this type, it still is a requirement for a larger parcel, as I understand it."

Commissioner Cox asked, "You mentioned in the petition that you would like to have an auto parts store and repair."

Mr. Hewins said, "Correct."

Mrs. Cox, "But this means that if something would happen to my car, I could take it there and he would repair it. Is that correct?"

Mr. Hewins said, "That is correct."

Mrs. Cox, "I know you've made that commitment, but from reading the minutes from the APC meeting I know it was uppermost in peoples' mind -- that there not be a lot of things sitting around outside the building. And I did understand you to say that everything would be stored within the confines of the building. In other words, you are not going to haul in junk cars and use the parts off those cars to fix my car when I bring it in?"

Mr. Hewins responded, "That is correct."

Mrs. Cox, "And the other thing you mentioned. I know Mrs. Hartz was quoted in the minutes of the APC meeting as was Charlene Johnson -- with her concerns about the McCutchan Road situation -- and you have addressed that situation."

In response to comments by Commissioner Willner (which were inaudible because his microphone was malfunctioning) Mr. Hewins said, "I have talked with Jim quite a few times and he is not in conflict with any of it -- in fact, he even approves of it. But the main thing was to take care of the sanitation for the 2-1/2 acres. The only thing I have would be a procedural question. Having gone to Area Plan with a particular rezoning request....

Commissioner Borries intercepted, "So what we are talking about in a sense is this last acre square would remain agricultural and the request would be really the original request."

Ms. Behme said we'd need an amended legal -- the way it was the first time.

Mr. Hewins asked if there'd be a setback problem.

Mrs. Cox said she think Mr. Bengert's response to your question indicates his sincerity and the explanation was that it was for a septic system and to have a big place to store a lot of things. I wonder how all of this is going to dovetail in with -- is somebody going to come back and say that this building is hooked to a sewer -- that it is not zoned properly for sanitary sewer? Is somebody going to come back on him and say that his business is not zoned properly because his sanitary sewer is off site?

Ms. Behme said, "No, one wouldn't have anything to do with the other. He just couldn't build a structure on this or use it for anything other than an agricultural purpose. As far as the septic, it won't matter what the property is zoned -- just as long as he has 2-1/2 contiguous acres with a septic. The ownership won't change; he just will not zone this area."

Mrs. Cox asked, "On his application to the Health Department for the permit for his sanitary sewer..."

Ms. Behme interrupted, "He will have a legal description for the entire 2-1/2 acres; but the zoning won't matter to them at all."

Mr. Bengert said he thinks with the foregoing questions that he feels comfortable about what they have.

Commissioner asked if there is anyone else who wishes to speak for or against VC-15-88?

Mr. Roger Bacon approached the podium, identified himself, and said he owns some property at the other end of Boyle Lane. "In speaking with Mr. Bengert, it seems that everything he has suggested seems appropriate for the area. I was concerned with what he was going to do -- and it does sound appropriate. I will say that the area he had worked on before (he believes it was on Highway 41) the building and location he cleaned up looked great, especially as compared to what was there before. He's got my vote!"

Mr. Borries asked if anyone else wishes to speak to VC-15-88?

Ms. Norma Hartz approached the podium, identified herself and said, "We own two parcels immediately west of this parcel. My brothers and I are with him and vote for it. We're with him. We feel it is appropriate after talking to him. It was our understanding that that 41 strip and that sewer out Highway 41 to Highway 64 was to be a commercial industrial area to provide jobs and further benefit our community. Our land is for sale and we certainly hope our parcels go commercial or industrial -- and all my brothers and I are certainly behind this. He has told us it will be a neat, clean place. After seeing what he did with the Massage Parlor, we trust him and he does have our vote. Roger and I came to support him."

Commissioner Borries asked if anyone else wishes to speak to VC-15-88? There was no response and a motion was entertained.

Motion was made by Commissioner Willner that VC-15-88 be amended to reflect the westerly portion being zoned M-1 and the eastern one acre remaining Agricultural), with a second from Commissioner Cox. So ordered.

Commissioner Willner moved that VC-15-88 be approved, as amended, with a second from Commissioner Cox.

Commissioner Borries asked for a roll call vote.

Commissioner Cox, yes; Commissioner Willner, yes; Commissioner Borries, yes. So ordered.

VC-16-88/Petitioner, Gerald C. Chipps: Requested change is from R-1 to C-1. Common known address is 3045 Old Henderson Road. Commissioner Borries asked if anyone is present who wishes to speak to this rezonine?

Mrs. Geraldine Chipps approached the podium, identified herself, and said she resides at 3045 Old Henderson Rd. She is here on behalf of her husband and herself to request this rezoning for purposes of a Country Gift Shop. This is their residence. To give the Commissioners a little background as to how this all came to be, she operated craft fairs a few years ago (in the late 1970's and early 1980's). She made craft items and found out there was a market for country items and country gifts. She applied for her retail license in 1981 and received that. She purchased items at wholesale and continued to sell retail and craft items at the craft shows part time while she was working. When she quit a full time job, she decided this was a great business just to have in her basement. Well, that basement part-time business was by appointment only, word of mouth -- but it continued to grow to where the first thing she knew it overtook the basement. They decided they'd build a garage/shop. They built the garage/shop on their property and as it was being built the business continued to grow and it ended up a shop -- not a garage. As a result, they have a structure on the premises that looks like a country shop. She operates it on limited hours. Sometimes by appointment only. It has a low traffic crowd. If there are eight or ten people in the shop, that is referred to as a crowd. It has ample parking and they have a huge driveway. There is no traffic problem and it is a very attractive building in the neighborhood on Old Henderson Road in Union Township and it is an asset. It is about one and a half blocks from two other businesses in the area (The Hybrid Inn and the Dogtown Marina). It is also probably half way between numerous businesses located between the Ray Becker Parkway and the Dogtown Tavern. They've never had a complaint. I have photos which I will be glad to show you -- both internal and external views). I have my neighbors here (who own the Hybrid Inn)-- Albert and Virginia Lee, who support the rezoning and what we have in mind -- and I would like to see you approve this as

a legal zoning. If you have questions, my husband or I will be glad to try to clarify anything I haven't made clear. This is my first attempt at this, so bear with me."

Commissioner Borries said, "You did an excellent job."

Commissioner Borries entertained questions. There were none. Mr. Borries then asked if there is anyone else in the audience who wishes to speak for or against VC-16-88?

Mr. Al Lee approached the podium, identified himself and said, "I own the Hybrid Inn down at Nurrenbern & Old Henderson Road. This is really an asset for that area. I would wish and just hope that you have no zonings that will give you anymore trouble than this one will on down the road. We're very much for it and think it is a big asset."

Commissioner Willner asked, "How much acreage do you own?"

Mr. Chipps said, "We own 1.77 acres. We're just wanting a partial area rezoned."

Commissioner Borries asked if anyone else wishes to speak to VC-16-88? There was no response and a motion was entertained.

Motion was made by Commissioner Willner that VC-16-88 be approved, with a second from Commissioner Cox.

Commissioner Borries asked for a roll call vote.

Commissioner Cox, yes; Commissioner Willner, yes; and, Commissioner Borries, yes. So ordered.

VC-17-88/L & K Motel: Requested change is from Agricultural to C-4.

Mr. Sam Biggerstaff was recognized by the Chair. He said, "Mr. Sam Elpers is the owner of this property, and he owns the property to the west and to the south. Across the street where it says Land Trust 116395, I think that McDonald's might have purchased that southern part by now, as they are building a restaurant there. This is owned by L&K Motels; I don't know whether the deal has been consummated, but they need to get this rezoned so it can go through."

The Commissioners spent several minutes perusing the Site Plan, Location Map, etc.

Mrs. Cox asked, "The extra ground is not for a sewer, is it Sam?"

Mr. Biggerstaff said, "They have a sanitary sewer, City water, and electric and gas."

The Chair entertained questions of Mr. Biggerstaff.

Mrs. Cox asked, "Sam, you are aware that the EUTS report says we will need State Highway Department approval for the curb cut?"

Mr. Biggerstaff responded, "They have a curb cut; it was approved by the State Highway Department in 1967."

Mrs. Cox asked, "Is it adequate? That is the one they are going to use?"

Mr. Biggerstaff said, "The pavement is already in; it's been there for 20 years."

The Chair entertained further questions of Mr. Biggerstaff and asked if anyone else wishes to speak to VC-17-88? There was no response and a motion was entertained.

Mrs. Cox said, "Sam, on the petition (at the bottom) it says, '25 ft. right-of-way required'. Has that been reserved? (She then noted that she sees it on the plan.)"

Motion was made by Commissioner Willner that VC-17-88 be approved, with a second from Commissioner Cox.

Commissioner Borries asked for a roll call vote.

Commissioner Cox, yes; Commissioner Willner, yes; and, Commissioner Borries, yes. So ordered.

RE: RESOLUTION RE CITY-COUNTY HUMAN RELATIONS COMMISSION

The meeting continued with President Borries stating that some questions were raised a few weeks ago concerning the Resolution re City-County Human Relations Commission, and he believes those have now been resolved. He recognized Mrs. Wanda Hansert, Chief Deputy/City Clerk's Office, who was present to submit the Resolution.

Mrs. Hansert said the County Council amended the Resolution in 1987 to include one (10 appointment by the County Council. The City Council does not wish to make an appointment to the Commission at this time. She would like the Commission's approval on the subject documents so she can bring the 1988 documents to the next meeting. All the amendments are in order and this is the final document, as amended.

Mrs. Cox asked, "So what you are telling us is that it is as you submitted to us originally? That it is correct then?"

Mrs. Hansert confirmed that this is correct.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the Resolution was approved. So ordered.

RE: COUNTY ATTORNEY - JIM CASEY

Commissioner Borries said Jim Casey is the County Attorney this evening and he asked Mr. Casey for his report.

Mr. Casey said he is sitting in for Attorneys David Miller and Curt John, and neither advised him of anything that needs to be brought to the Commissioners' attention. He has had some things handed to him since his arrival for review. Would the Commissioners want him to proceed with those at this time?

Commissioner Borries requested that he proceed.

RE: READING OF BIDS RE RESURFACING OF COUNTY ROADS

Attorney Casey said two (2) bids were handed to him on Project VCC 6-02-88 for resurfacing of various County roads in Perry & German Townships, and they are as follows:

J. H. Rudolph & Co. - Bid was timely received and appears to be in order and is in the amount of \$227,404.00.

The Rogers Group, Inc. - Bid was timely received and appears to be in order and is in the amount of \$243,395.00.

Commissioner Borries asked if there is an Engineer's Estimate?

Mr. Casey said there is -- he just opened it. The estimate was dated June 20, 1988 and signed by Mr. Andy Easley. It is in the amount of \$229,200.00.

Commissioner Borries said the bids will be referred to County Engineer Dan Hartman for his review and recommendation. If he wants to make a recommendation yet this evening, he can. If he wants to take them under advisement for one (1) week, he can.

Commissioner Willner said one bid is over the Engineer's estimate, so he won't have to look at that one. If he can look at the other one, with Mr. Hartman's approval the Board can award the bid tonight.

RE: COUNTY HIGHWAY DEPARTMENT

Commissioner Borries said Mr. Bill Bethel, County Highway Superintendent, is on vacation. He has, however, submitted the following reports for the record:

Weekly Work Report/County Garage: Report submitted for period of July 11 thru July 15, 1988.....report received and filed.

Gradall: Baseline Road, St., Joe Avenue, Dieffenbach Road and Bromm Road

Paving Crew: Frontage Road and Mill Road (completed the latter)

Patch Crew: Winternheimer Drive, Hillsdale Road, Mann Road, Adler Road, Seib Road, and Boonville-New Harmony Road

Grader: Mann Road, Armstrong Road, Montgomery Road, Hilltop Lane, Outer Darmstadt Road, Neubling Road, and Harmony Way

Trash Crew: Waterworks Road, River Road, Lynn Road, Pollack Avenue, Newman Road, Old Henderson Road, and South Weinbach Avenue

Mower & Motrim: Schmuck Road, Schissler Road, Outer Broadway, Jobe's Lane, Middle Mt. Vernon and St. Joe Avenue

Cleaned up Limbs: McCutchan Road, Darmstadt Road and Wimberg Road.

Rocked Shoulders: Schutte Road, Koressel Road, Hogue Road, Green River Road and Oak Grove Road

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

- Installed culvert on Dieffenbach Road and on St. Joe Avenue near the Indiana High Rail railroad tracks
- Cut weeds from guard rail on Felstead Road, Bridge #82, #92, on Cardinal Drive and Stringtown Road
- Cleaned straw from culverts on Covert Avenue between Fuquay Road and Audubon Drive

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

RE: BIDS ON HYDRAULIC EXCAVATOR FOR COUNTY GARAGE

It was noted by Commissioner Borries that Mr. Bethel has the bids received on hydraulic excavator for the County Garage and will make his recommendation at next week's meeting (July 25th).

RE: REQUEST TO GO ON COUNCIL CALL - VANDERBURGH AUDITORIUM

It was announced by Commissioner Borries that Item #8 on the agenda will not be heard this evening.

RE: COUNTY ENGINEER - DAN HARTMAN

Mr. Dan Hartman, County Engineer, was recognized by the Chair.

Reinspection of Bridges: Under items of old business, Mr. Hartman said he has a proposal for various Consultant Engineers to inspect our bridges for the year 1988.

Mr. Borries entertained a motion to advertise for proposals to re-inspect the bridges.

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

Claims: Mr. Hartman said he has two claims two (2) claims to Veach, Nicholson & Griggs, which have been signed and require the Commissioners' approval.

Veach, Nicholson & Griggs: Claim for road design plans/Green River Road South in the amount of \$837.44.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the claim was approved for payment. So ordered.

Veach, Nicholson & Griggs: Claim for Bridge #158 over Orchard Road in the amount of \$1,692.00.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the claim was approved for payment. So ordered.

RE: ACCEPTANCE OF STREETS

Acceptance of Street Improvements/Oakview Place II: Mr. Hartman said Mr. Jim Fuquay has requested that the Commissioners accept the roads in Oakview Place II. Both Andy Easley and Bill Bethel have already signed off on this. Mr. Jeffers of the County Surveyor's Office has some reservations about it and corrections to be made. Thus, Mr. Hartman said he is asking that the Commissioners defer final approval for one (1) week, until such time as a commitment has been made by Mr. Fuquay regarding the corrections.

Mr. Borries said Mr. Fuquay is in the audience and he asked whether he has any comments at this time? He doesn't know whether Mr. Fuquay has had an opportunity to read the Surveyor's Report.

Mrs. Cox asked Mr. Fuquay if he has a copy of the Surveyor's Report?

Mr. Fuquay responded that he does not.

Mrs. Cox said she thinks he should be provided with a copy of the subject report.

Mr. Fuquay said he met with Mr. Jeffers.

Mr. Borries said rather than have Mr. Fuquay read the report in a short period of time and negotiate, could the Board have his patience for one (1) week and give him a week to review the Surveyor's report and respond to same? Is that agreeable?

Mr. Fuquay said, "That will be fine, except I will be out of town next week. I'd like to defer it until August 8th -- I will be back at that time. Will that be agreeable?"



It was the consensus of the Board that the August 8th date is fine.

RE: USI OVERPASS

Mr. Hartman said the last item on his agenda concerns the USI overpass. He distributed copies of the following letter from the Indiana Department of Highways to the Commissioners:

July 5, 1988

Mr. Andy Easley, Highway Engineer  
310 Civic Center  
Evansville, IN 47708

Project: ST-006-4 (014), Intersection Improvement,  
SR 62 at USI Entrance, Vanderburgh County

Dear Sir:

The Indiana Department of Highways is proposing to improve the above referenced intersection. This letter discusses the project and is written as part of the early coordination phase of the environmental review process. We are requesting your input and comments in your area of expertise regarding any environmentally damaging effects of this project in order to prepare an environmental study.

Existing SR 62 in the project area is a four lane divided highway with 12 foot driving lanes and a 42 foot median. This segment also contains a left turning lane (@ 12 feet) in the westbound lanes and a right turning lane (@ 12 feet) in the eastbound lanes at the University of Southern Indiana (USI) entrance. This segment contains 11 foot bituminous outside shoulders and 4 foot bituminous median-side shoulders. The existing right-of-way along SR-62 is 195 feet.

The proposed project will involve the modification of the existing intersection by adding an acceleration lane and extending existing turning lanes. The proposed acceleration lane will begin at the USI entrance and end approximately 1,600 feet to the east. The existing right-turn lane into the USI entrance will be extended from its current origin, approximately 300 feet east of the USI entrance, to 900 feet east of the intersection. The acceleration and right-turn lanes will be bounded by 10 foot bituminous outside shoulders and the left-turn lane will be bounded by a 4 foot bituminous median-side shoulder.

A maximum of 50 feet of additional permanent right-of-way will be taken from the south side of SR 62. No new right-of-way is anticipated to be necessary from the north side of SR 62. Total additional permanent right-of-way will be about 0.9 acre. Less than 0.5 acre of temporary right-of-way will be necessary for corner cuts at the USI entrance. All new right-of-way will come from the lawn or the University of Southern Indiana.

No relocations will be involved with this project.

It is anticipated that this project will be ready for letting in 1989. Traffic will be maintained during the construction phase.

There are currently more than 85 sites and structures eligible for and listed on the National Register of Historic Places within ten miles of the project area. These properties are located almost exclusively within the limits of Evansville, however, School No. 3, in the northwest

quadrant of the Eickhoff Road - Middle Mt. Vernon Road -- approximately 0.1 mile north of the project area, has been determined to be eligible for the register. None of the above referenced properties, including School No. 3, are in the immediate vicinity of this project and will not be impacted by the proposed construction.

Within a 10 mile radius of the project there are two natural areas or nature preserves -- Nurrenbern woods, about four miles southwest of the project, and Wesselman Park located in eastern Evansville. Neither of these properties will be impacted by this project.

Your input into the development of this project is greatly appreciated. If no response is received within 60 days, it will be assumed that your agency has no comments regarding this project. Should your agency find it necessary to request a reasonable extension of time, it shall be granted.

Sincerely yours,

/s/Linville R. Sadler, Chief  
Division of Location & Environment

For: John P. Isenbarger  
Director

Commissioner Borries said he has not seen this letter previously and he believes Mr. Hartman had just received this letter today.

Commissioner Cox said she would think we need to forward this to our Engineer, who is submitting a proposal for design of the overpass at USI. She knows this is an improvement, but she personally feels very strongly that we still need an overpass in that area.

Commissioner Willner said he doesn't mind the State doing the improvement. But he understands that this improvement will be in the neighborhood of around \$150,000.00. Now, either we don't need the improvement, or we need the overpass, or we need this and not the overpass. One or the other -- he doesn't see that we need both. The fact is, if the overpass is needed and does come through, the \$150,000.00 would be down the drain. So, he has problems understanding why we need both.

Mrs. Cox said, "Well, I don't think it will be down the drain. Especially in view of the fact that if the Eickhoff-Koressel (and I certainly hope it is going to be a reality) would tie in directly to it and I see nothing wrong in traffic moving overhead and underneath at the same time."

Mr. Willner, "That is not going to happen."

Mrs. Cox, "It happens in other places -- why can't it happen here? Until Evansville and Vanderburgh County change their concept that an answer to everything is a stoplight, and we start using overpasses and underpasses -- our transportation infrastructure system suffers -- and I just think it is a definite must. Now, if our Consultants say (and if they are honest) we don't need both -- then that's fine. But if they say this is going to take care of it -- I personally don't think it will. I think for the safety of that area that an overpass is a definite need."

Mr. Willner commented, "I agree with that -- but why spend the \$150,000 for nothing -- something you are going to tear up when the overpass goes in? That is my point."

Commissioner Borries said, "Well, we have gone to the point of approving this contract proposal. We could delay that one week. Would it be your feeling then (I think there is some concurrence here and I would share those feelings) -- I would see this -- I don't know when in 1989 they are going to do it. It is more of an immediate thing and I suppose the overpass is something in the future that we would want to tie in with this Eickhoff-Koressel Road project. Dan, could you make contact with the Veach, Nicholson & Griggs consultant group, show them the letter and, in your professional opinion after talking with them, maybe either they could draft a letter or you could. I think we need to respond to this within sixty (60) days. And, if nothing else, then just to say that the Vanderburgh County Commission has approved -- at our own local expense -- the expenditure of money for an overpass at USI -- and now we have a question as to whether we want to spend our money if this is the 'final solution' to the whole problem.

The next thing then is, do we need this study to complete the overpass? Or is the overpass going to be needed? I think that would be the second part of the letter. I want to forward those comments on to the State."

Mrs. Cox said, "When you notify the State, you might want to refer them to the correspondence they sent us granting us permission to go ahead with the overpass and building it with our own money. I'm sure they're aware we plan on doing that."

Mr. Hartman said, "They have already given us their permission. They, themselves, are going to improve...."

Mrs. Cox, "It's too bad they couldn't have gone ahead and done it right now, because they've done a lot of shoulder work out there on that road from Boehne Camp on out to the Posey County line. They dug out the rough spots and put a forklift shoulder on both sides."

Mr. Hartman asked if the Board would like his opinion?

Mr. Borries invited same.

Mr. Hartman continued, "I think the overpass at the location at the University of Southern Indiana is presently a dead-end place. I think the interchange should be made at Schutte Road (approximately one quarter mile or one half mile east of there. That is your intersection -- not there at the University. The entrance to the University should be off Schutte Road, not the highway. And I don't think any inroads have ever been made to the President of USI as to where he wants the entrance way. To my knowledge, no one has ever confronted him (President Rice) and I think it is a State problem. It is a State University and a State Highway -- and if we were to build one there it would have to have State approval. And I just don't think we should have one there and a quarter mile or so down the road have another one at Schutte Road. But I think all of the right-of-way possible should be gotten now on Schutte Road, so that an interchange can be made there at Schutte Road and the present Highway 62. An entrance to the University should be made off Schutte Road. But ..."

Mr. Borries said, "You've given me something to think about here, Dan, I've never...."

Mr. Hartman said, "Besides, I'm sure Representative Jeff Hayes could help you out insofar as inroads to the State Highway and getting monies approved for this interchange -- if we had to make it."

Mr. Borries said, "You've given me something to think about. I'll have to drive out there and look and see what you're saying."

Mr. Hartman said, "There is an entrance way there."

Mr. Borries said, "You are right -- there is an entrance there."

Mrs. Cox commented, "But it is not owned by the University. It is owned by the Foundation of Southern Indiana Higher Education."

Mrs. Cox continued, "Yes -- and it was used as a construction road. I agree with you totally, Dan, and I proposed at this Commission meeting that we think in terms of widening Schutte Road from Clark Lane up to Highway 62 and doing that immediately, and even gave Andy Easley the name of the family that owned the property on the east side of the road and it was in the estate (and it is all in one family, the Weber family) and we could have bought right-of-way. But you are absolutely right; there is a lot of traffic that comes out Clark Lane."

Mr. Hartman said, "We need to talk to the President of the University out there to get his input."

Mr. Borries said, "He's kind of endorsed this; the only thing about it would be this -- if you're going to put an overpass there, I understand what you are saying. Maybe the State ought to reconsider then Schutte Road, because if in the future the Eickhoff-Koressel project is going to go -- it needs to tie into this overpass. Why would you want to spend all that money to build something that is not going to go anywhere? Right?"

Mrs. Cox interjected, "I tell you, we may want to ask the State if they would consider doing this down at Schutte Road rather than at the entrance? If they would commit the funds down there?"

Mr. Borries said, "That is what I mean."

Mrs. Cox continued, "But you know, we're not going to get an overpass done next year. And if they are going to let this bid in 1989, it would be a temporary solution to a traffic problem and it is a traffic problem."

Mr. Hartman said, "Let what the State Highway Department proposes to do be a temporary solution."

Mrs. Cox commented, "Right."

Mr. Hartman asked, "However, in the meantime, what are we going to tell our Consulting Engineers to look at or design for us, etc.? We have spent over twenty (20) years attempting to solve that intersection."

Mr. Borries said, "I think we're close on the Eickhoff-Koressel project; the design on that is moving along. I don't think we'd want to stop that at this point."

Mr. Hartman said, "Well, I dare say we've spent close to \$400,000.00 from one Administration or one Consultant or somebody along the way on that very intersection -- and we haven't solved a thing yet."

Commissioner Borries said, "We haven't spent any money in terms of -- the State may have, I don't know."

Mr. Hartman said, "I bet we have; I bet we have."

Commissioner Cox said, "We did have some preliminary engineering on the Eickhoff-Koressel project -- he's absolutely right -- and they were ready to proceed and were stopped."

Mr. Hartman said, "Ohio Valley Engineers didn't want it; Engineering Associates didn't want it; now United Consultants Engineering did another one. But they've called a halt to it right now."

Mr. Willner said, "They're not doing the overpass, because the State did not approve money to be spent on an overpass. End of speech."

Mrs. Cox said, "But they have approved our doing an overpass on their property with our own funds, and, Dan, I totally agree that we need to do something with Schutte Road. I just don't think that Clark Lane (the way it is set up now) would be an ideal entrance to the University. There are two really bad curves to negotiate on Clark Lane between Schutte and the parking lot at the University and when it rains you even get some hydroplaning along there. But I hear what you are saying and I agree totally -- and that is one thing I noticed. I didn't notice it in the meeting last week when we let the bids, but Schutte Road is a road to be resurfaced this year -- and it needs to be done -- don't get me wrong."

Commissioner Borries, "Well, I think that portion between Clark Lane-- we can certainly look into seeing what kind of right-of-way we need there to maybe widen that out."

Commissioner Cox asked, "Could we authorize the engineer to re-direct some increased right-of-way? If we only had one more lane on Schutte Road where it comes out onto Highway 62."

Mr. Borries asked, "Like a right-turn lane?"

Mrs. Cox responded, "Exactly."

Mr. Hartman said, "That would alleviate some of the traffic problem -- I go along with that."

Mrs. Cox said, "It really would -- it would let that traffic flow right on out onto Highway 62 and then the ones who wanted to turn left could stay there until the way was clear -- or if they wanted to go straight they could stay there. But at least it would alleviate that problem and get those people out into the flow of traffic who wanted to come back to Evansville. I'd really like to see that done."

Mr. Borries asked, "What is the consensus of the Board?"

Commissioner Willner said, "Schutte Road was discussed many times for many years and the final conclusion, as far as everybody was concerned, was the entrance to USI. The logic behind that was that eventually Eickhoff-Koressel was to be the westerly parameter of the loop for Evansville. It was to be I-164 on the east, I-64 on the north, and Eickhoff-Koressel on the west, and the river on the south. The State supported the project and it was to end at S.R. 62, because the consensus was that there will never be an east-west road built below Highway 62. So it was to terminate at S.R. 62 and everyone wanted it to end at the property of USI and I see no reason to change that -- because it was studied for years."

Mr. Hartman said, "We have the plans on it; let me pull the plans out and just go from there."

Mr. Willner continued, "If we want to go into Schutte Road, we would think then that at some year Schutte Road would be a highway -- and that is not going to happen -- at least I don't see it in the future."

Mr. Borries said, "We can look at widening that one little stretch."

Mr. Willner said, "No question about it -- it should be."

Mr. Hartman said, "Maybe we can enhance that Schutte Road entrance for the University and, along with what the State is proposing to do there at the highway itself, maybe that would suffice for a while."

Commissioner Borries said, "Yes, I think this will solve their immediate problem. But I think Bob is right; if you're looking at the future that's exactly right. That road would be your western grid all around the entire county and it would need to be a four-lane facility -- if there were ever such thing as a by-pass all the way around, because I-164 would connect Highway 41, Southland would come up then along the river and come out Highway 62 there at Fulton and then go on."

Mr. Hartman, "I understand the State Highway has ideas of coming across just east of Mt. Vernon with a bridge, etc. How that will affect us, I don't know -- or how close that will be to USI -- I don't know."

Mrs. Cox commented, "I think we can use both of them. The one they're planning will take a lot of the truck traffic and everything off I-64 to get down to the Port, General Electric and the Refinery and the Mead Johnson Terminal. And then a lot of that truck traffic won't be using Eickhoff-Koressel which, basically, when you look at the Eickhoff-Koressel corridor -- it is going to be residential, I would hope. There is plenty of residential out there now. Also, Dan, to update you -- they were thinking in terms of using Peerless Road at one time -- remember that? And there is subdivision after subdivision along Peerless -- you couldn't afford to buy right-of-way."

Mr. Borries interjected, "They have a corridor there that they've worked out."

Mrs. Cox said, "And it's pretty good -- there's not that much and the number of homes that have to be taken is really very minimal in this new corridor location study that was proposed."

Mr. Borries said, "You're going to forward this letter to the Consultants and you're going to work on seeing what kind of right-of-way we'd be able to look at on Schutte Road between Highway 62 and Clark Lane?"

Mr. Hartman responded, "Right."

Continuing, Mr. Borries said, "We're going to say and acknowledge that we do have plans at this time to look at the overpass, because we see it as a tie-in with the Eickhoff-Koressel Road project that we have. Dan, you've given us some things to think about here this evening."

Mrs. Cox said, "Yes, you have; refreshing."

Mr. Borries asked if Mr. Hartman has anything else? Mr. Hartman responded he did not.

RE: TELEPHONE REQUEST - COUNTY AUDITOR

Commissioner Borries recognized County Auditor Sam Humphrey and asked if he wants to discuss his telephone request?

Mr. Humphrey said he needs one (1) additional telephone to be placed in the front row in the Auditor's office. The lines in the Auditor's office all transfer automatically and at times they just don't have a phone to answer and it keeps on ringing -- especially on the front row where there is only one phone to serve five desks. They simply have to have another phone.

Mrs. Cox said, "Jim is on vacation; but the last time we discussed telephone lines we were running very short insofar as the number of phones we could add. Am I remembering this correctly?"



Mr. Humphrey said, "We already have the lines. Initially every desk in that office had a telephone. I have the lines, I just need another telephone for people to answer."

Upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, the request was approved.

RE: AWARDING OF BIDS FOR RESURFACING OF ROADS

Commissioner Borries asked if Mr. Hartman is ready to award the bid on resurfacing of roads?

Mr. Hartman said he recommends the Commissioners award the bid for resurfacing of roads in Perry & German Townships to J.H. Rudolph in the amount of \$227,404.00.

The Chair entertained a motion.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Borries, the bid was awarded to J. H Rudolph & Co. in the amount of \$227,404.00 for 8.15 miles. So ordered.

Mr. Borries said, "Dan, one final item on this. This system seems to work well for us, but what we do need to monitor is to get an update as to where and when the various contractors are going to be paving. We get a schedule from the County Highway Department and we pretty well know where they are and we can look at our reports. But if you could touch base with The Rogers Group and J. H. Rudolph & Co. Are they paving, do you know?"

Mr. Hartman said J. H. Rudolph is paving on Burkhardt Road and they have used 36 tons of binder so far and they have about another 300 tons going. So they've done this much hot work so far.

On Woods Road, they are putting down the rolled stone base to the bridge itself, and all the abutments have been poured and the beams are going to be delivered shortly -- and the deck will be poured by another sub-contractor (I don't know at this time who that is). Personally, in my spare time, I am working up the two bridges on Mosquito Road ( I don't remember the bridge numbers -- but they are on Mosquito Road). The northernmost one is ideal for the beams we already have in the garage -- and I think with a couple more of footings down there we can come up with that second bridge very compatible with our budget -- and we'll also make more room in the yard at the County Garage. I think that's about it."

Mr. Borries asked that Mr. Hartman keep the Commissioners advised -- if he knows where the contractors are going to be headed.

RE: RESIGNATION OF REBECCA BUNNER (LIBRARY BOARD)

President Borries read the following resignation letter from Mrs. Rebecca Bunner:

July 13, 1988

The Members of the Board  
of Commissioners of  
Vanderburgh County, Indiana

I am resigning as a member of the Board of Trustees of the Evansville-Vanderburgh County Public Library effective July 16, 1988.

I wish to take this opportunity to thank the members of the Board of County Commissioners for appointing me to this position. I have enjoyed working with the other members of the Library Board and with all the employees of that Board.



Sincerely,

/s/ Rebecca L. Bunner  
1709 Marie Avenue  
Evansville, Indiana

cc: E. A. Howard/Public Library

Mr. Borries said he believes Commissioner Willner has a name to place into nomination for Mrs. Bunner's replacement.

Commissioner Willner moved that Lucille Roberts of 214 N. Barker Avenue be appointed to the present term of four (4) years which ends December 31, 1992.

Mr. Borries said Mrs. Roberts recently retired from Citizen's National Bank and has expressed interest in this position.

Commissioner Cox said she doesn't believe she knows Mrs. Roberts. Did she send a resume or anything?

Mr. Borries said she called and he has at least a couple of other individuals who have given references for her -- he will get one.

Mrs. Cox said she'd seen a resume from another individual who was interested. However, she will second Mr. Willner's motion. So ordered.

RE: CLERK OF THE CIRCUIT COURT - MONTHLY REPORT

Commissioner Borries submitted the Monthly Report from the Clerk of the Circuit Court for period ending June 30, 1988.....report received and filed.

RE: COUNTY TREASURER - MONTHLY REPORT

Also submitted was the Monthly Report from the County Treasurer for period ending June 30, 1988.....report received and filed.

RE: ACCEPTANCE OF CHECK

Southwestern Indiana Mental Health Foundation: Commissioner Borries read the following letter into the record:

Dear Mr. Borries,

In accordance with our contract for the operation of the Hillcrest-Washington Youth Home, I am pleased to send you the enclosed check #3154 in the amount of \$186,983.22. This represents the fees the foundation collected for services for the second quarter of 1988. It has been a pleasure to provide this needed service for Vanderburgh County and we look forward to continued success in the future.

Motion duly made by Commissioner Willner and seconded by Commissioner Cox, the check was accepted and endorsed for deposit into the County General Fund. So ordered.

Commissioner Borries stated that, for the record, the air conditioning approved by the Commission for Hillcrest-Washington is nearly complete. The work has been extensive. He believes the air conditioning group had a machine that rolled down the hill into the Recreation Center and they had to change that; but at least the children out there have been able to sleep in some air-conditioned quarters during this 100 to 103 degree heat from time to time. He believes the air conditioning project should be completed by the end of this month.

The contract on the pitched roof is proceeding and they are working very well on that part. The Evansville-Vanderburgh School Corporation has contracted with the Southwestern Mental Health Foundation to operate a portion of the Washington Home as an alternative school and enrichment school for middle school age children (children in grades 6, 7 and 8 who are experiencing difficulties in their regular schools) -- so they will be using part of that space and at the School Corporation's expense they are going to do some renovation in relation to classrooms. There will be a Principal there and the children will be there during the day only. Any children who are at the Hillcrest Center could eventually go to that school if they were middle school age, if they could not attend regular school. So there is a good deal of activity going on out there. Again, our parts of the contract are nearing completion. He will try to give the Board an updated report on the roof when he learns more about it. But the air conditioning should be completed by the end of this month.

RE: OLD BUSINESS

Bids on Hydraulic Excavator: Mrs. Cox noted that Mr. Bethel is still on vacation, and she assumes he has the bids on the hydraulic excavator for the County Garage under consideration.

Mr. Borries confirmed that this is correct. He believes Mr. Bethel will be making his recommendation at the July 25th meeting.

EUTS Report re Traffic Count/Wimberg: Commissioner Cox says she has yet to receive a report from EUTS concerning the traffic count on Wimberg. She has the Sheriff's report, however.

Peach Blossom Lane: Mrs. Cox asked, "We haven't heard anything definite yet with regard to Peach Blossom Lane, have we?"

Commissioner Borries said we have forwarded our recommendation to Union Federal (to have the asphalt overlay) -- but he doesn't know whether there's been any paving done. He'll go over that way tomorrow -- that's on his way home.

Kansas Road Bridge: Mrs. Cox said she hasn't heard anything since the first meeting after Commissioner Willner went on vacation concerning the Kansas Road Bridge and the Fehd's reservations about having the structure removed -- that there would be no way they could get back to their property if the County took that bridge out -- and she thinks it was the vote of this Board to immediately demolish and remove the structure.

Mr. Willner said it's been a couple of years now and he knows that it is blocked...."

Mrs. Cox interjected, "Well, we haven't pursued anymore about buying the other parcel on what would be the south side from that individual either. And Mr. Fehd's proposal was that rather than us spend the money (like \$14,000 or \$16,000 or \$1,400 or \$1,600 or whatever it is going to cost) to tear it down like we spent on the Old Mill Road Bridge was to just give him the money and if it falls in, then he will tear it down -- and he will assume all liability for it. But once he gets in to....."

Commissioner Willner said, "We can't give him the money. I'd be willing to -- he could have it. But he has not settled with the State yet on the I-164 corridor and it is in the Courts and he won't give us an answer as to whether or not he wants the bridge."

Mrs. Cox said, "He gave us a letter. There were two proposals in the letter -- and I read it early. And it didn't say that he wanted it torn down. He said if it's torn down he has no way to get back to the back part of his property when he brings in his farm equipment and starts to farm -- then he can't get over the waterway. I went out and looked at it -- it isn't too deep a ditch there -- not near like the Mill Road ditch was."

RE: SCHEDULED MEETINGS

Under Scheduled Meetings, Mr. Borries noted it says "City-County Computer Meeting". He doesn't know whether that is the Computer Board or what. His only comment about the computer situation is that there is no decision at this point. Input is welcomed on the part of his fellow Commissioners -- and it certainly bears a lot of study. We will have to put in a figure at budget time and that time is nearing. He encourages the input of the other Commissioners -- and that is all he has to say about the City-County computers.

Tuesday	July 19	2:00 p.m.	City-County Computer
Thursday.	July 21	4:00 p.m.	Board of Zoning Appeals (Room 301)
Wednesday	July 27	2:00 p.m. 2:30 p.m.	Council Personnel Committee Council Finance Committee (Room 303)

RE: CLAIMS

Evansville Titles Corp.: Claim for right-of-way for Boonville-New Harmony Road east of Green River Road -- preparation of partial abstract title relating to Parcels #7 and #7-A (Wilbur E. Fehd property) required for extension of Boonville-New Harmony Road in the amount of \$103.00.

Mrs. Cox asked if the Commission authorized a title search to be done on Boonville-New Harmony Rd.?

Commissioner Willner said the Board authorized condemnation proceedings.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the claim was approved for payment. So ordered.

RE: METRO SMALL BUSINESS ASSISTANCE CORP. - REPORT

Commissioner Cox said that prior to proceeding with other business, for the record she would like to note that the Commission did receive a report from the Metro Small Business Assistance Corporation concerning the administration of the Grant Agreement between the Metro Board and the Board of County Commissioners -- and they give us an update. She would like this entered into the record to show that that are complying with the Commission's request.

RE: PUBLIC HEARING - AUGUST 4, 1988

There will be a Public Hearing in the meeting room of the Evansville Day School at 3400 N. Green River at 7:00 p.m. on August 4, 1988 to get public input on the completed design (to this stage) of the Green River Road Widening Project (beginning at a point on Green River Road on Theater Drive and ending at a point near Heckel Road). The State will seek public input and the length of the project is 3.0 miles. The Board has received notice of said hearing.

RE: BUDGET DEADLINE

County Auditor Sam Humphrey said the Board should be aware when they are discussing putting something in the budget for computers -- July 28th is the last day the Auditor can accept something for the budget.

Commissioner Borries said the Commission will have something. He encourages the other Commissioners to look over the proposal that the Computer Board (and he believes, Mr. Humphrey) have thoroughly studied. His concern at this time is that it is a considerable increase over what we have budgeted before. This is probably the only item not yet resolved in the Commissioners' Budget. There has been a lot of correspondence with the various vendors; it is a very complicated situation and a very expensive one. He thinks it is going to be difficult to project the needs of the future that the vendors would like to see occur in this County -- but we do have some needs. If what has been completed thus far is any indication, it is going to be a very expensive solution. It seems to be the most expensive "solution" of all that we've seen. He's tried to obtain a lot of information, but he can't tell the Board at this time what his feelings are -- that is why he has asked for a lot of input from the other Commissioners -- if the Commissioners put in the figure the Consultant recommends, we're talking about a lot of money the first year from our standpoint. It is a front end loaded thing -- and we're talking about a lot of money.

Commissioner Cox said, "We're also talking about (and I didn't see in his report -- and I did get a copy and read through it in depth -- I also did not see or note what the cost would be for dovetailing the operations. I didn't see that anywhere in there -- or the training. I don't know whether we're going to get into the same thing we got into with the Assessors and Manatron where it was "x" number of hours of training and then after that we paid extra). There are some questions. I'm going to call Mr. Lieberman since I've read his report completely."

Mr. Borries said he would encourage Mrs. Cox to do so. He thinks we need to have these questions addressed before a decision is made.

In response to comment from Dan Hartman (which was inaudible) Mr. Borries said this group (including County Auditor Sam Humphrey) met extensively and reviewed everything. It does boil down to considerable expense on the part of the County -- they went to see some other counties (Monroe County, Allen County, etc.). Some of these systems -- in fact, the system recommended by the Consultant as the "solution" -- is one that is in use in certain spots. But it is going to cost a considerable amount of money over and above what we are now paying. And that, again, would involve a major commitment -- and it is so difficult to predict the future. When we entered into the contract with the current provider, we were probably barely able to write payroll checks. It was a total switch. To their credit, this County has grown -- and we've added on certain things. We're now to a point where we're at a capacity and we have to make a decision. "Again, I hear the concerns of the users -- but when you equate that with the enormous expense I've seen in the Consultant's report, I have some concerns on that expense."

Mr. Humphrey interjected that he would like to add one comment. The solution that Mr. Lieberman has proposed is about double the number of terminals that we presently have. Most of this is generated with the Courts, the Police, and the Sheriff and tying them together. So it is not comparing apples to apples so to speak -- with what we now have. And it was the initial purpose to be generated by software that was appropriate. The first failure of the County, as he understands it, was generated by the software and the software programs are built for particular hardwares -- so that is what it amounted to.

Mr. Borries said, "That is right."

Mrs. Cox commented, "Well, I will also talk to Mr. Lieberman. Because in one place he says this new system will speed up everything and give us more input and in another place he says we don't need that big a computer and need two smaller sizes. I don't understand that."

RE: ST. JOE REZONING

Mrs. Cox said the other thing she wants to report (and she thinks this was when Mr. Borries was out of town in French Lick). She wants to thank Mr. Stuckey for his assistance. We had a problem with the rezoning we granted out on St. Joseph Avenue. When it was granted it was granted with the understanding of this Board that there would be no curb cuts on Crowley and that Crowley would not be used for construction access. They have started the groundbreaking for the new building -- and there were a lot of large semi-trucks and big heavy tandem trucks using Crowley. Mrs. Cunningham and Mr. Stuckey helped get the truck traffic off Crowley -- and the contractors have been so instructed to use the curb cut off St. Joe Avenue. (Mrs. Cunningham had entered the meeting briefly and offered comments -- but they were inaudible for the most part, because she was speaking from the doorway.

RE: EMPLOYMENT CHANGES

Commissioner Borries said there are no employment changes this week.

There bring no further business to come before the Board,  
President Borries declared the meeting adjourned at 9:50 p.m.

PRESENT:      COMMISSIONERS      COUNTY AUDITOR      ATTORNEY

R. J. Borries	Sam Humphrey	Jim Casey
R. L. Willner		
S. J. Cox		

COUNTY ENGINEER      AREA PLAN

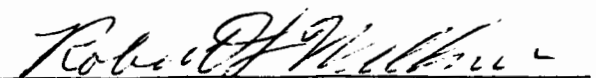
Dan Hartman	Beverly Behme
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OTHER

Judge William H. Miller  
Judge Maurice C. O'Connor  
William Campbell/Drug & Alcohol Deferral  
Wanda Hansert/City Clerk's Office  
Daniel Hewins, Attorney  
Richard Bengert  
Roger Bacon  
L. E. & Norma Hartz  
Geraldine Chipps  
Gerald C. Chipps  
Al Lee  
Virginia Lee  
Jim Fuquay  
Sam Biggerstaff  
Jerry E. Riney  
Mark Recht  
News Media

SECRETARY:      Joanne A. Matthews

  
Richard J. Borries, President

  
Robert L. Willner, Vice President

 8/1/88  
Shirley Jean Cox, Member

C O R R E C T E D

MINUTES  
COUNTY COMMISSIONERS MEETING  
JULY 25, 1988

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MINUTES  
COUNTY COMMISSIONERS MEETING  
JULY 25, 1988

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, July 25, 1988, in the Commissioners Hearing Room, with President Rick Borries presiding.

The meeting was called to order by President Borries. He said in these days of sometimes quick marriages and that sort of thing, there is an element of stability with us today. The Board needs to extend their congratulations and give a round of applause to a wonderful secretary, who works so hard (particularly on those days when Jim Lindenschmidt is not in the office) -- Margie Meeks -- today is her 46th Wedding Anniversary.

The meeting continued with Commissioner Borries entertaining a motion concerning approval of the minutes of July 11, 1988.

Commissioner Cox said there are two sets of minutes for the Board's approval -- one from the Public Hearing held on July 11, 1988 regarding the County's Zoning ordinances.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Borries, the minutes were approved as engrossed by the County Auditor. So ordered. (Commissioner Willner was not present at the subject hearing.)

With regard to the minutes of the Commissioners Meeting held on July 11, 1988, she has a question. She didn't see a pink slip come through with regard to Andy Easley (Perhaps she missed it.) Andy Easley is placed in a slot as a Bridge Engineer at a salary of \$30,834 (on Page 16). She does see an asterisk there that says it is for insurance purposes only.

Mr. Willner said no salary is being paid -- but the County is paying his insurance.

Commissioner Cox said she thinks it should be simply designated as Andy Easley on L.O.A. (Leave of Absence, with insurance). She doesn't think he should be designated as a Bridge Engineer and a salary stated. She doesn't remember that ever being discussed.

Commissioner Willner said if you're going to keep him as an employee and not fire him, you have to keep him in some position. If we had left the County Engineer position open, then we would have lost \$15,000 from the State. To get the \$15,000 from the State for a full time County Engineer, we needed to move Mr. Hartman into that position -- and that is why that was done. It is no reflection or anything off color -- it is just so we can continue to get that salary for a full time County Engineer.

Commissioner Borries said he thinks Mr. Hartman is doing well and certainly deserves the County Engineer's salary.

Commissioner Cox agreed saying, "Absolutely, I have no problem with that -- and he is now designated in the County Highway Department as County Engineer, having been released as Bridge Engineer.

Under the Cumulative Bridge Funds appointments, she would suggest that Mr. Easley -- if he has to be put in a slot where the County can continue to pay for his insurance -- which she did not



approve when it was done -- she would think the least thing we could do would be to indicate under salary "No salary" if that is acceptable.

Commissioner Willner said he has no objections.

Commissioner Cox said with those corrections she would move that the minutes of the Commissioners Meeting of July 11, 1988 be approved as corrected and reading of same waived. A second was provided by Commissioner Borries. So ordered.

RE: AUTHORIZATION FOR OPENING OF BIDS FOR RESURFACING VARIOUS COUNTY ROADS IN ARMSTRONG TOWNSHIP

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, Attorney Curt John was authorized to open the bids received for resurfacing of various County roads in Armstrong Township. So ordered.

Commissioner Cox asked if Commissioner Borries will read into the record the bids received.

Commissioner Borries said two (2) bids were received: The Rogers Group, Inc. and J. H. Rudolph Co., Inc., respectively.

RE: AWARDING OF CONTRACT FOR HYDRAULIC EXCAVATOR FOR COUNTY GARAGE

President Borries asked that Mr. Bill Bethel, County Highway Superintendent, make his recommendations to the Board with regard to the hydraulic excavator for the County Garage.

Mr. Bethel said that after studying the bids, it is his recommendation that the contract be awarded to Kitchen Machinery in the amount of \$93,822.00 (with trade-in) and a five (5) year contract of \$23,651 per year for five (5) years.

Commissioner Cox said they are the lowest bidder with trade-in, with the exception of Reid-Holcomb (there is only some \$3,000 difference) -- but Reid-Holcomb did not give us an annual payment contract.

Mr. Bethel said that is correct. Another thing is that his staff is used to the Gradall. They have two and they know how to operate them -- and he thinks the difference would be to the County's benefit.

Mrs. Cox asked, "So it wasn't a comparable piece of equipment either?"

Mr. Bethel confirmed that this is correct.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the contract was awarded to Kitchen Machinery for \$93,822.00 (with trade-in) at cost of \$23,651 for five (5) years. So ordered.

RE: PETITION FOR ROAD REPAIR - BILL HARTY

Mr. Bill Harty was recognized by the Chair. He stated he lives at 4112 Cort Street. He and his neighbors have been watching all the resurfacing going on and had noticed that no work has been done on that street. There are several times that the County has run out of money before they could finish the roads. These roads have not been resurfaced in twenty (20) years. They're not asking for more than anybody else; they are just asking -- and the petition reads, as follows:

The following wish to have Cort Street, Gayn Avenue, , Kedzie Street and Walcott Avenue repaved. Drainage on all of these streets needs to be improved. Streets have a 50 ft. width

and should be extended to their full width at the intersections, with proper drainage.

In the past they note the Commissioners have been so kind as to resurface Melody Hills, Evergreen Acres, etc. to the full width of their curbs -- and they'd even like to have a crumbling concrete street. The point is, if the County could resurface these streets and do a good job of it and do something about the drainage, they would be more than grateful.

Commissioner Cox said, "For Mr. Harty's information, we did let a contract July 11th or July 18th for those streets that he has named. She thinks it was July 18th. They are to be resurfaced. The contract was awarded to J. H. Rudolph & Co., so there will be some resurfacing on those roads this year. But what he is telling us is that there are also some drainage problems -- if I am understanding him correctly -- along those areas. On these bids that we've already accepted from the private contractors, there is a preparation of pavement on all roads and a maintenance of traffic on all roads (that was a lump sum in the bid). They don't take care of all the drainage problems that are out there, so perhaps we should direct this request to the County Highway so they can look at the area and determine if there are side ditches that need to be cleaned out or any culverts under the driveways or anything -- prior to resurfacing."

Commissioner Borries thanked Mr. Harty for presenting the petition and said it will be referred to the County Highway so they can check on the ditches, etc. before these roads are paved.

RE: COUNTY ATTORNEY - CURT JOHN

Reading of Bids on Resurfacing of Roads: Attorney John said the bids are for the repaving of 4.15 miles on various county roads in Armstrong Township. Both bids appear to be in order and are as follows:

J. H. Rudolph & Co. (Evansville, IN) - \$216,251.50

The Rogers Group, Inc. (Bloomington, IN -- 193,392.18

Mrs. Cox asked if there is an Engineer's estimate?

Attorney John said the Engineer's estimate is \$248,000.00.

The Chair entertained a motion.

Upon motion made by Commissioner Willner and seconded by Commissioner Cox, the bids were taken under advisement for the balance of the Commissioners Meeting, with Mr. Hartman making his recommendation to the Board yet today. So ordered.

RE: COUNTY ATTORNEY - CURT JOHN

Inspection Fee/Sheriff's Department: Attorney John said he has just been handed an ordinance regarding a \$5.00 Inspection Fee the Sheriff's Department collects for inspecting vehicles sold from out-of-state dealers to in-county residents. Apparently there is a new provision. This was drafted by Attorney David Miller. It appears he has added to the existing ordinance a section which places these funds into a special fund used for training facilities for the Sheriff's Department.

Sheriff Shepard said he met with County Auditor Sam Humphrey and, according to the State Board of Accounts, we have to go through a mechanism to draw this through Council. It's no problem. It's just a matter of putting it into a proper fund which he has set up and then each month if they need it to pay bills, they have to go to Council to draw it out of the fund. But in order to comply with the State Board of Accounts they have to do it that way.

Commissioner Cox said just to bring Commissioner Willner up to date, while he was in Alaska, the other Commissioners amended the ordinance to give the Sheriff the immediate authority to collect the \$5.00 vehicle inspection fee for out-of-state vehicles and instructed the County Attorney to devise an ordinance which would allow that \$5.00 collected for each vehicle inspection -- rather than just to go into the County General Fund -- to go into a special designated fund for police training operations which would help with the maintenance of their area for training out on Kansas Road or sending the deputies for training or bringing in instructors or whatever to update their deputy's training program.

County Auditor Sam Humphrey said we didn't have an option. All we did was take the State Board of Account's recommendation and incorporate it into the ordinance so that everything conformed.

Commissioner Willner asked, "This will be audited by the State Board then?"

Sheriff Shepard responded in the affirmative -- there are receipts for the collections and they are turned in monthly by the 10th of the month to the County Auditor.

Mrs. Cox said, "But it does go into a special designated fund where it is used only for the operation of the training program.

Sheriff Shepard said it should generate between \$10,000 and \$15,000 per year and they will use it for operation, maintenance and training -- a user's fee type thing. They do appreciate that, because it will help them tremendously with their training. They have already set up a training class for next month on hazardous materials.

Motion was made by Commissioner Willner and seconded by Commissioner Cox that the ordinance be approved.

Commissioner Borries asked for a roll call vote: Commissioner Cox, yes; Commissioner Willner, yes; and, Commissioner Borries, yes. Motion unanimously approved.

Mrs. Cox asked, "Even if it is unanimous, we still have to advertise it, don't we?"

Commissioner Willner said, "I would think so; just advertise it once -- since it was unanimously approved."

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Work Report/County Garage: Mr. Bethel submitted copies of the Weekly Work Report for Employees at the County Garage for period of July 18 thru July 22, 1988.....report received and filed.

Gradall: Bromm Rd., Green River Rd., Maasberg Rd., St. Joe Avenue (on culvert) and St. Joe Avenue and Adler ditch; Oak Grove Rd. (west) and Fairfield Drive

Paving Crew: Frontage Road

Patch Crew: Boonville-New Harmony Rd.(west of St. Joe Avenue to St. Wendel Rd.), Echo Hill Drive, Koring Rd., Dieffenbach Rd., Crowley Avenue, Henze Rd., Elmendorf Rd. and Alameda Drive

Grader: Happe Rd., King's Rd., Newman Rd., Hilltop Rd., Outer Darmstadt Rd., Oak Grove Rd., County Line Rd. East, Millersburg to Kansas Rd., Young and Hobart Roads; Bayou Creek Rd., Duesner Rd., Cypress-Dale Rd., Schutte Rd., Alta Vista Dr.

Frey Rd., Pine Ridge Drive, Locustwood Lane,  
Vernonwood Court and Pleasant Rd.

Mower: Pollack Avenue, Fuquay Rd., Burkhardt Rd., Hirsch Rd., Broadway, Nurrenbern Rd., Felstead Rd., Mill Rd., Mesker Park Drive, No. 6 School Rd., and St. Joe Road

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

- Baseline Rd. and Armstrong Rd. - installed culvert and removed two culverts.
- Installed culvert on Boonville-New Harmony Rd.
- Placed load of #53's on St. Joe Avenue and cut grass around rail on Mesker Park Drive
- Cut grass on Owensville Rd., Broadway, Middle Mt. Vernon, and Marx Roads
- Rip-rapped Baseline and Armstrong Roads
- Straightened guard rail on Mesker Park Drive and St. George Roads
- Cut Swinging Way Drive to repair washout
- Worked on storm sewer at corner of St. Joe Avenue and Commercial Court and painted guard rails

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

The Chair entertained questions of Mr. Bethel. There were none. Commissioner Willner said the County Highway must be doing a good job -- he didn't receive any calls during the heavy rains, so he guesses the drainage is okay, also.

RE: AWARDING OF BIDS FOR RESURFACING OF ROADS

Commissioner Willner noted that County Engineer Dan Hartman has placed the bids back on the Commissioners' desk and recommends the contract be awarded to The Rogers Group, Inc. in the amount of \$193,392.18.

Upon motion made by Commissioner Willner and seconded by Commissioner Cox, the contract for resurfacing of roads in Armstrong Township was awarded to The Rogers Group, Inc., in the amount of \$193,392.18. So ordered.

RE: COUNTY ENGINEER - DAN HARTMAN

Burkhardt Rd.: Mr. Hartman stated that Burkhardt Rd. has just been completed from Highway 62 up to Olmstead Place (approximately 1.8 miles).

Woods Road Bridge: The beams for Woods Road Bridge have been placed today.

Bridges #34 & #35 Over Lower Big Creek: Plans were almost completed when he left the Bridge Engineering Department and he thinks he can complete those plans shortly.

Title Sheets for Outer Darmstadt Rd./Pond Flat, Lateral "C"/Bridge Structure #35 and Bridge structure #34 over Pond Flat Main:

Mrs. Cox asked if these are the plans Mr. Hartman announced a couple of weeks ago that he was almost finished with?

Mr. Hartman said that is correct.

Mrs. Cox asked, "And you did have beams?"

Mr. Hartman said ten (10) beams are to be placed on Bridge #35.

Mr. Hartman said the Title Sheet is more or less a "go ahead".

Burkhardt Rd.: Commissioner Willner said he had just received phone calls from several residents on Burkhardt Rd. and they say that now the road is fixed the speeds of the automobiles are in excess of 60 mph. They also said that during construction of I-164 all speed limit signs were knocked down and currently are not visible. First, we need to re-sign that area. Commissioner Willner requested that Mr. Hartman notify Gene Kautzman of the Traffic Department that we need to do that immediately. Are we also going to re-stripe that road?

Messrs. Hartman and Bethel indicated that we are.

Commissioner Willner said we need to have that re-striped immediately and ask the Sheriff to check that area twice in his daily rounds.

Sheriff Shepard said he will start this evening.

Boonville-New Harmony Rd.: Mr. Hartman also submitted plans for the Boonville-New Harmony Rd and offered comments (most of which was inaudible).

Mrs. Cox said she did note that we received a letter from the State telling us that the Federal Fiscal Year (FFY 1989) Annual Programming Request for Federal Aid for the construction of this Boonville-New Harmony Rd. from U. S. 41 to St. Wendel Rd. -- that it is not included in their annual program for FY 1989. She thinks getting this on line and getting specific plans up there will help to see that it is included in the future and she applauds Mr. Hartman for carrying this a step forward.

Mr. Hartman said he has also gotten some assistance from John Stoll, who wants to work on this project for him. For someone to even be that eager to work on it is a Godsend in itself.

Oak Grove Rd.: On Oak Grove Rd., we're doing a paving job and we've temporarily put a halt to that project because the surveyor has some drainage problems there and we want to replace an existing culvert there with a 12 ft. x 4 ft. box culvert. Bill Jeffers will probably talk about this later.

Commissioner Borries asked if Mr. Jeffers would want to mention the location of the culvert he is replacing on Oak Grove Rd.

Mr. Jeffers said he was going to bring this up during the Drainage Board Meeting, but will comment now. At the Drainage Board Meeting in October of 1987, they mentioned we felt that culvert was far too small for the existing conditions and considering the fact that Section 25-6-10 is rapidly developing (that is everything between Green River Rd. and Burkhardt Rd. north of Division and south of Oak Grove -- Evansville Toyota, Wal-Mart, etc.) they felt that area was developing rapidly enough to warrant immediate replacement of that concrete box structure with a 20 ft. to 25. ft. bridge span. Mr. Brenner directed them

to go out and conduct a survey on that roadway and they noticed that the roadway is also has bad alignment for traffic. It diverts or gets off the section line about 2 ft. or 3 ft. to the north as you cross over that culvert and cars are swerving back and forth down through there. It has become a major lunchtime artery. They counted 73 cars in 15 minutes leaving all the factories and warehouse facilities going towards Burkhardt Rd. during that 15 minute period (12:00 to 12:15 p.m.). The Rudolph batch plant is there and they are running about 18 loads of asphalt per hour and that was during lunch hour -- so it could be higher at other times. They felt it would be to the benefit of the traveling public to go ahead and replace that culvert now. It is up to the Commissioners as to whether they want to use bridge funds for the entire 1,000 ft. of roadway -- widen that road to County standards -- he believes it is only around 16 ft. to 18 ft. wide now. If it is the Board's pleasure, they will continue to survey. They're doing it from a drainage standpoint and feel that the box structure is less than half the adequate size to handle that ditch now and there are plans to develop two industrial subdivisions immediately south of the structure. They are being held up by conditions of the ditch and the roadway. He believes there are plans to extend Royal Avenue up through there. So they feel it is important. The survey crew was out there today and noticed they are getting ready to pave the road -- so they called Mr. Hartman's attention to the matter. It may not be beneficial for the Highway Department to pave the road and then come back later this year and rip up 1,000 ft. of asphalt to build a new bridge and roadway approaches. We'd have to rip it up because the roadway is aligned in such a way that as they put it right on the section line, we'd need 500 ft. either side of the bridge to get the road straightened out and properly aligned -- and then we're going to have to raise the grade of the bridge deck itself and would need 500 ft. either way to gradually raise the grade.

Commissioner Borries asked Mr. Jeffers when he anticipates being finished with his part of the project?

Mr. Jeffers said if the thundercloud outside doesn't persist until tomorrow, they ought to be finished by the end of the week. They figure they will be finished with surveying by the end of the week and they'd be willing to loan the services of their draftsman so that Mr. Hartman would not have to pull off the jobs he is currently doing as County Engineer. All he would have to do would be to oversee Charlie's work and give it a final check and apply his engineering skills and give his engineering stamp to it. The Surveyor's office will do the survey, the layout, and that portion of the bridge design and what Charlie will be able to do he will do -- and then Dan will have to take it from there.

Commissioner Cox said she is not sure she knows exactly where this culvert is located and she also needs to know if it will mean closing Oak Grove Rd. (and she assumes it will) for a certain period. If so, what are the alternate routes that people will use to get out of there? That is a total headache. Ivy-Tech has a place out there now with a lot of students. In the late afternoon when they are letting out and when the businesses are getting ready to close it is bad. They need some relief to get out of that industrial development out there. She thinks that when they do the surveying, if they could also look at some alternate detour routes it would be very helpful. She asked if Mr. Jeffers' office could take on that responsibility?

Mr. Jeffers said that would be fine. They might have to negotiate with adjacent property owners (such as Southwest Engineering, Marty Nussmeier) -- the culvert is right in front of his property. It is directly in front of Southwest Engineering's property, within 100 ft. of the intersection of Fairfield Drive.



Commissioner Borries said he had a call from an individual who was concerned about the drainage along the Burkhardt Rd.-Grove Rd. area -- he thinks in terms of having a culvert in that particular area.

Mr. Jeffers said if it is on the west side of Burkhardt it is a county highway ditch; and if it is on the east side it is a legal drain.

Mr. Bethel said they went out a couple or three years ago and the people who live out there (the Dickersons) dumped concrete in the ditch and now they're asking us to build a fancy road where Rudolph should be building it for nothing. He is the guy who is down there pulling the stuff out of it -- and it is going to take a heck of a job to get that concrete out of there. But he's the guy who wants you to take care of his problems.

Commissioner Borries asked if Mr. Bethel is referring to the west side of that particular intersection?

Mr. Bethel said that is right. That little short stretch of road there. He thinks Rudolph should help us.

Commissioner Cox said she thought we looked at the drainage problems along Burkhardt Rd. and Oak Grove Rd. when we improved Burkhardt Road.

Mr. Bethel said that was three years ago; now it's filled up with concrete, etc.

Commissioner Willner asked who put concrete in the ditch?

Mr. Bethel said some of the people out there -- they just dumped concrete stuff in the ditch. The Commissioners should go out and take a look at it.

Caranza Drive Sewer Project: Mr. Hartman said Messrs. Veach and Nicholson are present and they would like to present a report on the Caranza Drive sewer.

Mr. Veach said he has a completed set of plans for Caranza Drive. They would like to leave this set with the Commissioners and today, if at all possible, get the Commissioners' names on the Title Sheet so they can send the plans to the State for approval. They will also have to send a set to the Evansville Water & Sewer Utility for their review. They thought they'd better get this in motion right away. They met with the Attorney this morning and discussed the viable alternates that were available as far as the assessment roll of the residences, or lot front footage, etc., and he is going to research to determine whether we have any alternatives. As he can recall, the Barrett Law used to be on a front footage basis. Some people naturally have one home and three or four lots. So whatever the law stipulates is what we will have to follow. They would recommend also that we have another set of plans and if the Commissioners so desire have a meeting with the property owners and show them now what they have laid out for them. This is not a formal hearing. We've been through the formal aspects of this and he understands no further hearings were necessary. But they thought it might be good to get the property owners together and show them where the sewer is.

Commissioner Willner interjected, "Because we have to buy some property right away."

Mr. Veach said if we can get a citizens committee formulated out there or comprised to get the necessary easements this would, of course, save them money. Everything connected with this project has to go into the estimate. So if the citizens could get together and get the necessary easements that would save them that much more money and we wouldn't have to hire anyone to do



that. As he understands it, there are only three or four problematic areas there and that 95% or 55 property owners are very anxious to get the project done. Thus, during the meeting with the property owners we could suggest they form a citizens committee to procure the necessary easements. Then, if the Commissioners so desire to advertise this -- we could probably take bids in thirty (30) days. That would give us time to have the meeting and get into the easement procurement. And, after the bids are taken, to stipulate in the bid specifications the contractors bid would be good for 90 days, which would give us a good option in case there are any problem areas between taking the bids that we'd have ninety (90) days to operate in. Hopefully, we can get this project (if there is no hold up on the easements) under construction this year. They have taken soil borings to see if there are any rock areas and they are ready to go with the plans and send them to the State and leave a set with the Commissioners.

Commissioner Cox asked, "I knew there were three or four proposed directions or plans -- and you said you've come up with one final plan now of where this actually is going to go?"

Mr. Veach said that is correct.

Mrs. Cox asked, "Do you foresee much dissention from the property owners out there on this plan -- and how did you arrive at this plan over the other proposals?"

Mr. Veach responded, "The line has nothing to do whatsoever with the personalities or the people involved in the easements. It has to do with elevations, where we can tie in the sewer, and the least expensive route we can go."

Mrs. Cox said, "That is what I was hoping you would say."

Mr. Veach said the line which runs next to the cemetery -- one change might be made on that. They show it on the cemetery property, rather than along the back of the lot. The cemetery hasn't cleared our putting it there yet. (Further comments were inaudible.)

Mrs. Cox asked if the plans indicate that this is subject to change?

Mr. Veach said it won't affect the State approval (and additional comments were not clear).

Commissioner Cox said she definitely thinks we need to have a hearing for the people and show them the progress. And she thinks Veach, Nicholson initially suggested that we do this -- and she thinks this is necessary -- to bring them up to date and enlist their cooperation in forming this citizens group to cut the cost for the residents.

Mr. Veach said the line set will also do the least amount of damage to the properties. In other words, it is either across the rear of the lots or along the ditch or something like that -- where it will create the least of problems.

Mrs. Cox said, "The only other thing is that we did let a contract for the resurfacing of Caranza Drive for this year. She brought up the fact that this is where we are doing the sewer work and she thinks there is one section somewhere along the one corner where it would cut through our new pavement."

Mr. Veach offered comments but they were not clear.

Mrs. Cox said she thinks this is contract work and she doesn't know when they plan on getting to that. The contract was let June 27th. We can have a hearing. How long does Mr. Veach think it will take to get the plans approved by the State? Is he going to mail them up or hand carry them?

Mr. Veach said he is going to mail them. But we can still have the hearing.

Mrs. Cox said she would like to ask VNG's cooperation in working with the County.

Following further comments, a motion was entertained.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the plans for the Caranza Drive Sewer Project were approved. So ordered.

RE: ACCEPTANCE OF CHECK

Commissioner Borries presented checks (credit) from Pitney Bowes as follows: Check #474073 in the amount of \$49.53 and \$Check #474081 in the amount of \$100.34.

Upon motion made by Commissioner Willner and seconded by Commissioner Cox, the checks were accepted, endorsed and the secretary instructed to deposit same in the County General Fund. So ordered.

RE: TRAVEL REQUEST - AREA PLAN COMMISSION

A travel request from the Area Plan Commission was presented for consideration. Purpose of travel is to attend the Annual Conference of the Indiana Planning Association to be held in Indianapolis on August 11 and 12. They have money in their budget to cover the registration fee and the only expense would involve lodging and meals.

Upon motion made by Commissioner Willner and seconded by Commissioner Cox, the request was approved. So ordered.

RE: PUBLIC OFFICIAL BOND - BILL BETHEL

A Public Official Bond for Bill Bethel, County Highway Superintendent was presented for signatures.

Upon motion made by Commissioner Willner and seconded by Commissioner Cox, the bond was accepted for signatures and given to the secretary for notarization and transmittal to the County Recorder's Office. So ordered.

RE: OLD BUSINESS

The Chair entertained matters of Old Business to come before the Board.

Space Allocation: Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the remaining available space was allotted to Judges of Circuit and Superior Courts. So ordered.

RE: SCHEDULED MEETINGS

Mon.	7/25/88	9:00 a.m. to 3 p.m.	Deferred Compensation Mtg. (Room 301)
Tues.	7/26/88	9:00 a.m. to 3 p.m.	Deferred Compensation Mtg. (Room 301)
Wed.	7/27/88	2:00 p.m.	County Council (Personnel Meeting)
Wed.	7/27/88	2:30 p.m.	County Council (Finance Mtg.)

RE: CLAIMS

Bernardin, Lochmueller & Assoc.: A claim in the amount of \$4,354.08 re Lynch Road Extension from Oak Hill Rd. to Burkhardt Rd. The Field Survey is now 100% complete. The Roadway Design is now 31.3% complete and Bridge Design over Pigeon Creek is 27.9% complete and Crawford-Brandeis is 29.1% complete. A motion was entertained.

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

Southwestern Trucking: Claim in the amount of \$16,594.60 for right-of-way Parcel #4 required for Project No. RS-76821 (extension of Boonville-New Harmony Rd. east of Green River Rd.). Right-of-way cost is \$12,000 and damages \$4,594.60)

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

RE: EMPLOYMENT CHANGES

Cooperative Extension Service (Appointments)

Angela L. Powers	Part Time	\$31.00/Day	Eff: 7/7/88
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County Clerk (Releases)

Dianna Schrock	Dep. Clk.	\$535.55/Pay	Eff: 7/15/88
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County Clerk (Appointments)

Deborah Hunter	Dep. Clk.	\$535.55/Pay	Eff: 7/18/88
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County Highway (Appointments)

Danny R. Gatewood	Laborer	\$8.51/Hr.	Eff: 7/14/88
James D. Brandle	Laborer	\$8.58/Hr.	Eff: 7/14/88
Carol L. Goreman	Secretary	\$14,742/Yr.	Eff: 7/18/88

County Highway (Releases)

James D. Brandle	Laborer	\$8.51/Hr.	Eff: 7/13/88
Danny R. Gatewood	Laborer	\$8.5/Hr.	Eff: 7/13/88
(Reflects account changes)			
Carol Goreman	Part Time	\$35.00/Day	Eff: 7/18/88
Lillian N. Young	Secretary	\$14,742/Yr.	Eff: 7/18/88

County Auditor (Releases)

Kathy Ewers	Posting Clk.	\$13,978/Yr.	Eff: 7/19/88
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County Auditor (Appointments)

Julie Robertson	Posting Clk.	\$13,478/Yr.	Eff: 7/20/88
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Circuit Court (Releases)

Michael R. Kummer	P/T Intern	\$3.35/Hr.	Eff: 7/16/88
Charles W. Marx	PTWR	\$5.00/Hr.	Eff: 7/16/88
Norman G. Hoskinson	PTWR	\$5.00/Hr.	Eff: 7/16/88
Patrick J. Kelly	PTWR	\$5.00/Hr.	Eff: 7/16/88
Keith Haas	PT Intern	\$4.00/Hr.	Eff: 7/16/88
Mary M. Lloyd	PT Intern	\$5.00/Hr.	Eff: 7/16/88
Rachel Maasberg	P/T Bkkpr.	\$5.00/Hr.	Eff: 7/16/88
Laura M. Pate	PTCT	\$5.00/Hr.	Eff: 7/16/88
Anthony W. Sullivan	P/T Intern	\$3.35/Hr.	Eff: 7/16/88
David D. Kiely	P/T Intern	\$5.00/Hr.	Eff: 7/17/88
Paul Aarstad	P/T Intern	\$5.00/Hr.	Eff: 7/16/88
Kelli E. Ulrich	P/T Intern	\$4.00/Hr.	Eff: 7/16/88

Robert V. Howerton	P/T Intern	\$5.00/Hr.	Eff: 7/16/88
Deborah Snyder	PTCT	\$5.00/Hr.	Eff: 7/16/88
Joyce Franklin	PT Recep.	\$5.00/Hr.	Eff: 7/16/88
Jeffrey Shoulders	PT Intern	\$5.00/Hr.	Eff: 7/16/88
Steven Pearce	PTWR	\$5.00/Hr.	Eff: 7/16/88

Circuit Court (Appointments)

Michael R. Kummer	P/T Intern	\$3.35/Hr.	Eff: 7/17/88
Michael J. Cox	P/T Intern	\$3.35/Hr.	Eff: 7/15/88
Charles W. Marx	PTWR	\$5.00/Hr.	Eff: 7/17/88
Norman G. Hoskinson	PTWR	\$5.00/Hr.	Eff: 7/17/88
Patick J. Kelly	PTWR	\$5.00/Hr.	Eff: 7/17/88
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Mary M. Lloyd	PT Intern	\$5.00/Hr.	Eff: 7/17/88
Rachel Maasberg	PT Bkkpr.	\$5.00/Hr.	Eff: 7/17/88
Laura M. Pate	PTCT	\$5.00/Hr.	Eff: 7/17/88
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Joyce Franklin	PT Recep.	\$5.00/Hr.	Eff: 7/17/88
Jeffrey Shoulders	PT Intern	\$5.00/Hr.	Eff: 7/17/88
Steven Pearce	PTWR	\$5.00/Hr.	Eff: 7/17/88

Prosecutor (Releases)

Daniel DeArmond	Dep. Pros.	\$14,581/Yr.	Eff: 7/25/88
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Prosecutor (Appointments)

Daniel DeArmond	Dep. Pros.	\$22,922/Yr.	Eff: 7/25/88
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Scott Township Assessor (Releases)

Gladys B. Martin	PT Reass.	\$35.00/Day	Eff: 7/18/88
Norma M. Miller	PT Reass	\$35.00/Day	Eff: 7/18/88

Scott Township Assessor (Appointments)

Gladys B. Martin	PT Reass.	\$35.00/Day	Eff: 7/18/88
Norma M. Miller	PT Reass.	\$35.00/Day	Eff: 7/18/88

County Treasurer (Releases)

Faith Hart	Clerk	\$13,978/Yr.	Eff: 8//1/88
(Leave of Absence/Medical - Aug. 1 thru August 26;with medical insurance continued)			

Burdette Park (Appointments)

Steve Grammer	Guard	\$3.60/Hr.	Eff: 7/20/88
Gabrial Reising	Slice	\$3.35/Hr.	Eff: 7/20/88
Angela Bosse	R. Cashier	\$3.50/Hr.	Eff: 7/6/88
Amy Panoburn	Cashier	\$3.35/Hr.	Eff: 7/9/88
Heidi Wallace	PT Guard	\$3.35/Hr.	Eff: 7/7/88
Carole McNaughton	Guard	\$3.60/Hr.	Eff: 7/6/88
Michael Pruitt	Guard	\$3.60/Hr.	Eff: 7/6/88
Gregg Topper	Guard	\$3.85/Hr.	Eff: 7/6/88

Burdette Park (Releases)

Mary Farmer	Slice	\$3.35/Hr.	Eff: 7/11/88
Chad Toone	PTGC	\$3.50/Hr.	Eff: 7/5/88
Bryan Austill	PTGC	\$3.50/Hr.	Eff: 7/2/88
Edward Starnes	Ext. Guard	\$3.35/Hr.	Eff: 7/10/88
Randy Seidehamel	Reg. Guard	\$3.35/Hr.	Eff: 7/14/88
Carole McNaughton	PT Guard	\$3.35/Hr.	Eff: 7/6/88
Michael Pruitt	PT Guard	\$3.35/Hr.	Eff: 7/6/88

Gregg Topper	Guard	\$3.60/Hr.	Eff: 7/6/88
Scott Pate	Slide	\$3.35/Hr.	Eff: 6/13/88
Sloan Carter	PT Slide	\$3.35/Hr.	Eff: 6/19/88
kkHeath Goebel	PTL	\$3.35/Hr.	Eff: 6/23/88

There being no further business to come before the Board,  
President Borries declared the meeting adjourned at 3:50 p.m.

PRESENT:      COMMISSIONERS      COUNTY AUDITOR      COUNTY ATTORNEY

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

Sam Humphrey

Curt John

COUNTY HIGHWAY

COUNTY ENGINEER

COUNTY SURVEYOR

Bill Bethel

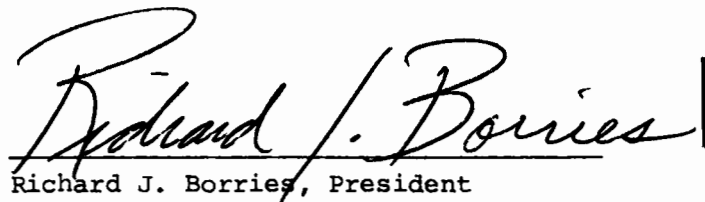
Dan Hartman

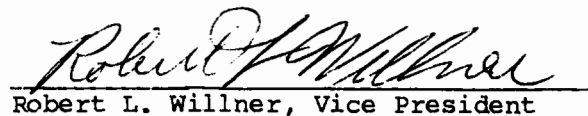
Bill Jeffers

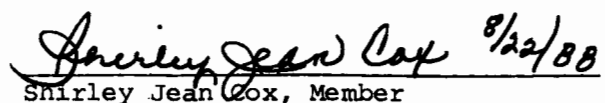
OTHER

Jerry Riney  
Others (Unidentified)  
Bill Harty  
News Media

SECRETARY:      Joanne A. Matthews

  
Richard J. Borries, President

  
Robert L. Willner, Vice President

 8/22/88  
Shirley Jean Cox, Member

MINUTES  
COUNTY COMMISSIONERS MEETING  
AUGUST 1, 1988

I N D E X

<u>Subject</u>	<u>Page No.</u>
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County Attorney - David V. Miller..... Elizabeth May vs. Vanderburgh County Trial (scheduled to begin August 8th in U. S. District Court)	2
Alexander Ambulance Lawsuit Collections (Checks).....	2
Proposed County Ordinance re Transient Merchants.....	2
County Highway - Bill Bethel..... Weekly Work Reports Weekly Absentee Reports	2
County Engineer - Dan Hartman..... Paving on Burkhardt Road north of Olmstead (complete) Oak Grove Road Improvements Schutte Rd./entrance way on east side of USI Boonville-New Harmony Rd. Claim (Dave Guillaum - \$65,101.95)	3
County Surveyor (Linda Freeman, Representative)..... Woods Rd. Bridge Public Hearing/Caranza Drive Sewer Project (B. Jeffers to check out site, date and time -- so it can be announced next week)	5
EUTS - Rose Zigenfus..... Old State Road Speed Limits (to remain at 40 mph and to be enforced by the Sheriff Wimberg Rd. Speed Limits (to remain at 40 mph and Sheriff to monitor speeds in that area) Burkhardt Rd. Speeds (Sheriff has been issuing tickets) Burkhardt Rd./Heavy Vehicles (Sheriff to enforce 10 ton load limit; B. Bethel to notify contractors to use alternate route -- not Burkhardt Rd. Request for Caution Light at Intersection of Upper Mt. Vernon & Peerless Rd. (Referred to EUTS for study and recommendation to the Board) Agreement between the County & Veach, Nicholson, Griggs & Assoc. re Conceptual Design, etc., of USI Overpass approved	6
County Treasurer - Monthly Investment Report.....	8
Specifications for Bids by Title Abstractors to Perform Title Searches in Connection with 1988 Tax Sale (Approved for advertisement).....	8
Old Business..... Cost Estimate/Oak Grove Rd. Bridge (\$100,000)	8
Notice of Special Meeting of Drainage Board..... (August 8, 1988 - following Commissioners Meeting)	10

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Gabe Mehringer (\$23.00)	
Dr. Kenneth D. Davis (\$100.00)	
Evansville Titles Corp (\$690.00)	
William C. Young (\$9,000)	
Employment Changes.....	11
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MINUTES  
COUNTY COMMISSIONERS MEETING  
AUGUST 1, 1988

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, August 1, 1988, in the Commissioners Hearing Room, with President Rick Borries presiding.

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

RE:     APPROVAL OF MINUTES

The Chair entertained a motion concerning approval of minutes of July 18, 1988.

Commissioner Cox noted minor corrections on Pages 9 and 15.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the minutes of July 18th were approved, as amended, and as engrossed by the County Auditor, with reading of same waived. So ordered.

RE:     PETITION TO VACATE EASEMENT IN MC CUTCHAN ESTATES

Commissioner Borries said Mr. Neil Broshears had contacted the Commissioners office concerning the vacation of an easement in McCutchan Estates. He then welcomed Mr. Broshears and requested that he approach the podium.

Mr. Neil Broshears stated he resides at 213 Montclair Court (47715). He said he has prepared a petition and has copies of letters from SIGECO, Indiana Bell, Evansville Cable T-V, the Water & Sewer Department and the County Surveyor's Office indicating no objections to the vacation of easement on Lots 18 & 19 in McCutchan Estates and he would request that a Public Hearing date be set.

Commissioner Borries said the County Surveyor submitted a letter last week indicating that office has no objections. He then entertained questions of Mr. Broshears.

There being none, Mr. Borries said Joanne Matthews has submitted a note saying the Notice re hearing has to be published once a week for two weeks and the hearing date set not prior to 10 days after the last date of publication. If the Commissioners approve the Notice today, she has made arrangements with the newspaper to publish the Notice on Thursday, August 4, 1988 and Thursday, August 11, 1988 and the Public Hearing could be set for Monday, August 22, 1988, if they so desire. He believes Mr. Broshears has gathered all of this information because he would like to begin construction of a home before the building season ends. Mr. Broshears confirmed that this is correct. There being no further discussion, a motion was entertained.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the Notice was approved and signed, with the Public Hearing being scheduled Monday August 22, 1988, during the regular meeting of the Board of Commissioners at 2:30 p.m. So ordered.

RE: COUNTY ATTORNEY - DAVID MILLER

President Borries called upon County Attorney David Miller for his report.

Elizabeth May vs. Vanderburgh County Trial: Attorney Miller said the Elizabeth May vs. Vanderburgh County Trial is set to begin one (1) week from today in U. S. District Court. He will be reasonably busy with County business during this upcoming period. He does need to speak to the Commissioners on an individual basis during the upcoming week concerning the possibility of their testimony in the May case.

Alexander Lawsuit Collections: The following checks were submitted by Attorney Miller in connection with the Alexander Lawsuit Collections, together with an updated Status Report and balance due on the various accounts:

Elvis Francis, Patient #V6919	\$ 30.99
George Klueg, Patient #V835	195.96
Chasity Hertzberger, Pat. #V6495	20.00
Linda Kemper, Patient #V5998	21.87
Chris Hunt, Patient #V6544	5.00
Kevin Kimmanon, Patient #V4853	10.00
Audrey Chatman, Patient #V4388	25.00
Chasity Hertzberger, Pat. #V6495	20.00
David Walther, Patient #V4690	164.91
Herbert Kohlmeyer, Pat. #V5741	71.47
Kevin Kimmanon, Patient #V4853	10.00
Total	\$575.20

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the checks were accepted for endorsement and deposit into the County General Fund. Commissioner Willner requested that the secretary be instructed to stamp endorse the checks. So ordered.

RE: PROPOSED COUNTY ORDINANCE RE TRANSIENT MERCHANTS

President Borries said that while he will not ask for any decision today from the Commissioners, he did ask Attorney Miller to review correspondence from Lynda O'Neill, Executive Director of the Better Business Bureau. She had written him concerning a possible ordinance regarding Transient Merchants and gave a case situation where there were a number of young people in the area selling various items. She also had passed along ordinances that the City of Vincennes and City of Princeton, Indiana had passed and he asked Attorney Miller to do some research on that.

Commissioner Borries asked that the other Commissioners review Attorney Miller's correspondence and the sample ordinance and if the Commissioners feel they want to consider this next week, he will ask for their opinion at that time. In any event, he did want to acknowledge that Attorney Miller has worked on this.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Work Report/County Garage: Mr. Bethel submitted copies of the Weekly Work Report for Employees at the County Garage for period of July 25 thru July 29, 1988.....report received and filed.

Gradall: Happe Rd., Oak Grove Rd., Maxwell, Syls Drive, and Bergdolt Road

Paving Crew: Belt-loader on Happe Rd.

Patch Crew: Elmridge Drive, Boonville-New Harmony Rd. (East to West); Hillsdale Rd., Inglefield Rd., Briar Court, Old State Road and Pinehurst Drive and Bixler

Road.

Grader: Happe Rd., Duesner Rd., Graff Rd., Wright Rd.,  
Motz Rd., and Mann Rd.

Mower: Spry Rd., Pollack Avenue and Lynn Rd.

Trash Crew: Hogue Rd., Kasson Drive, Orchard Rd., Schutte Rd.,  
and Pollack Avenue. Also worked on trees down at  
Bixler Rd. and Wallenmeyer & Nesbit Station.

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

- Removed broken guard rail and installed new rail on  
Koressel Rd. & New Harmony Rd.
- Cut grass on Baseline Rd., Eissler Rd., Evergreen Rd., and  
and also painted guard rail
- Patched washout on Old State Rd. Cut trees hanging over  
rail at Oak Hill Rd. bridge
- Broke log jam on Hogue Rd. Repaired washout on Pine  
Creek.
- Fixed approach on bridge at Old Princeton Rd.
- Cut grass on Streuh-Hendricks Rd. and Upper Mt. Vernon
- Worked on log jam at Stringtown Rd. and Fifth Avenue  
Bridge. Also repaired washout on Kuebler Rd.
- Cut grass around rail on Walnut Lane, Heckel Rd. and  
Oak Hill Rd.
- Repaired washout on Heckel Rd. and Streuh-Hendricks Rd.  
and installed guard rail on Bayou Creek

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

President Borries entertained questions of Mr. Bethel.

Commissioner Willner asked if the County had much storm damage?

Mr. Bethel said we did and he had crews out until 7:00 p.m. that  
night and they had all the roads cleared. The next day they  
picked up the branches.

RE: COUNTY ENGINEER - DAN HARTMAN

President Borries asked for the report for Dan Hartman for his  
report.

Paving on Burkhardt Rd. (North of Olmstead): Mr. Hartman  
reported that we finished the paving on Burkhardt Rd. north of  
Olmstead. Mr. Katzman has been ordered to place street signs and  
markings for the same highway.

Oak Grove Rd.: Oak Grove Rd. is now being considered for  
improvements and we're going to improve 500 ft. on either side of  
the existing culvert there, and we can still use bridge funds for  
this project -- because we were going to end up with a span of  
about 25 ft. or 40 ft. wide bridge there and Linda Freeman will  
comment on this when she gives her report. This is also for  
drainage purposes. It is clogged up and this is in line with  
what they are doing with the highway north of that.

Schutte Rd.: The entrance way on the east side of USI on Schutte Rd. is being designed by Dick Gwinn. We might have to acquire some right-of-way if we put down what we want there (2 4 ft. lanes plus 8 ft. shoulder on either side).

Boonville-New Harmony Rd.: With regard to the Boonville-New Harmony Rd. resurfacing job (which we're doing under Federal aid), John Stoll is working on that project and John Waldrum from the garage called me this morning about Motz Road. He wanted to carry some rock across that bridge and he thinks last year at this time there was a one (1) ton load limit and Bill Bethel increased the capacity of that bridge by some improvements on it -- and the bridge is a three (3) ton load limit. However, he still doesn't think that is in line with the loads they are wanting to carry across this bridge, so he suggested he go around the other end to deliver his rock -- as he had to go via the Posey County side to deliver the rock to the other end of the project.

Claim: A claim to Dave Guillaum in the amount of \$65,101.00 re the Woods Rd. Bridge Project was submitted for approval. Mr. Hartman said the figures have all been checked. In response to query, Mr. Hartman said where adjustments were made the correct figure is reflected on the claim. (The figure submitted by Mr. Guillaum was \$66,181.95 and Mr. Hartman deducted \$1,200.00).

Commissioner Borries said this is Claim #3 on the Woods Road Bridge and Mr. Hartman adjusted the claim down \$1,200.00, so the total for this claim is \$65,101.95.

Commissioner Willner asked if Mr. Hartman has a Change Order?

Mr. Hartman said he does not. There was some old pipe out there and Mr. Guillaum wanted to charge us the same amount for the pipe removal that he was wanting to charge us for the pipe altogether, which we decided we actually didn't need. Thus, he took this out. Mr. Guillaum has not seen this figure.

Commissioner Willner asked if the \$1,200 figure was approved by this Commission?

Mr. Hartman said he didn't approve it.

Mr. Willner said he is not talking about Mr. Hartman; he is asking if this figure was approved by the Commission?

Mr. Hartman said the figure represents \$30.00 per L. F. he believes.

Mr. Willner asked if that was in the original bid accepted by this Board?

Mr. Hartman said the original bid was for new pipe. He hasn't had a chance to check with Mr. Guillaum on this and rather than hold up the entire claim, he took out the \$1,200. According to specs, most of the pipe that remains in the project. All you do is seal the ends and proceed. You don't remove them. The \$1,200 there is the same price.....

Mrs. Cox said, "Let me see if I understand what is happening here. Mr. Guillaum has turned in a blue claim for a partial payment on the project. What you are saying is that everything that he has on the claim is allowable except you want to question or talk with him about this \$1,200 for new culvert."

Mr. Hartman said there is no new culvert at all.

Mrs. Cox continued, "But it did call for new culvert in our specs and in the bid that we let?"

Mr. Hartman said that is correct.

Mrs. Cox said, "But now we don't need that pipe."

Mr. Hartman said that is correct. We don't need that culvert and he is charging us \$1,200 for removal of existing culvert, which was not specified.

Mrs. Cox said, "Okay; so you need to clarify that. But rather than hold up the claim, you deducted the \$1,200 from the amount submitted by Mr. Guillaum."

Mr. Hartman said this is correct.

Mrs. Cox said, "Then you will come in with a Change Order on this?"

Mr. Hartman said, "If necessary."

Commissioner Willner said, "Anytime you change a price for a project (lower, higher, or anything) -- you need a change order. It doesn't matter if it is higher, over, above, under, or whatever -- you need a change order. This one doesn't matter -- it will go right through, because it is less. But sooner or later before the contract is complete -- you have to change the contract price."

Mr. Hartman agreed.

Mrs. Cox interjected, "I think Mr. Hartman understands that; but what he is telling us on this blue claim is that is why the total that is on that contract price (on the white sheet) is different than what is on the blue claim."

Commissioner Willner again asked that Mr. Hartman submit a change order.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the claim was approved for payment. So ordered.

Oak Grove Rd. Bridge: President Borries welcomed Linda Freeman of the County Surveyor's office and asked for a report on Oak Grove Road Bridge. (Mr. Jeffers is out of town and experiencing car problems.)

Mr. Hartman interjected that he would like to say there is one hundred percent cooperation between the County Surveyor's Office and the County Highway Department.

Mr. Borries said he talked with Darryl Veach and he was going to ask Bill Jeffers (if he were here today) about the public meeting on Caranza Drive sewer project. Mr. Veach is ready to set that meeting. The only thing the Commission needs to do is set up a place and establish a date and time for the hearing. Since Bill Jeffers lives in that area, he was going to ask whether he knows of some place (if we want to serve the residents of that area) -- or do we want to have it here. Perhaps Mr. Hartman can talk with Bill Jeffers to determine if he knows of a suitable place in that area and report back next week. If a suitable place cannot be found, the hearing can be held here. A date and time should be established so it can be announced next week.

Commissioner Cox said Joanne Matthews suggested that possibly Highland School could be utilized.

Commissioner Borries said that is the closest public school.

RE: EUTS - ROSE ZIGENFUS

Old State Road: In reviewing the report from EUTS, Commissioner Borries said the studies conducted on Old State Road showed that 85th percentile speed on this road is 47 mph and the Indiana Manual Uniform Traffic Devices states that speed limits should not be set any less than 7 mph below the 85th percentile unless there are unusual hazards. You did not find any unusual hazards and recommended that the speed limit remain at 40 mph. It is also recommended that the Sheriff's Department monitor the speeds on this road, since the speed study shows that drivers are exceeding the speed limits in this area. The study indicates speeds at greater than 70 mph.

Ms. Zigenfus said there weren't many at that speed -- but there were several.

Commissioner Borries said he is referring the report to Sheriff Shepard for some traffic enforcement through his department. This is on Old State Road in the area between Campground Road toward some of the newer subdivisions, with Brookview Subdivision being specifically mentioned.

Wimberg Road: In response to comment by Commissioner Borries with regard to the studies conducted re Wimberg Road, Mrs. Zigenfus said all EUTS has provided is the traffic flow -- and she doesn't have a copy in front of her at the moment.

Commissioner Cox said that prior to making a decision re Wimberg Road, she believes the Commissioners were waiting for the traffic count, etc. However, a tentative decision made by the Board was to post that area 40 mph -- and she doesn't know that this has been posted yet.

Sheriff Shepard said it was already posted.

Mrs. Cox said she doesn't think there were signs. If it isn't posted, she would like to go on record to make a motion that we make certain the 40 mph speed limit is posted on Wimberg Rd. A second to the motion was made by Commissioner Willner. So ordered.

Commissioner Cox asked what happened on Old State Road?

President Borries stated that Mrs. Zigenfus said her recommendation is that the speed limit remain at 40 mph. However, she recommends the Sheriff monitor the speeds in that area.

Sheriff Shepard said they will start monitoring speeds on Old State Road tonight.

Burkhardt Rd. Speeds: Mrs. Cox said she noticed in the newspaper where 14 speeding tickets were written on Burkhardt Rd.

Sheriff Shepard said that they have been requested to start enforcing by radar the speed limits on Burkhardt Rd. between Old Boonville Highway and Hirsch Road. They have been doing that on a continuing basis and writing a number of tickets. He thinks the residents in that area are very happy with the results. (They're getting tired of hearing the sirens now.) They've been writing a number of tickets and most of them have been Whirlpool workers cutting through and going up to Chandler and Boonville and in that direction -- and they have slowed down.

Commissioner Willner said for the final report on Burkhardt -- there are always four (4) things that happen to a road:

- 1) They are torn up and the people complain
- 2) The County Highway installs a new road

- 3)| They complain about the speeding
- 4)| The fourth thing that always happens is that somebody tore it up -- and that has happened, too.

The County Highway has been back out there and they are trying to put the finger on the guy who tore it up. He doesn't know how much damage was done, but quite a bit.

Sheriff Shepard said there was some heavy equipment on it today. He goes that way about every other day. It is posted on both ends 45 mph -- there are speed signs out there. But they had some blacktopping equipment out there today and a bunch of heavy trucks underneath the overpass on Olmstead -- and they had to come out Burkhardt to get to it -- and it's a big piece of equipment. That's progress.

Commissioner Willner said we need to stay on top of this.

There was some discussion as to the fact they can now get to the underpass on Olmstead Road from I-164. He is not saying that is the way they came -- but they can come that way. Mr. Bethel said that is the way they are supposed to be coming.

Mrs. Cox asked if I-164 is open?

Commissioner Willner said it is not; but the pavement is laid in that section and they can traverse down to that underpass at Olmstead Road. We need to see that they use that.

Mr. Bethel said we need to enforce this; they are not supposed to have any heavy equipment on Burkhardt Rd.

Sheriff Shepard said Burkhardt is posted 10 tons; it was his understanding that they could have anything on it until construction was finished -- and they were to repair the road after they were finished.

Commissioner Cox said, "Wrong, Sheriff; we thought construction was already finished -- that is why we did the road."

Sheriff Shepard said if the County wants the 10 ton limit enforced -- they'll be glad to do that. They've been holding off because of the big trucks hauling rock, etc. back there -- and there is heavy equipment sitting underneath the Olmstead overpass right now.

Mr. Bethel reiterated that they are supposed to be using I-164. None of those trucks are supposed to be on Burkhardt Rd.

Commissioner Borries said for the record, do we know what trucks are doing this? We need to find out what companies are doing this and notify them -- and then ask the Sheriff to enforce this particular situation. We need to determine the name of the companies and notify their offices and tell them there is an alternate route and they should use it.

Mr. Bethel said he will notify them by 8:00 a.m. tomorrow.

Mrs. Zigenfus said if Mr. Bethel will let her know, she will check with the Federal Highway and they may also be able to do some enforcing.

Request for Caution Light at Intersection of Upper Mt. Vernon & Peerless Rd.:

Mrs. Cox said she had a call from a Mrs. Bradfield, who lives at the intersection of Upper Mt. Vernon Rd. & Peerless Rd. She was asking if this Board would consider putting a caution light at that intersection? It is a bad intersection and there is a lot of development out there now -- subdivisions -- and traffic has increased. There are a lot of people who use Upper Mt. Vernon as an access route to Posey County. She told Mrs. Bradfield she



would bring the request to the Board and proceed from there. Mrs. Cox said she would ask for guidance from this Board as to how to proceed.

Commissioner Borries asked if the Board can refer this to EUTS for their expertise and recommendation.

Mrs. Zigenfus said they will check the traffic counts and also check the manual to see what warrants a caution light. We're talking about a flashing signal?

Mrs. Cox said, "Rose, if we can't do that -- and I told the lady on the phone that she would take her request, but I didn't have much faith that a caution light would be installed -- but perhaps we could sign it as "Dangerous Intersection" or "Curved Intersection" or paint some markings on the pavement prior to that intersection -- because it is dangerous. Tree Top Lane comes in onto Upper Mt. Vernon just before Peerless comes out and it is bad."

Mrs. Zigenfus said they will check all of this out and get back to the Board with a report.

Conceptual Design Agreement re USI Overpass: Mrs. Zigenfus said she has a Short Form Agreement between the County and Veach, Nicholson, Griggs & Assoc. (which has been reviewed by Attorney David Miller) for Veach-Nicholson to develop a conceptual design for a grade separation structure and highway access, including sketches of proposed structure and estimated construction costs for the USI S.R. 62 Interchange. She would ask that the Board execute the agreement so Veach-Nicholson can proceed.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the agreement was executed. So ordered.

RE: COUNTY TREASURER - MONTHLY INVESTMENT REPORT

Mr. Borries presented the Monthly Investment Report for August 1, 1988 from the County Treasurer.....report received and filed.

RE: SPECIFICATIONS FOR BIDS BY TITLE ABSTRACTORS TO PERFORM TITLE SEARCHES IN CONNECTION WITH 1988 TAX SALE

The meeting continued with Commissioner Borries saying he has Specifications for Bids by Title Abstractors to Perform Title Searches in connection with 1988 Tax Sale. This was prepared by County Attorney David Miller and is stamped by County Auditor Sam Humphrey. Mr. Humphrey is seeking authorization from the Board to advertise same.

Commissioner Willner commented that this is a new requirement of the State Legislature, so we don't really have any choice. Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the specifications were approved and signed and authorization was given to advertise same. So ordered. (Will be published on Friday August 5 and Friday, 12, 1988, with bid opening on Monday, August 29th.)

RE: OLD BUSINESS

The Chair entertained matters of Old Business to be discussed.

Cost Estimate/Oak Grove Rd. Bridge: Linda Freeman of the County Surveyor's Office said, as stated, Bill Jeffers is out of town with car trouble -- and he gave her an idea of what was going on with Oak Grove Road, and she worked on this most of the day with Dan Hartman. They come up with a figure of right around \$100,000 for the Oak Grove Rd. Bridge, with 500 ft. of roadway improvement on either side of the bridge. (This will be another one that will be bad when it is fixed, because they speed now -- and it's

terrible. It was dangerous out there at noon today when they were surveying this. The road is bad and they still speed -- she means "speed". So she doesn't know what will happen when it is improved. But that is also taking a little bit of the jog out of the road. They lined it up on the section line and we're looking probably at around \$100,000 to put in a structure that can handle the potential water flow that is going to happen out there when they're finished developing the area. Right now there is a soybean field out there. But to put in a 25 ft. clear span structure with about a 6 ft. underneath clearance to get the right waterway through there....

Mr. Hartman interrupted with comments, but they were inaudible.

Ms. Freeman continued by stating that this bridge is crossing a legal drain. The State put in a new structure on Division and we have quite a larger waterway opening at Morgan and this culvert is a 6 ft. x 6 ft. .. so there definitely will be problems in the future. She thinks it was scheduled to be paved last week. But if we can move on that, then we can get the road in and everything straightened out at one time -- rather than paving it and ripping it all up to put in the new structure at designated point.

Mr. Hartman offered further comments but, again, they were inaudible.

Commissioner Cox said she she believes she also asked that when we looked at the improvement of this (and Mr. Hartman, in response to her question, said it would be necessary to close off Oak Grove Rd. while we were building this) to look at alternate detour routes for some of the businesses in the area and get that planned, so it is not just like a mouse in a maize -- because Ms. Freeman is absolutely right -- it does carry a lot of traffic.

Ms. Freeman said they do have that temporary asphalt plant there right now and they also have the temporary concrete plant right there -- for the highway construction.

Mrs. Cox asked, "Just put a temporary run-around?"

Mr. Hartman offered comments, but they were inaudible.

Ms. Freeman said she really doesn't know. They've been out there surveying and then they found out it was scheduled for paving -- so they tried to speed things up -- but it definitely needs improvement. They have all the information and are working on it, but with Charlie on vacation this week it was a bit hard to get it all laid out.

In response to comment by Commissioner Willner, Mrs. Cox said the bridge definitely has to be a 25 ft. structure; we don't build any bridges less than 25 ft. in width.

Mr. Willner queried Ms. Freeman about the width of the present culvert?

Ms. Freeman said it is 6 ft.

Mr. Willner asked, "We had 6 ft. that is carrying all the water and we're now going to 25 ft.?"

Ms. Freeman said that is right.

Mr. Willner said he is not in favor of building a bridge there; he doesn't mind going with a concrete culvert -- but no bridge.

Ms. Freeman said plans are preliminary right now, because they didn't know Oak Grove was scheduled for paving.

Commissioner Willner said there is a 6 ft. poured concrete box culvert there now -- and probably the only thing wrong with it is that it is too narrow. If it was 12 ft. longer it would probably

be sufficient for a long time, because it is carrying 6 ft. of water now. He doesn't mind doubling it and putting in a 12 ft. culvert, but he is not going to a 25 ft. bridge.

Mr. Borries said he thinks calculations are what we're going to need, particularly in terms of what Ms. Freeman says the impact of the Interstate plus increased run-off of the other developments to come out there -- because it is going to ...

Ms. Freeman interjected comments, but they were inaudible.

Commissioner Borries said if you had the vision to look at it five years from now, you wonder how much of the area is going to be under pavement. If we're able to estimate that, we're going to have increased run-off.

Ms. Freeman reiterated that there will be a lot of development in this area.

Commissioner Borries thanked Ms. Freeman for her report.

RE: NOTICE OF SPECIAL MEETING OF THE VANDERBURGH COUNTY DRAINAGE BOARD

It was noted by Commissioner Borries that a special meeting of the Vanderburgh County Drainage Board will be held on Monday, August 8, 1988, for purposes of discussing the extension of Virginia Street over Harper Ditch/Service Road to Wal-Mart and preliminary discussion regarding University Village drainage. The Chair entertained a motion.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the Notice was approved and the secretary was authorized to publish same.

RE: SCHEDULED MEETINGS

Wed.	Aug.	3	2:00 p.m.	County Council (Job Study)
Wed.	Aug.	3	2:30 p.m.	County Council (Regular)
Wed.	Aug.	3	6:00 p.m.	Area Plan Commission
Thurs.	Aug.	4	4:00 p.m.	EUTS Policy Meeting
Thurs.	Aug.	4	7:00 p.m.	Public Hearing (IDOH) re N. Green River Rd. @ Evansville Day School
Mon.	Aug.	8	2:15 p.m.	Public Hearing re Amended Code of Ordinances
Mon.	Aug.	8	2:30 p.m.	County Commissioners
Mon.	Aug.	8		Special Drainage Board Mtg. re Extension of Virginia St., etc. (Following Commissioners)

RE: CLAIMS

Gabe Mehringer: Claim in the amount of \$23.00 for Building Permit Refund (work not done; loan fell through).

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the claim was approved for payment. So ordered.

Dr. Kenneth D. Davis: Claim in the amount of \$100.00 for expert witness fees re Elizabeth May case.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the claim was approved for payment. So ordered.

Evansville Titles Corporation: Claim in the amount of \$690.00 for preparation of partial abstracts of title relating to the parcels #9, #4, #6, and #5 (John P. Young, Southwestern Trucking Co., Inc., Peggy J. Miller and William C. Young, respectively).

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the claim was approved for payment. So ordered.

William C. Young: Claim in the amount of \$9,000 for right-of-way Parcel #5 required for extension of Boonville-New Harmony Rd. east of Green River Rd. (\$6,000 for right-of-way and \$3,000 for damages).

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox the claim was approved for payment. So ordered.

RE: EMPLOYMENT CHANGES

Prosecutor PTD/Deferred Prosecution Program (Appointments)

Angela Mitchell            Director            \$17,162.00/Yr. Eff: 8/1/88

Cooperative Extension Service (Appointments)

Janet D. Dunn            Ext. Agent            \$13,287/Yr.       Eff: 8/1/88

Center Township Assessor (Appointments)

Donald A. Cobb           R.E. Coordinator    \$535.55/Pay       Eff: 7/28/88

County Assessor (Appointments)

Sylvia Angermeier       R.E. Deputy           \$13,978/Yr.       Eff: 8/1/88

County Highway Department (Releases)

John R. Keown           Equip. Oper.          \$8.99/Hr.          Eff: 7/25/88

Drug & Alcohol Deferral (Releases)

Deborah Ransom           Counselor I           \$21,665/Yr.       Eff: 8/12/88

Deloris Koch            Counselor II           \$17,538/Yr.       Eff: 8/12/88

Drug & Alcohol Deferral (Appointments)

Graden Gene Nance       Counselor II           \$18,200/Yr.       Eff: 8/15/88

Deloris Koch            Counselor I           \$19,000/Yr.       Eff: 8/15/88

Prosecutor (Releases)

Angela Mitchell           Investigator           \$17,162/Yr.       Eff: 8/1/88

Prosecutor (Appointments)

Dana Shuler            Investigator           \$17,162/Yr.       Eff: 8/1/88

There being no further business to come before the Board at this time, President Borries declared the meeting adjourned at 3:45 p.m..

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R. J. Borries	Cindy Mayo	David V. Miller
	R. L. Willner	(Chief Deputy)	
	S. J. Cox		
	<u>COUNTY ENGINEER</u>	<u>COUNTY HIGHWAY</u>	<u>COUNTY SURVEYOR</u>
	Dan Hartman	Bill Bethel	Linda Freeman, Representative

AREA PLAN

B. Cunningham

EUTS

Rose Zigenfus

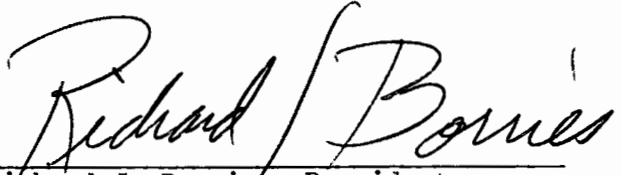
SHERIFF

C. Shepard

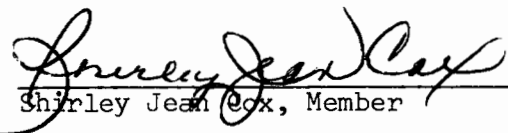
OTHER

Jerry Riney  
Danny Spindler  
Jim Alstadt  
Others (Unidentified)  
News Media

SECRETARY: Joanne A. Matthews

  
Richard J. Borries, President

  
Robert L. Willner, Vice President

  
Shirley Jean Cox, Member

MINUTES  
COUNTY COMMISSIONERS MEETING  
AUGUST 8, 1988

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MINUTES  
COUNTY COMMISSIONERS MEETING  
AUGUST 8, 1988

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

The meeting was called to order by Commissioner Borries, who subsequently entertained a motion concerning approval of the minutes of meetings held on July 25 and August 1, 1988.

Upon motion made by Commissioner Cox and seconded by Commissioner Willner, approval was deferred until such time as the Commissioners have had an opportunity to read same. So ordered.

RE: COUNTY ATTORNEY - DAVID MILLER

President Borries said that while David Miller is still County Attorney, he is not acting in that capacity at today's session. He is present, however, to bring another item to the Commissioners' attention.

Elizabeth May Case: Attorney Miller reported that the County has been successful in being dismissed from the Elizabeth May case. At this point, we are no longer officially involved in that matter. He does not see the likelihood of an appeal by the Plaintiffs at this point, but that could come about.

Reherman Unemployment Security Case: We have also been successful in the Reherman unemployment security case, wherein her dismissal from Hillcrest was found to be justified -- so no unemployment benefits will be payable to her.

Insurance Coverage: Attorney Miller said the major reason he is here today is that in the course of defending the Board of Commissioners and the County in the Elizabeth May case, it was always in the back of his mind that when this case was over he was going to take another look at the insurance coverage that was in effect or available to the County at the time that the County was brought into this case. The case was filed in 1984. The County was noticed in as a party in 1986 and, at that time, Attorney David Jones was essentially working the entire lawsuit and he (Miller) did not get involved until Mr. Jones' separation from his (Miller's) law firm and the appearance of a potential conflict of interest between the County and the individual offices. And that came sometime in late 1986 perhaps or early 1987. In any event, it had been his intention to review what policies were in effect back then and determine why in the world we did not have insurance coverage to provide the County with defense, because the County was, in fact, spending a great deal of money for insurance at the time and he thought there should have been insurance coverage at least to provide us with a defense. After the Dismissal Entry in the May case last week, he had occasion to visit with our insurance agent and obtain copies of all the correspondence and copies of the insurance policies that were in effect back then. There are two insurance policies that he believes either individually or in combination should have provided the County at the very least with a defense -- that is to pay for defense action.

Hartford Insurance Co.: The first policy is one that was in effect between January 1, 1982 and January 1, 1983 issued by the Hartford Insurance Company, which was what we call an occurrence

policy -- and it covers occurrences during the period of the policy. The Elizabeth May incident (which the County is now dismissed from) occurred in September, of 1982, so he believes that policy should have applied.

National Casualty Company of Scottsdale, AZ: There is a policy that was in effect from January 1, 1986 to January 1, 1987 issued by the National Casualty Company of Scottsdale, Arizona. National Casualty Company was sent a notification of this claim in 1986 when the claim was made. The National Casualty Company policy is a claims made policy. He has read the subject policy; he has read the correspondence. National Casualty never responded to our insurance agent's request for coverage. They never responded to his request to confirm or deny coverage. And, of course, as all of this is going on the lawsuit is progressing and somebody has to be representing the County -- so his firm was doing that. But National Casualty never stepped up -- and neither took responsibility for this defense nor responded why it would not do that. And, in particular, the National Casualty policy, which was a claims made policy in effect at the time, says that the Company will pay on behalf of the insured all sums which the insured shall become legally obligated to pay as damages as a result of claims first made during the period of this policy; and it says the Company shall have the right and duty to defend any suit against the insured on account of a wrongful act. And the wrongful acts are defined as "any act or omission or neglect or violation of any Federal or State Civil Rights". And that is what the County was accused of doing -- even though the County did not have the policy making authority. That is what we were defending against. And National Casualty never stepped up and he estimates we have spent approximately \$30,000 defending this case and he wants the Commissioners' authority to investigate and, if necessary, sue National Casualty and the Hartford -- either/or or both to recover this money -- because he thinks they owe it to us.

Commissioner Cox said she heard his response concerning National Casualty -- that they ignored the correspondence that had been sent to them. Did Hartford also reject?

Mr. Miller said Hartford responded on April 23, 1986 and rejected coverage -- and he believes they also were mistaken. But Hartford is a little tougher question because of some language in the policy. He wants some additional time to do research with respect to the Hartford policy. But he doesn't think there is any question about the National Casualty policy. Since one is a claims made policy and one is an occurrence policy -- both of them could apply. His initial impression is that they do -- and we paid a lot of premium money back then and he thinks we were entitled to the benefit of it and we didn't get it. All of the necessary notifications were given. Hartford simply rejected. National Casualty stuck their head in the sand.

President Borries entertained questions of Attorney Miller. There being none, a motion was entertained.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, Attorney Miller was authorized to pursue the matter. So ordered.

RE: CHAPEL HILL SUBDIVISION SECTION C-2

Commissioner Borries said Mr. Rick Broerman is here regarding approval of street plans for Chapel Hill Subdivision Section C-2.

Mr. Broerman said he is here to get section of street plans for Chapel Hill Subdivision Section C-2 approved. The portion of road he wants to get approved is Lewandash Drive. What he is proposing is a 12 ft. wide road built to County standards in all respects except for the width. The road will only serve two lots. It will be similar to a driveway if someone had one house

back at the end of that road. If it were serving 20, 30 or 50 lots, he could see that the 24 ft. width would be necessary. But since the road is only going to serve two (2) lots and probably only four to six cars per day would travel the road, he doesn't see any problem with the 12 ft. width.

The Chair entertained questions of Mr. Broerman and asked if the County Engineer has had an opportunity to review these plans.

County Engineer Dan Hartman said he has reviewed the suggestions or proposals made by Mr. Broerman regarding the cul-de-sac and as he looks on the County standards approved several years ago (1977) it does not correspond to the minimum requirements for a cul-de-sac. Our standards call for a minimum 24 ft. wide pavement.

Mr. Broerman said when this subdivision was taken to the Subdivision Review Committee, it was suggested that a width narrower than the 24 ft. width would be allowed. Maybe Mrs. Cunningham would remember. He's sure it is in the minutes -- he believes Mrs. Cunningham asked if a width narrower than 24 ft. width would be allowed and he thinks the County Engineer at that time said it would be; he didn't see any problem. A specific width was not addressed at that time, however.

Mrs. Cunningham said she doesn't know whether the County regulations allow a narrower width on a road....(other comments were completely inaudible as Mrs. Cunningham was speaking from the side of the room.)

Mr. Broerman said the main difference he sees is that this road is only serving two (2) lots. If it was a 400 ft. long driveway serving only one house -- he thinks that would be the same conditions as a 400 ft. long road serving two houses. The burden on him is the cost of a road going back to serve two lots -- it is very difficult to spread into the cost of those two lots. His initial plan was to run a private road of his own back there and then sell the lots based on the cost of that road -- but the APC required that he put in a County-accepted road. He still wants to do that; but the width seems to be an undue burden.

Mrs. Cunningham said whether it is a public or private road -- it doesn't make any difference -- it still has to be built to County standards.

Mr. Broerman interjected, "If it is a subdivision lot. There's five (5) acres available there that would not have to be subdivided and that is not my intention. To build a \$25,000 or \$30,000 road back to serve two lots may make it unfeasible.

Mrs. Cox said Mr. Broerman has June 30, 1988 date. She knows we've had several sections of Chapel Hill come before the Board for approval of plans and several sections have come before the Board for acceptance of streets put in. What happened to Lot #3? Is there a home on there?

Mr. Broerman asked, "Lot C-3? There is a house starting on that."

Mrs. Cox asked if they have access to Chapel Hill Drive?

Mr. Broerman said, "Yes; that is where their driveway will be. That is why he wanted to get Lots #3 thru #8 recorded immediately, because those people were anxious to start."

Mrs. Cox said, "And how big is Lot #8? I assume it also comes out on Chapel Hill Drive. How far does Lot #1 go?"

Mr. Broerman spent several seconds pointing to designated areas and discussing at length the plans to clarify Mrs. Cox's various questions and Ms. Behme presented a different set of plans to Mrs. Cox for her review.

Mr. Hartman said they want to build a 12 ft. width road rather than a 24 ft. width road.

Mrs. Cox said she understands that. But she doesn't understand what the Board has accepted up to this point as far as the street plans are concerned.

Further discussion ensued as Mr. Hartman and Ms. Behme endeavored to clarify Mrs. Cox's questions.

Commissioner Borries asked if the street is constructed at this point?

Mr. Broerman said it is not.

Mrs. Cox said, "Evidently we have looked at these street plans and seen the street in question at a 50 ft. right-of-way and approved it. That was my question."

Mr. Broerman said the Board looked at a general street plan for a specific part of the street. He sought approval for a portion of the street previously and the Board approved the plans at that time -- but it was not for this portion of the street.

Commissioner Borries said it seems to him the issue would be whether or not this Board wants to leave the standards here and approve a 12 ft. street.

Commissioner Cox said we've heard the recommendation of the County Engineer and from the Area Plan Commission -- and she would tend to support their recommendation. The County has no other standards,. The standard width is 24 ft. -- and she doesn't think the Board should deviate from that.

Mr. Broerman asked, "But would it not be in the County's best interest to maintain a 12 ft. road rather than a 24 ft. road? It will cost the County less and they are going to get the same amount of Federal funds for the road frontage, aren't they?"

Mr. Borries said, "Not if we have to bring in materials, for example, to maintain the street or emergency vehicles for turnarounds and that sort of thing. And you run into real problems in terms of working with other people. Obviously, we want to work with you and have done so in the past. But you are asking for something here that if you or the lot owners themselves would wish to maintain, that is another matter. But when you ask the County to go in and begin to make some rather significant changes (literally cut a road in half) -- that is a different story, Rick. That is why you have engineers and people in the Area Plan Commission who give you these kinds of recommendations obviously before you would start. What is to say that you may have other changes in mind and build an 8 ft. street instead of a 12 ft. street?"

Mr. Broerman said, "Then you wouldn't accept it for County maintenance."

Mr. Borries responded, "I see the same difficulty in terms of a 12 ft. street; that is extremely narrow. I understand your position and I appreciate that. But then, again, it is whatever is the feeling of this Board. At this point I don't detect any willingness to waive those standards. Would there be a motion to that effect?"

There was no response.

President Borries said, "The Board will take this matter under advisement. But what I can tell you today is that there is not a motion to waive those standards. So we're not going to be able to work with you at this time on a 12 ft. street -- not for any

kind of County acceptance. I would tend to think it would cost this County perhaps a good bit more -- again perhaps in terms of some complications if we did run into maintenance problems in the future -- and also set a standard here that would be pretty hard to defend with other developers at that point. At this time, I would say if you are going to develop the street -- then you will want to let us know your decision and stay in contact with our engineer on this."

RE: COUNTY CORONER - CHARLES ALTHAUS

The meeting proceeded with President Borries recognizing County Coroner Charles Althaus, who was present for purposes of having a contract with Pathologist approved.

Mr. Althaus said he is presenting Letter of Agreement between the Vanderburgh County Coroner and Dr. James M. Jacobs, Pathologist whom he has selected. The former is referred to hereafter as the "The Coroner" and the latter is hereafter referred to as "The Contractor".

The Agreement has been prepared by County Attorney David Miller and he wants to take this opportunity to thank him for his work on this.

On the first three paragraphs of this Agreement he thinks it is important to note that whereas the Indiana Code 36-2-14-60 authorizes the Coroner to discharge the duties, when he deems it necessary to have an autopsy performed to employ a physician possessing the education and training that meet the standards established by the American Board of Pathology for certification or a physician holding the unlimited license to practice medicine in Indiana acting under the direction of such qualified physician, to perform such duty and whereas the Contractor is duly licensed to practice medicine in the State of Indiana and has been certified by the American Board of Pathology and from thereon it is now known that this is an agreement by the Coroner and the Contractor as follows....we go through residency, autopsy coverage, etc.

On Saturday he met with a Dr. James M. Jacobs. He and Mr. Althaus have agreed on this contract and he would like to give a little background on Dr. Jacobs, who will be the Vanderburgh County Pathologist. Dr. Jacobs is a graduate of Indiana University Southeast in New Albany and the Indiana University School of Medicine of Indianapolis. He served his residency at the University of Louisville, Kentucky. He is an anatomical and clinical pathologist. He has a Board Certification of Anatomical and Clinical Pathology. He has medical licenses in Indiana, Kentucky and Illinois. Presently he is serving hospitals in the Bedford area (the Dunn-Memorial Orange County Hospital) and he is doing autopsies in the several counties up in that area (Union, Crawfordsville, etc., etc.). Dr. Jacobs was in residency at the University of Louisville under Dr. R. Nichols, who was the Chief Pathologist and had 200 forensic cases during that residency and since that time (in his own practice) he has had 200 forensic cases. Next year he will go before the National Forensic Board to take his examination and he has all the qualifications to do so.

As the Commissioners know, since February he has worked with Coroners from all seven (7) districts to find a Pathologist in our area and Dr. Jacobs has been the choice. Dr. Jacobs's office will be in the Coroner's office here in the Civic Center. His salary will be \$52,745.00 per year. This particular contract is running for 16 months and per month (we will pay him monthly, as you read through the contract) we will pay him \$4,395.00 during that period. This contract runs from September 1, 1988 to December 31, 1989. The autopsies of Vanderburgh County themselves will be performed at St. Mary's and Deaconess Hospitals. The histology, the blood alcohol and drugs will also be done at those two local hospitals. In case of emergency, Welborn has agreed to let us use their morgue.

Mr. Althaus then entertained questions. There were none.

Continuing, Mr. Althaus said the other district coroners are meeting with Dr. Jacobe this week. They have also agreed to use Dr. Jacobe. Being that their counties are much smaller than ours, we're talking 31,000 in Posey County down. They may go into just an individual per case fee for which they will be paying \$685.00 per case plus travel time, plus their histology, etc. Some of the counties may enter into a contract -- but they have all agreed with the selection of Dr. Jacobe.

Commissioner Willner asked how that dollar figure compares to last year's figure?

Mr. Althaus responded that the entire caseload per case would be about \$325 per case more. County Council has approved the funds for this year -- that has already been approved. The monies for the Pathologist are in the budget for next year.

Commissioner Cox asked, "What is happening as far as your regional plans for a morgue and combined input from all of these counties to help subsidize this cost? Are those plans on hold -- right now?"

Mr. Althaus replied, "Yes; they are for the time being -- because there are things that are happening in Vanderburgh County that I don't want to openly discuss."

Mrs. Cox said her next question is, "Is this agreement with Dr. Jacobe for \$52,500 per year (Vanderburgh County's share) contingent on his receiving cases from the other counties -- these cases at \$685.00 per case?"

Mr. Althaus responded, "Yes; do you remember when we had..."

Mrs. Cox interjected, "What if some of these people out in the other counties choose to use a Pathologist other than Jacobe? Is he going to renege on this contract?"

Mr. Althaus, "No, no."

Ms. Cox, "So they are not bound to use him?"

Mr. Althaus said, "They will be probably -- after this week. They are not bound to use him. I can't get involved in telling each county what to do. My involvement after all these months is that this is the selection of the Pathologist that we have decided to use and, to my knowledge right now, they will use this Pathologist. But whether it will be by a Letter of Agreement such as we have in Vanderburgh County or whether it will be variable -- however it is, the cost will still be the same to them as that which we're paying in Vanderburgh County."

Mrs. Cox said, "I am a little disappointed -- because I thought in your overall search for an individual (and I know you said this may come up down the line after he takes his Board) that at this time we are not going to have a forensic Pathologist."

Mr. Althaus said, "This is only a matter of a year."

Ms. Cox asked, "So what are we going to do about these cases that come up -- say your homicides and your different, the very exclusive kinds of cases that really...."

M. Althaus, "The kinds of things you're talking about (going to Court, etc.) -- his experience takes care of that. With the 200 in residency at the University of Louisville and the 200 he'd already done himself...."

Mrs. Cox, "But he is not forensic certified..."



Mr. Althaus, "He is not forensic certified -- absolutely not. He is anatomical and clinical -- but he will be certified next year."

Mrs Cox, "Well, he's just a regular pathologist -- that is what that is."

Mr. Althaus interjected, "That is what he is, yes. He is not a forensic pathologist, but he has some training. He is a young man 46 years of age and he is ready to take his Board. But they only give that Board once a year."

Mrs. Cox said, "My other question is -- Now he is a licensed pathologist -- or licensed to practice pathology in three different states -- how much time does he plan on spending in Vanderburgh County? You said he will have an office in the Coroner's office -- but does he have another place? He lives out of town, I assume -- I don't see that in the agreement."

Mr. Althaus said, "It is in the first paragraph -- it states, by agreement, the contractor will relocate his residency in the Evansville, Indiana Metropolitan Area not later than October 15, 1988."

Commissioner Cox said she has one more question -- a legal question. When Mr. Althaus said this contract would be for a 16 month period, she needs to know from Counsel if Mr. Althaus, as Coroner, can enter into a contract. The election is this year and Mr. Althaus' term is definitely until December 31, 1988. After that period -- he doesn't know. What is the legal opinion?"

Attorney Curt John stated, "I think it is requesting the approval of more than just the Coroner. It is requesting approval by the Commissioners and the County Council, as well (as can be seen on the back page of the agreement). I would assume the agreement is proper or else Attorney Miller would not have drawn it."

Commissioner Cox asked if Attorney Miller signed the agreement?

Attorney John said it was his understanding that Attorney Miller drafted the Letter of Agreement.

Mr. Althaus said this is correct.

Attorney John pointed out that the Agreement states either party can cancel the Agreement without cause upon 60 day written notice.

The Chair entertained further questions. There being none, a motion was entertained.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the agreement was approved. So ordered.

The Secretary was instructed to submit the Agreement to County Council for their signatures and subsequently distribute signed copies, as appropriate.

RE: COUNTY ATTORNEY - CURT JOHN

President Borries called upon Attorney Curt John for his report.

Attorney John said he has nothing to report to the Board at this time, but he will be glad to answer any questions.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Work Report: Mr. Bethel submitted copies of the Weekly Work Report for Employees at the County Garage for period of August 1 thru August 5, 1988.....report received and filed.



Gradall: Bromm Rd., Old State Rd., N. Red Bank Rd., and Mann Rd.

Paving Crew: Baumgart Rd., Woodland Hills Drive & Mountview intersection

Patch Crew: Lexington Avenue, Buena Vista, Darmstadt Rd., Hillsdale Rd., and Columbia & Delaware Street overpass

Grader: Motz Rd., Motz Lane, Buente Rd., Emge Rd., County Line Rd., Heerdink Rd., Young Rd., Happe Rd., Bayou Creek, Church Rd., Church Lane, Koring and Pleasant Rd., Graff Rd., and Little Schaeffer Rd.

Mower: Happe Rd., St. Joe Rd., Hillview, #6 School Rd., Evergreen and Darmstadt Rd.

Trash Crew: Bayou Creek, Newman Rd., Millersburg Rd., Covert Avenue, drains, and the garage and yard

Tree Crew: Middle Mt. Vernon Rd. and Schutte Rd.

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

- Cut deck on Allen Lane Bridge to patch; also swept deck.
- Cut grass around guard rail on Graff Rd., Smith-Diamond, St. Wendel, Hillview Rd., Slate Rd., Waterworks Road, and Pollack Avenue
- Painted headwall on Red Bank Rd.
- Repaired washout on Smith-Diamond Rd.
- Worked on ditches on St. Joe Avenue
- Cut grass on Pollack & Green River Rd.
- Cut Kuebler Rd. to install culvert
- Hauled trash from yard
- Cut two lanes of Columbia Street Bridge for patching
- Cut guard rail on Orchard Rd., Mt. Pleasant Rd., Kuebler Rd., and No. 6 School Rd.
- Picked up backhoe from Burdette Park

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

The Chair entertained questions of Mr. Bethel.

Commissioner Cox said the paving the County forces are doing on County roads really looks nice.

Heinlein Rd./Weeds: Mrs. Cox also noted that the weeds on Heinlein Rd. need cutting badly.

Mr. Bethel said he will be getting on this tomorrow or the next day.

Kansas Rd.: Mrs. Cox said she also noted that The Rogers Group, Inc. was paving Kansas Rd., and Mr. Bethel said they did a good job on this.

Burkhardt Rd./Speeders: Mr. Bethel noted that the Sheriff's Department has been monitoring speeds on Burkhardt Rd. and this problem has slowed down a bit.

Accolades from German Township Volunteer Fire Department: The meeting proceeded with President Borries reading the following letter:

July 31, 1988

Vanderburgh County Commissioners  
Civic Center Complex  
3rd Floor  
Evansville, IN 47708

Dear Commissioners,

The County Highway workers have been doing truly outstanding work in our township this summer and I just wanted to pass along our appreciation.

We would like to strongly urge that the roads that are being paved, be striped as well, to reduce accidents.

In Service to the People,

/s/ John M. Buckman  
Fire Chief

RE: ENHANCED 911 SYSTEM

Commissioner Borries also read the following letter from the German Township Fire Department with regard to the Enhanced 911 System:

July 31, 1988

Dear Commissioners,

Recent discussions and meetings on the Enhanced 911 System indicate a strong preference to install this system in our county.

We would like to urge the Commissioners to take the lead in pursuing the purchase of E-911. It would seem that the Commissioners and County Council could purchase the systems for the entire county. This way it would not be necessary for the City Council to pass a levy as well.

If the Commissioners and Council would push this through as soon as possible, it will still be at least two (2) years away; but for every day we delay, lives remain at risk.

In Service to the People,

/s/ John M. Buckman  
Fire Chief

Mr. Borries said he believes County Council has approved all the decision making from their end, so everything should be forwarded immediately to Jerry Larrison and Ameritech-Indiana Bell for their prompt consideration. It will take some time to be installed.

RE: COUNTY ENGINEER - DAN HARTMAN

Progress Report on Road Paving Contracts: Mr. Hartman reported that J. H. Rudolph & Co. has put about one (1) ton of patching mix on Middle Mt. Vernon and about seven (7) tons on Bayou Creek Road in preparation for their paving job.

The Rogers Group, Inc. has paved Kansas Road and County Line Rd. They have placed about 2,600 tons of mix on Kansas Rd. and about 3,600 tons of binder and surface on County Line Rd. They haven't submitted any blue claims yet, but this completes their work on County Contract VC-5-04-88.

With regard to County Line Road, Mr. Bethel said Traylor Brothers are going to go across that road again with some dirt. All they did was to barely put a coat over that. As soon as they go over that road again with this dirt, they will come back to repave that road and make it come out right. They said they would pay all costs.

Mr. Borries asked, "Who is 'they'?"

Mr. Bethel responded, "Traylor Brothers. They are hauling dirt for I-164 -- and he allowed them to go ahead and do it."

South Weinbach Avenue: Commissioner Willner asked if Mr. Bethel wants to offer comments at this time concerning South Weinbach Avenue.

Mr. Bethel said he has agreed with Mauzer Brothers that they would take care of this and keep it in good shape.

Claims: Mr. Hartman submitted the following claims for approval:

German Township Water District: Mr. Hartman submitted a claim for work on flooring the waterline on Mill Rd. Claim is in the amount of \$322.40.

Hewlett Packard Co.: Claim in the amount of \$52.50 submitted for batteries for County Engineer's calculator.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Borries, both claims were approved. (Commissioner Willner had left the room briefly.)

Caranza Drive Sewer Project: With regard to the public meeting to be held concerning the Caranza Drive Sewer Project, Bill Jeffers is contacting the property owners and is trying to set the meeting at 6:30 p.m. on August 15, 1988 in the Commissioners Hearing Room. He was unable to secure suitable facilities in the affected area.

The Chair recognized Mr. Jeffers, who said he spoke with Mr. Veach this morning. He advised it was Attorney David Miller's opinion that this did not have to be advertised publicly. Is the Board award of Attorney Miller's opinion?

Mr. Jeffers said this was the message Mr. Veach conveyed to him -- and he said if this was the case, he (Jeffers) would be happy to take the letter around (since it is in his neighborhood and he ought to be able to do it in a couple of nights).....it looks like about 50 households, so he ought to be able to do that. He would have each person initial that they received a copy of the letter. Does the Board think this will be satisfactory?

The Commissioners indicated they were not aware of Attorney Miller's opinion -- but it was the consensus of the Board that the meeting should still be advertised.

With regard to site for the meeting, Mr. Jeffers said the problem with the School Corporation was that they wanted insurance papers, etc., to use Highland School and a couple of the nearby churches said they did not have room to accommodate 50 people. Thus, he thought it best to hold the meeting just prior to the Commissioners' evening session on Monday, August 15th. The Chair entertained a motion.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the meeting was scheduled for 6:30 p.m. on Monday, August 15, 1988 in the Commissioners Hearing Room and the secretary was instructed to advertise same on Friday, August 12, 1988. So ordered.

Commissioner Cox said it is her understanding that this hearing will not be for any changes in the construction plans. As the letter says, they have been finalized and this meeting is simply to update the residents in the area to show them exactly where the sewer lines are going to go -- and not give them a choice or option as to location of same. A public hearing was held earlier and their concerns heard at that time.

Mr. Jeffers said he believes Commissioners Cox's statement is correct. Mr. Veach indicated he just thought it was good public relations to show them the final plan and he has prepared a final cost estimate that may differ to some degree from the preliminary cost estimate and he thought all the residents should see this.

Commissioner Cox thanked Mr. Jeffers and said she just wanted this clarified.

RE: DEEDS FOR PARCELS ACQUIRED FOR BOONVILLE-NEW HARMONY ROAD EXTENSION

Commissioner Borries said he has ten (10) deeds for parcels acquired for right-of-way for the Boonville-New Harmony Road Extension; RS-7682(1). A cover letter from EUTS indicates that these deeds reflect the completion of the right-of-way acquisition process for all but one of the parcels needed for the above-referenced project. The one remaining parcel is now in condemnation proceedings.

EUTS requests that the Commissioners acknowledge official receipt of these deeds at their meeting of August 8, 1988. EUTS further requests that the deeds be given to the County Auditor for recording in County records. Once they have been recorded by the County Recorder, copies of the recorded deeds should be returned to Rose Zigenfus for transmittal to the Indiana Department of Highways, along with the required right-of-way packet.

Mrs. Cox asked, "So the only right-of-way we're missing is the Fehd property, which is in Court at this time?"

Mr. Borries acknowledged that this is correct.

Commissioner Cox inquired as to the total cost for the right-of-way, but Commissioner Borries said he does not have a total at this time. He proceeded to read the following list of deeds:

<u>Grantor</u>	<u>Parcel #</u>	<u>Type of Deed</u>
Dolores J. Ziliak	1	Warranty Deed
Alvin E. Mann	2	Trutee's Deed
Eloise W. Fehn	3	Warranty Deed
Southwestern Trucking Co.	4	Corp. warranty Deed
William C. Young	5	Warranty Deed
Peggy J. Miller	6 & 6-A	Warranty Deed
Raymond Young	8	Warranty Deed
John P. Young	9 & 9-A	Warranty Deed
Edwin D. Young	10 & 10-A	Warranty Deed
Thomas E. Young	11 & 11-A	Warranty Deed

Total = 10 Deeds

(Note: Deeds were recorded and copies given to EUTS on 8/11/88 for transmittal to the IDOH)

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, receipt of the deeds was formally acknowledged and the deeds given to the secretary for handling. So ordered.

RE: ACCEPTANCE OF CHECKS

Evansville Cable T-V: A check in the amount of \$26,717.83 for franchise fees for 2nd Qtr. of 1988 (April, May & June) was presented, together with the following letter:

August 4, 1988

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

Dear Commissioners:

Enclosed you will find our check in the amount of \$26,717.83 which represents our franchise tax payment for Cable T-V service for the second quarter (April, May and June) of 1988. The check is a little less than the \$25,846.40 check that we sent to you for the first quarter, which is understandable during this time of year when we start effectively getting moves in April and May.

Also enclosed you will find a letter of certification by the assistant controller and back-up data of gross receipts collected by our company for the second quarter.

Evansville is now designing and will be building Baumgart Road and Plantation Estates. We are looking at an area on Wortman Road. We have completed Windsong and Polo Run, and are working with the developer of Deerfield, which is the Ellis Carson estate. Also working with Bluegrass Farms on Hillsdale Road for future development.

We would like to thank the Commissioners for permitting Evansville Cable to serve the residents in the county with cable television service. If any of the Commissioners have questions, please feel free to call me.

Again, thank you.

Best regards,

/s/. Robt. D. Ossenberg  
Vice President & General  
Manager

Commissioner Borries did point out that the check for the 2nd Quarter is larger than the check (not less) for the 1st Quarter.

Upon motion made by Commissioner Willner and seconded by Commissioner Cox, the check was accepted, endorsed and given to the secretary for deposit into the County General Fund. So ordered. (Commissioner Cox requested that an acknowledgment letter be sent to Mr. Ossenberg.)

Evansville Dance Theater: Check in the amount of \$100.00 from the Evansville Dance Theater for payment on Promissory Note was submitted.

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

Attorney Curt John requested that the Auditorium be notified of the receipt of the check.

RE: BURDETTE PARK - MONTHLY FINANCIAL REPORT

Commissioner Borries presented the Financial Report from Burdette Park for period ending June 30, 1988 report received and filed.

RE: OLD BUSINESS

Commissioner Borries said he has a couple of items under Old Business that he would ask the Board to consider:

Transient Merchant's License Ordinance: The first item is a proposed Transient Merchant's License Ordinance. Is there anyone present to speak to this ordinance?

Ms. Linda O'Neill, Director of the Evansville Better Business Bureau was recognized by the Chair. She said she is very interested in the Transient Merchant's ordinance and has sent President Borries several letters. In the last week she has quite a few comments from local consumers and businesses. They have some real legitimate concerns about the ordinance and she would ask that the Commissioners postpone any action on the ordinance for at least a week, so they will have an opportunity to look into some of these matters.

Commissioner Borries said he also received some correspondence and concurs with Ms. O'Neil. The County may wish to have a hearing on this. In particular, those persons involved in the Mall operations have concerns and we obviously want to work with them and that was the whole purpose for doing what he did to address Ms. O'Neill's concerns -- to have them forwarded to the County Attorney for his review.

Commissioner Willner said there has been no input by the Commissioners insofar as the new ordinance is concerned. He read the ordinance from Princeton that Mr. Miller said we could adopt, but he didn't like it at all. "It is not going to pass this seat anyhow. I think we went about it the wrong way. I think maybe we ought to get one that we like first and then let's see whether everybody else likes that. I think the first thing is to get one that is acceptable to us."

Commissioner Cox asked why we can't dovetail the one the City has? Doesn't the City have a peddler's license or something like that? Certainly they are not stepping on any of the malls or any of the fund raisers. She has gotten several questions from the schools -- was this going to affect them going out with their candy sales? Children are out knocking on doors all the time and she did have some questions brought up. Maybe the Commissioners could look at the City ordinance re peddlers and have them register just like they do in the City. What does the sign say as you enter Vanderburgh County?"

County Auditor Sam Humphrey said the sign says to register with the County Auditor's office.

Mrs. Cox asked, "And the City doesn't have a law anymore?"

It was noted the City requires a Solicitor's Permit for those peddlers who are going to door.

Commissioner Borries said he thinks if Ms. O'Neill would like to explain at this point her concerns, as transmitted to the Commissioners -- again, he doesn't think she has any intention of restricting schools selling their things or certain vendors to do what they like to do at mall exhibitions, etc. But there are problems and he guesses that is the point to be addressed.

Ms. O'Neill said, "The Better Business Bureau is a clearing house for information. We get 125 telephone calls per day. Eighty percent are simple information calls and the rest are complaints. When a solicitor comes to town, we know via inquiries from consumers or from the complaints filed when solicitors leave. We have been seeing a pattern developing where more and more transient merchants are coming to Evansville -- because we don't have any City or County ordinance. The last people who really brought this to my attention called Power Pack out of St. Louis, Missouri. Initially they had planned to stay here for one week. They ended up staying for three weeks because they said they made so much money. That was okay -- I guess. But, the problem was they had planned to go to Princeton or Vincennes. Upon checking into their county ordinances they found they had one and they came here instead -- because they did not have to post a bond; they did not have to buy a license. They were young people going from door to door selling a cleaning solution that would take grease off your driveway, spots out of your carpet and spots off your furniture. They were selling it for \$54.00 per gallon. It could be purchased locally for \$7.00 per gallon. I had people calling the Bureau complaining that the salesmen would drink it in front of their children -- because they wanted to prove it was safe. I now have a complaint pending at the Bureau from a lady who has squirted it on her beige carpet and it turned those spots white. She now has carpet which is ruined and we can't find the company. And those are the kinds of things we want to prevent. We certainly want Girl Scouts selling cookies; we want people at the Mistletoe Mart to have their booths, but we would like to address this type of transient merchant problem."

Commissioner Cox asked if it would be well for the City and County to work together to come up with some kind of ordinance that would address this problem -- because it is a problem. She can understand Ms. O'Neill's concerns.

County Auditor Sam Humphrey said the current ordinance addresses this problem; they are supposed to file a bond in our office for twice or three times the retail value of what they propose to sell. The problem is not the ordinance -- we've got one. The problem is one of enforcement. We've had meetings with the Sheriff, the Chief of Police, and they enforced it for about a month up and down Green River Rd. and that was it. The problem is not the ordinance. We have an ordinance that addresses this. The problem is enforcement.

Commissioner Cox asked, "A State ordinance?"

Mr. Humphrey said this is correct.

Ms. O'Neill said all they need is an Indiana Retail Merchant's Certificate to do business in Indiana, is that correct? They don't need to post a bond; they don't need to license the ten (10) employees.

County Auditor Humphrey said that is correct. You would have to cover those areas that are not covered. But the basic requirement is still going to be enforcement and we don't have that.

Ms. O'Neill said, "I don't have a magic answer to that. I know that if there is a murder it is more important than a transient merchant at someone's door. That's logical."

Commissioner Borries said, "If you would like to communicate with us further, I think Mr. Willner would like to see some thoughts down -- we do want to work together on this and, again, address the concerns from the mall owners and operators."



Mr. Paul Kinney was recognized by the Chair. He said, "I believe the peddler's license was passed by the State to collect sales tax and somehow because these transient merchants were coming through town and selling items they were not collecting the sales tax and that was the reason.

The other thing is on the City ordinance. They tried to pass one several years ago -- and what you are going through now is exactly what they went through if I remember correctly -- and they couldn't find a solution to all the problems -- because you do have the kiddos selling the door-to-door candies for the schools; you have the antique shows at the malls; you have the flea markets at the 4-H Center and it's an absolute hodge-podge of trying to figure out how you're going to do this and control it. So I think you will run into what the City ran into years ago. They are trying to eliminate the people setting up on the street corner selling paintings, tropical plants. If you go into Warrick County you will see them in a number of places up through there. They don't come into Vanderburgh for some reason -- they go up there."

Commissioner Borries said he thinks there have also been problems with vendors who have gone to other facilities and have subsequently gone out of business when people have purchased equipment and the equipment doesn't get here and that sort of thing.

Mr. Kinney said it is a real problem-- but he doesn't really have any suggestions....unless the Commissioners get everybody involved in business like he is and all the volunteer organizations and try to work out a solution. He doesn't envy the Commissioners the job.

Commissioner Cox said she was under the impression that at the City Controller's Office that there were certain licenses that people bought that would (such as a refreshment cart down on the walkway, etc.). What I see here is the exploitation of youth -- where anyone takes these younger children (whether they sell cleaning fluid, thirty cent candy bars for \$1.50 or magazines and have someone parked up at the corner who is running the whole show and letting these children out to go door to door in the neighborhood to sell whatever items they may sell). I think the City does have some kind of license. The County doesn't though, do we?

In response to query from Commissioner Cox, Joanne Matthews said that under the State Law non-profit organizations and certain other categories are excluded -- otherwise they are supposed to have an Indiana Retail Merchant's Certificate or a Transient Merchant License issued by the County.

Widening of N. Green River Rd.: The meeting continued with Commissioner Borries asking for thoughts concerning the public hearing held last week regarding the widening of North Green River Road.

Commissioner Willner said he did attend the hearing and there was a great deal of input from residents -- all in one corridor, he thinks -- and that was the center turn lane and median. He thinks probably we should wait for the official Federal time limit to be up before making a decision. "I understand that probably in our own minds it has been made, but there is a two week period where written statements can be made that we won't know about until after that deadline. I will just probably wait until after that to make my decision."

Commissioner Cox said, "Well, my only comment is (and I have expressed this on other projects that have been brought before this Board prior to a public hearing) that I have been against raised medians in any of our highways that have been built. And I am against a raised median in Green River Road. I am against a

raised median in Lynch Road. That is not anything new insofar as my commitment to that concern. The other thing I did pick up from the hearing (and I was there also) was the fact that some of the people were questioning the need for a real type of super highway in that area -- four lane -- and I think they pointed out some very true concerns about the school buses up and down that section of Green River Road and this is a concern I have. We're going to have to address these concerns. Emergency vehicles can find their way across painted stripes, but I think we're going to have to make sure there are walkways painted in there for school bus stops. And I think that is one thing they did point out. But I agree with Mr. Willner -- I thought there was a lot of repetition; but you have that. We have that in rezonings -- but there were a lot of good points that were brought up by the individuals there and these are for our technical people to take and review and bring back to this Board. But ultimately the decision will be ours and the funding for this will have to come from County Council."

Commissioner Borries said, "Based on the technical hearing and the meeting with residents and hearing their concerns, I have real reservations about the raised median issue. I detect an overwhelming support for the project itself. The raised median is an issue that I feel at this point I will forward to Mr. Patrone, the Hearing Officer. My recommendation at that meeting will be revised and not included in the final design. Mr. Patrone mentioned that the hearing portion of any interest that any statements people wish to make regarding the road itself -- that the hearing book is open until August 19th. Again, it is a correction to some earlier reports -- but he did want to make mention that this particular hearing book and the interested comments he would ask be in by August 19th."

RE: SCHEDULED MEETINGS

Thursday	Aug. 11	9:30 a.m.	Joint Meeting of Board of Works & Commissioners re City-County Computer System
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Commissioner Borries said that as we move toward budget time and must consider at this point either extending contracts or going with a new vendor -- it's a complicated situation. "I am sure we will want input from those people who have been involved in this whole decision making process and I hope the Board will bring their own decisions at that point. Again, that meeting is at 9:30 a.m. on August 11th in Room 301."

RE: CLAIMS

Unisys Corporation: Claim in the amount of \$15,810.00 for maintenance contract for services to the various townships regarding the computers in use for the reassessment process.

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

Eloise Fehn: Claim in the amount of \$3,600.00 for right-of-way Parcel #3 required for Project No. RS-76821, extension of Boonville-New Harmony Road east of Green River Road.

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

Thomas F. Liffick, M.D.: Claim in the amount of \$100.00 for expert witness fees re Elizabeth May vs. Vanderburgh County lawsuit (one half of total fee).

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

Bowers, Harrison, Kent & Miller: Claim in the amount of \$6,363.73 for itemized listing of services re several legal matters.

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

RE: OAKVIEW PLACE II ACCEPTANCE OF STREET PLANS

Commissioner Borries said Mr. Jim Fuquay was here earlier regarding acceptance of street plans in Oakview Place II. The Surveyor's office had completed a report. He asked Chief Deputy Surveyor Bill Jeffers to come forward.

Mr. Jeffers said he does not have a copy of the report with him at the time. He had a supplement to the report after a rainstorm.

Commissioner Cox said she has a copy of the report with her.

Mr. Jeffers said Mr. Fuquay's sub-contractor for the installation of the storm sewer called him and told him those repairs were affected that had to do with connecting the plastic pipe to the concrete manhole and he inspected that and it was completed. Mr. Fuquay had his landscape contractor re-grade the swale and remove some high spots in it. He inspected that and it was completed. He still has some landscaping to do in the one lot that is low and he said he will do that as construction is completed on the house. That is where it was causing water to run down between two houses in it to Cypress Court. Of course, his erosion control is like everyone else's this summer; it is spotty -- but that is common throughout all the subdivisions this summer. Mr. Fuquay agreed to let the Surveyor take a look at the detention basin and all the incoming and outgoing structures at the detention basin as a part of the inspection of Phase B. Barring any unforeseen occurrences due to heavy rainfalls, he met all the conditions of the items listed in those two reports -- as long as the Surveyor gets to take a final look at the detention basin and all the structures connected to it when he comes in for acceptance of streets in Phase B.

Mr. Borries asked Mr. Fuquay if he has any comments.

Mr. Fuquay said the only comment he would have is that he and Mr. Jeffers spoke at some length about a couple of concerns he had, and all of those deal with the detention basin. And the detention basin can't really be completed until Section B is complete -- and it hasn't even been started yet. Thus, at this time it seems the logical thing to do is to go ahead and approve the streets and sewers in Section A, with the exception of the detention basin and wait until that is completed in Section B.

Commissioner Cox asked, "Are we going to continue to have these six problems then until this detention basin is built?"

Mr. Fuquay responded, "No, it is half way completed."

Mrs. Cox said, "You said these could not be taken care of until the detention basin was completed."

Mr. Jeffers said they re-graded the swale along Lot #34 and if he completes the landscaping the water should cross that lot. That has nothing to do with the detention basin.

Mrs. Cox asked, "Is there any plastic pipe in our right-of-way?"

Mr. Fuquay said there is not.

Following further brief discussion Mrs. Cox asked, "The plastic tile is not in our right-of-way?"

Mr. Fuguay said that is correct. It is in the south side of Oakview Place I.

The Chair entertained further questions? There being none, a motion was entertained,.

Upon motion made by Commissioner Willner and seconded by Commissioner Cox, the street plans for Oakview Place II were approved. So ordered.

RE: OLD BUSINESS

The Chair entertained further matters of old business to come before the Board.

Oak Grove Road Improvements: Mrs. Cox said under "Old Business" she has Oak Grove Road (the proposal for the improvement of the culvert or bridge on Oak Grove Road); and that is on our paving list. She believes this was taken under advisement.

Proposal for Bridges #34 & #35: The Board also has Bridges #34 and #35 under advisement. Mr. Willner wanted to take a look at those plans.

Commissioner Willner said he hasn't seen them -- they're not ready -- and he can't look at them if they're not ready.

Mr. Hartman said he was asking that the cover sheet be signed for the go ahead on these bridges.

Oak Grove Rd. Bridge: Commissioner Borries said Bill Jeffers is present today. Does he have any comments with regard to the Oak Grove Bridge?

Mr. Jeffers said he is sure everyone is familiar with the location of the culvert. In its present condition it is not sufficient to handle the existing flow. Linda Freeman of the Surveyor's office conveyed some information to the Board last week and she called it a 25 ft. bridge that they'd contemplated having the Commissioners install. The reason for that was that the ditch is 22 ft. wide -- they thought if we installed a 25 ft. bridge we'd never have to worry about it again for another 50 years. They figured it would cost between \$25,000 and \$30,000 for the bridge. Due to the desire of the Commissioners for the Surveyor to look at a culvert rather than a bridge, they have sized a culvert for the same location (12 wide x 8 ft. deep); approximately 44 ft. long at an approximate cost of \$350.00 per foot -- or \$15,400 for the culvert (precast, delivered); and that is based on our ordering same. (He doesn't know what a contractor would charge to order it.). With the rock backfill, demolition, etc., etc., it comes to around \$38,000 for that structure. Then we add 1,000 ft. of roadway at somewhere between \$50.00 and \$70.00 per ft., we're still talking about the \$100,000 figure -- somewhere between \$88,000 and \$100,000. He won't go into any detail; he has some preliminary drawings in his office if the Commissioners want to come down and look at them. Or, he can give them a packet sometime during the week to show them what he's talking about. But this particular box culvert will handle the flow in Stockfleth Ditch -- depending upon how they install it -- up to about 1,000 cu. ft. per second. It is interesting that the developer mentioned that if we don't do something it is going to cost the developer some money. The developer came in after he read the article in the newspaper. He was contemplating an industrial subdivision immediately south of this site and was told by his engineer (after his engineer talked to the Surveyor's office about drainage into Stockfleth Ditch last year); that he would have to take his drainage north to the Crawford-Brandeis Ditch and a quick review of the difference in cost between him having to go all the way to Crawford-Brandeis rather than into Stockfleth -- it would save him at least \$25,000 going directly

to Stockfleth. He believes that fellow spoke with one of the Commissioners today, but he doesn't know the nature of the discussion. In any event, we would be improving the roadway and the drainage with this project and we would be enabling continued industrial and commercial growth in that section of ground -- which is bordered by Green River Road, Burkhardt Road, Division Street, and Morgan Avenue. If the Commissioners would like for the Surveyor's office to continue developing some plans from a drainage standpoint and assist Dan Hartman in designing this culvert, they will be happy to continue doing it. They should have some plans to the Board by the end of the month.

Commissioner Borries asked if this meets with the Board's approval and the other Commissioners nodded their agreement.

RE: EMPLOYMENT CHANGES

County Highway (Appointments):

Jarrold T. Pfaffman      Part Time      \$3.35/Hr.      Eff: 7/22/88

German Township Assessor (Reassessment Appointment):

Karen Wagner      Clerical      \$35.00/Day      Eff: 7/29/88

German Township Assessor (Appointments):

Karen A. Wagner      Clerical      \$35.00/Day      Eff: 7/28/88

Area Plan Commission (Releases):

Chris Forney      Planner II      \$21,243/Yr.      Eff: 7/29/88

Burdette Park (Appointments):

Chris Schneider      PTL      \$3.35/Hr.      Eff: 7/23/88

Mark Luff      PTL      \$3.35/Hr.      Eff: 7/23/88

Auditor's Office (Releases):

Sunny B. Goodman      Posting Clk.      \$13,478/Yr.      Eff: 8/1/88

JoAnna Morphew      Transfer Clk.      \$13,478/Yr.      Eff: 8/1/88

Julie Robertson      Posting Clk.      \$13,478/Yr.      Eff: 8/1/88

Auditor's Office (Appointments):

Sunny B. Goodman      Posting Clk.      \$13,978/Yr.      Eff: 8/1/88

JoAnna Morphew      Transfer Clk.      \$13,978/Yr.      Eff: 8/1/88

Julie Robertson      Posting Clk.      \$13,978/Yr.      Eff: 8/1/88

Circuit Court (Appointments)

Robert V. Howerton      PTI      \$5.00/Hr.      Eff: 7/31/88

Deborah J. Snyder      PTI      \$5.00/Hr.      Eff: 7/31/88

Joyce L. Franklin      PTI      \$5.00/Hr.      Eff: 7/31/88

Jeffrey T. Shoulders      PTI      \$5.00/Hr.      Eff: 7/31/88

James M. Worley      PTBB      \$5.00/Hr.      Eff: 7/31/88

Dennis G. Hudnall      PTBB      \$5.00/Hr.      Eff: 7/31/88

Brian A. Wilson      PTBB      \$5.00/Hr.      Eff: 7/31/88

Elizabeth A. Deem      PTBB      \$5.00/Hr.      Eff: 7/31/88

Laura M. Pate      PTI      \$5.00/Hr.      Eff: 7/31/88

David D. Kiely      PTI      \$4.00/Hr.      Eff: 7/31/88

Paul N. Aarstad      PTI      \$5.00/Hr.      Eff: 7/31/88

Kelli E. Ulrich      PTI      \$4.00/Hr.      Eff: 7/31/88

Michael J. Cox      PTI      \$3.35/Hr.      Eff: 7/31/88

Steve R. Pearce      PTBB      \$5.00/Hr.      Eff: 7/31/88

Charles W. Marx      PTBB      \$5.00/Hr.      Eff: 7/31/88

Frank Fleming      PTBB      \$5.00/Hr.      Eff: 7/31/88

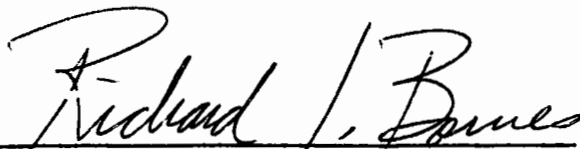
Circuit Court (Releases)


Michael J. Cox	PTI	\$3.35/Hr.	Eff: 7/30/88
Steve Pearce	PTI	\$5.00/Hr.	Eff: 7/30/88
Charles W. Marx	PTI	\$5.00/Hr.	Eff: 7/30/88
Frank Fleming	PTI	\$5.00/Hr.	Eff: 7/30/88
Laura M. Pate	PTI	\$5.00/Hr.	Eff: 7/30/88
David B. Kiely	PTI	\$4.00/Hr.	Eff: 7/30/88
Paul N. Aarstad	PTI	\$5.00/Hr.	Eff: 7/30/88
Kellie E. Ulrich	PTI	\$4.00/Hr.	Eff: 7/30/88
Robert V. Howerton	PTI	\$5.00/Hr.	Eff: 7/30/88
Deborah J. Snyder	PTI	\$5.00/Hr.	Eff: 7/30/88
Joyce L. Franklin	PTI	\$5.00/Hr.	Eff: 7/30/88
Jeffrey T. Shoulders	PTI	\$5.00/Hr.	Eff: 7/30/88
James Worley	PTBB	\$5.00/Hr.	Eff: 7/30/88
Dennis G. Hudnall	PTBB	\$5.00/Hr.	Eff: 7/30/88
Brian A. Wilson	PTBB	\$5.00/Hr.	Eff: 7/30/88
Elizabeth A. Deem	PTBB	\$5.00/Hr.	Eff: 7/30/88

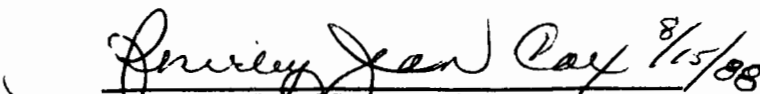
The Chair entertained further matters of business to come before the Board. There being none, President Borries adjourned the meeting at 4:15 p.m., with an announcement that the Drainage Board Meeting will convene immediately.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R. Borries R. L. Willner R. J. Borries	S. Humphrey	Curt John
	<u>COUNTY HIGHWAY</u>	<u>COUNTY ENGINEER</u>	<u>COUNTY SURVEYOR</u>
	Bill Bethel	Dan Hartan	Bill Jeffers (Chief Deputy)
	<u>AREA PLAN</u>	<u>CORONER</u>	
	B. Cunningham Bev Behme	C. Althaus	
	<u>OTHER</u>		
	Rick Boarman Jim Fuquay Lynda O'Neill/Better Business Bureau Jerry Riney Jim Alstadt Carol McClintock Others (Unidentified) News Media		

SECRETARY: Joanne A. Matthews

  
Richard J. Borries, President

  
Robert L. Willner, Vice President

  
Shirley Jean Cox, Member 8/15/88

MINUTES  
PUBLIC HEARING RE ORDINANCE AMENDING  
CODE OF ORDINANCES  
AUGUST 8, 1988

The Vanderburgh County Board of Commissioners met in session at 2:15 p.m. on Monday, August 8, 1988, for purposes of Public Hearing re Ordinance amending the Vanderburgh County Code of Ordinances -- Chapter 151.31 and Chapter 151.33.

President Borries called the meeting to order and welcomed all attendees. He recognized Mrs. Barbara Cunningham, Director of the Area Plan Commission.

Mrs. Cunningham said the purpose of the hearing is to consider the ordinance amending Chapters 151.31 and 151.33 of the Vanderburgh County Code of Ordinances -- specifically that section that deals with the restrictions on septic systems, size of lots, etc. The First Hearing was held July 11, 1988 and the Commissioners advertised for a Final Hearing to be held on this date. From this Board it will go to the Town Board of Darmstadt this Thursday. It was approved at Area Plan Commission on July 6, 1988. The ordinance originated at the Darmstadt Town Board. Attorney Mike Mitchell represented the Town Board of Darmstadt. As he said at the Plan Commission (and the entire Board was at that meeting, along with the Consulting Engineer) the ordinance that they wanted to bring in the subdivision code is to limit the acreage because of the nature of the system to one (1) acre lots.

Mrs. Cunningham paused briefly as Attorney Mitchell entered the meeting.

Continuing, Mrs. Cunningham said another point brought up at the Plan Commission meeting was that the Plan Commission was concerned because they wanted to make sure that those subdivisions that already had been approved would have the opportunity to also be part of this system. The language was changed after the APC meeting to comply with that regulation -- to say that subdivisions approved prior to the date of this ordinance or recorded within the prescribed 18 month period and Lots of Record prior to 1957 shall not be required to meet the above stipulations.

Commissioner Willner asked how many subdivisions there are?

Mrs. Cunningham said, "Probably very few. There are probably two or three subdivisions. With regard to Lots of Record, I do not know -- but there should not be very many. And this change was agreeable with the Town Board of Darmstadt, also. The ordinance passed at the APC meeting with 12 affirmative votes and no negative votes."

The Chair entertained questions of Mrs. Cunningham. There were none.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the ordinance amending Chapter 151.31 and 151.33 of the Vanderburgh County Code of Ordinances was approved.





President Borries then asked for a roll call vote. Commissioner Cox, yes; Commissioner Willner, yes; and Commissioner Borries, yes. Motion unanimously passed by roll call vote. So ordered.


The Chair entertained further matters of business for discussion concerning this hearing. Hearing none, he declared the hearing adjourned at 2:30 p.m.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R. J. Borries R. L. Willner S. J. Cox	Sam Humphrey	Curt John
	<u>COUNTY ENGINEER</u>	<u>COUNTY HIGHWAY</u>	<u>COUNTY SURVEYOR</u>
	Dan Hartman	Bill Bethel	Bill Jeffers Chief Deputy)
	<u>AREA PLAN</u>	<u>OTHERS</u>	
	B. Cunningham B. Behme	Mike Mitchell, Atty. Others (Unidentified) News Media	

SECRETARY: Joanne A. Matthews

  
Richard J. Borries, President

  
Robert L. Willner, Vice President

 8/22/88.  
Shirley Jean Cox, Member

MINUTES  
COUNTY COMMISSIONERS MEETING  
AUGUST 15, 1988

I N D E X

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*next week -  
Aug. 29 -*

MINUTES  
COUNTY COMMISSIONERS MEETING  
AUGUST 15, 1988

The Vanderburgh County Board of Commissioners met in session at 7:30 p.m. on Monday, August 15, 1988, in the Commissioners Hearing Room, with President Rick Borries presiding.

The meeting was called to order and President Borries welcomed all attendees and said the Board appreciates their attendance.. He subsequently entertained a motion concerning approval of minutes from previous meetings (July 25, August 1 and August 8)

July 25, 1988: Commissioner Cox raised questions concerning a couple of items and approval was deferred until questions concerning bridges are clarified.

August 1 and August 8: Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, minutes were approved, as amended, and reading of same waived. So ordered.

RE: REZONING PETITIONS---FIRST READINGS

VC-22-88/Petitioner, Jack D. Kerney: Requested zoning is from R-1 to C-2. Location is given as 9201 Petersburg Road. Present land use is for Fire Department (a Special Use) and proposed land use is for Fire Department and Specialty Retail Shops. Commissioner Borries asked if there is anyone present to speak concerning this petition on First Reading. From here, it will go to the Area Plan Commission for Second Reading on September 7th and then come back to this Board for Final Reading on September 19th. Hearing no response, a motion was entertained.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the petition was approved on First Reading for forwarding to Area Plan. So ordered.

RE: REZONING PETITIONS - THIRD READINGS

VC-18-88/Petitioner, George W. Tabor, Sr.: Requested zoning is from R-1 to R-2. Is someone here to present this petition?

Following brief discussion, action on this rezoning was deferred until such time as Attorney Mike Mitchell arrives. He is currently making a presentation at City Council meeting and will be here as soon as possible. Commissioner Borries asked Mr. Tabor, who was in the audience, if it is agreeable to him if the Commission proceeds with the next rezoning and comes back to this one when Attorney Mitchell arrives. Mr. Tabor so agreed.

VC-19-88/Petitioner, Thermo King of Indiana: Requested zoning is from M-2 to M-1. The Chair then recognized Attorney Steve Kron.

Attorney Kron said he is representing Thermo King of Indiana. Thermo King is in the business of selling and repairing refrigeration units used on the open road trailers. His client has purchased the real estate at 7924 Burch Park Drive (at the intersection of Burch Park and new Highway 57) for the purpose of future use as a terminal to repair and replace these refrigeration units. The sole purpose for our petition for rezoning is that the current code does not allow sales in an M-2 zone. M-2 zoning does, in fact, allow heavy equipment repair, but does not allow. There will, however, be some sales conducted at this location. He understands that the intention is to

re-paint the building, landscape it, fence it, and enclose the canopy, replace the doors and just, in general, dress it up. He has pictures and will be glad to try to answer any questions.

President Borries entertained questions from the Board.

Commissioner Cox said she has no questions. However, the EUTS Staff Report given to the Commissioners regarding this petition says "access on S.R. 57 requires approval from the Indiana Department of Highways" (which she doesn't understand). Don't we have access already?

Attorney Kron said they have access both on Highway 57 and Burch Park Drive.

Mrs. Cunningham said she thinks this is a standardized statement they have. If they were going to be building it or something, then you would review it again.

Attorney Kron pointed out it is the same building.

Mrs. Cunningham said if they were changing the configuration of the building or parking area or something, that would be a consideration.

Commissioner Borries entertained further questions of Attorney Kron.

There being none, Commissioner Borries asked if there is anyone present who wishes to remonstrate either for or against this petition? There being no response, a motion was entertained.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, VC-19-88 was approved on Third Reading.

Commissioner Borries asked for a roll call vote: Commissioner Cox, yes; Commissioner Willner, yes; and, Commissioner Borries, yes. Motion approved by unanimous roll call vote.

VC-18-88/Petitioner, George W. Tabor, Sr.: President Borries recognized Attorney Mike Mitchell.

Attorney Mitchell said he represents the owner and petitioner, George W. Tabor, Sr. and his wife. Location of subject property is 7806 Spry Road. This is a rezoning request from R-1 to R-2. The petitioner was in the process of selling the house next door. He owned the property at 7800 Spry Rd. as well as at 7806 Spry Rd. Mr. Tabor informed him that he had sold his house next door. The rezoning file indicates that the two only adjoining neighbors (until he sold the house next door) have signed letters of no objection to this petition. What Mr. Tabor had in mind was moving out of 7800 -- selling that house and moving into the building which was built as a duplex, with his son. His intention is to move and nothing has changed. He has upgraded the neighborhood considerably. They previously appeared before the Board of Zoning Appeals for a variance on a very expensive and ornate handsome fence he put up -- not knowing he had to get a variance for the entrance way and that type of thing. The neighbors on either side of him are very pleased with what he has done to the property. He has upgraded it from the previous owner. Mr. Mitchell said he thinks there was a mobile home fire and someone tragically died. EUTS said everything looked all right to them. It is way out east towards the County Line and Warrick County. It is a quiet neighborhood. Mr. Tabor has been there for quite some time and he thinks the neighbors are happy with him. Across the way is vacant land to the rear of Mr. Tabor's vacant land, owned by Omar Jacobs, a developer up in Newburgh. In the photos you can see to the south where I-164 is being built. He is not so sure this is going to enhance Mr. Tabor's view from his property, but he is some distance from that and he just wants to maintain a nice quiet residential atmosphere

there with his son in the building that has already been constructed. Prior to this it was a garage and there was some trouble with the previous owner. However, he believes Mr. Tabor has rectified that problem and the neighbors are very pleased with it -- and they would ask the Board to consider zoning this to an R-2, which is unique. The only thing that can go into an R-2 is the duplex with two living units. Mr. Tabor is here and the two of them will be glad to answer any questions the Board might have.

The Chair entertained questions.

Commissioner Willner asked how many acres are involved?

Attorney Mitchell said it is a little over one (1) acre.

Commissioner Willner asked, "What kind of septic system?"

Mr. Tabor said he has a septic system.

Mr. Willner asked if he has any plans to tap into a sewer?

Attorney Mitchell said a sewer can run down there -- and he thinks Mr. Tabor would be glad to do it. He doesn't think he is in a position to afford to run a sewer all the way down -- if there's one at Fuquay or something. But if the rest of the neighborhood can bring it in, he is willing to tap into it. He doesn't think he can individually bring one in.

Mr. Willner said, "As far as I'm concerned, that is the basis of my recommendation. If he will say he will tap in to a sewer, he is going to say that his rezoning is going to pass. If he doesn't, it isn't. I don't want to talk about the price or anything like that -- I just want a commitment."

Attorney Mitchell said, "He will tap in to the sewer when it is available, yes."

Mr. Willner said, "It is available now. Do you know where it is?"

Mr. Tabor said he thinks it is at Fuquay Rd.

Mr. Willner said, "It is right there on your side of the road. I don't want to hear anything about when it is available -- it is a yes or no now."

Attorney Mitchell said, "There are other people between him and the sewer -- and nobody else is on it. There are a lot of houses."

Commissioner Willner said, "Somebody is going to have to run the sewer."

Attorney Mitchell said, "He can't afford to run that as an individual. He will pay his pro rata share; but I think it's kind of onerous to require him to run the whole sewer for the benefit of the neighborhood unless they give him a private agreement so he can get recoupment -- and you know how complicated that is. You can't do that, Curt (speaking to County Attorney Curt John). We will commit to do it; if the rest of the neighbors will do it, we will tie in -- that's no problem. But that's a pretty expensive project for one house when there are four or five other houses on the way."

Commissioner Willner asked, "You understand we have problems with only one family on a septic system, much less two."

Mr. Tabor stated there are two separate septic systems.

Attorney Mitchell said, "Plus we'll commit -- if we can get the neighbors to commit....."

Mrs. Cunningham asked Mr. Tabor where the two septic systems are?

Mr. Tabor said the two systems are on the lot at 7806 Spry Road. There are two septic tanks and two field beds on this lot.

Commissioner Willner said, "Is it working? Do you have sewage on top of the ground?"

Mr. Tabor said he does not -- they are working.

Mr. Willner asked if the septic systems for the other houses are working?

Mr. Tabor said they are as far as he knows. (He's the fourth house from Fuquay on Spry Rd. -- and they've never had any problems whatsoever. And he knows there were no problems with the one at the house he sold.)

Commissioner Borries said for the benefit of the secretary, there was some discussion between Messrs. Tabor and Willner regarding the septic systems, the number of systems and whether or not they are working. He entertained further questions of Messrs. Mitchell and Tabor. There were none. Commissioner Borries then asked if anyone in the audience wished to remonstrate either against or for this petition? There being no response, a motion was entertained.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, VC-18-88 was approved on Third Reading.

Commissioner Borries asked for a roll call vote: Commissioner Cox, yes; Commissioner Willner, yes; and, Commissioner Borries, yes. Petition was approved by unanimous roll call vote.

VC-20-88/Petitioner, Citizen's National Bank: Requested rezoning is from A to C-4.

Attorney Mark DeLucio was recognized by the Chair. He said they are seeking to rezone property at 10200 Highway 57 from Agricultural to C-4. He represents the Petitioner, David Crane, who together with John DeWitt and John Schuman are in the process of putting together a corporation which will be known as Park 57 Development Corp. They propose to develop this 28 acres along Highway 57 into a combination residential/storage facility, office buildings. Turning to the Staff Field Report just to give some idea of the surroundings out there, to the north the property is zoned Agricultural; to the west is agricultural; to the east is M-2; and to the south it is C-4. They have contacted all adjacent property owners and they have indicated they have no opposition to this particular rezoning. He has submitted an amended Site Plan which shows seven (7) office storage facilities and there are 576 parking spaces provided for. The building space will cover approximately 278,000 plus square feet. This particular rezoning in the C-4 usage fits within the 1987 Comprehensive Plan. Other aspects of the Staff Field Report -- they note that EUTS indicated they will need State approval for access onto Highway 57. They have already shown the access on the plans and pending the rezoning, they are going to present those to the State Highway Department in Vincennes to seek their approval. Sewage -- they have spoken with people in the Sewer Department. There is an existing sewer line which goes up to just south of their property right now. That will be extended at the cost of the Park 57 Development Corp. to serve their property. The drainage issue -- they realize that concreting over this area may create some drainage problems and they are prepared -- and plan -- to have retainage basins to hold the water and swales to slow it down. He has spoken with the County Building Commissioner and they have looked at the contour maps. There is no real problem with this. He has also spoken with Jim Morley, who he believes, in turn, spoke to Mrs. Cunningham prior to the APC meeting. They recognize the need to address the drainage

issue, which they will do at the time they apply for their building use permit. They will make sure they comply with all the current requirement. In conclusion, they ask that the Board grant their petition to rezone this property to C-4. Messrs. Crane, DeWitt and Crane are present if the Board has any specific questions concerning the development of the property.

The Chair entertained questions of Mr. DeLucio.

There being none, Commissioner Borries asked if there is anyone in the audience who wishes to speak to this particular rezoning petition? There being no response a motion was entertained.

Upon motion made by Commissioner Willner and seconded by Commissioner Cox, the petition was approved.

Commissioner Borries asked for a roll call vote: Commissioner Cox, yes; Commissioner Willner, yes; and, Commissioner Borries, yes. Petition unanimously approved on roll call vote.

RE: COUNTY CORONER - CHARLES ALTHAUS

Commissioner Borries announced that Item #4 on the agenda (County Coroner) will not be heard this evening.

RE: AUDITORIUM - REQUEST TO GO ON COUNCIL CALL

Gyneth Rhodes, Auditorium Manager, submitted requests to go on Council Call as follows:

Utilities: Utilities have been extremely high this year, beginning in the spring. They are about \$22,000 higher in gas usage year to date, as compared to 1987. She has checked with SIGECO and they have checked the Auditorium equipment for leaks, and they have checked the meters. Apparently there are no leaks, etc. She is requesting \$30,000 to finish the year. She believes this is a reasonable estimate. The average for the last four years from September to December was \$30,000 and her request is based on that average -- she doesn't know any other way to estimate it.

Trash Hauling & Uniforms: These two accounts are also going to be depleted. They have been doing a lot of cleaning of the recesses of the Auditorium and having the trash hauled away -- so she needs to transfer some funds there. Their Uniform account is not going to take them to the end of the year. Thus she would like to transfer \$100.00 into the Uniform Account and \$500.00 into trash Hauling -- from the Building & Structure Fund.

The Chair entertained questions.

Commissioner Cox said the Auditorium is closed down at this time for installation of the new air conditioning. She notes Mrs. Rhodes has asked for transfer of funds with regard to the Trash Hauling and Uniforms accounts. Is there money available to transfer into the Utility account? She is thinking specifically of where we were on contract with a company for maintenance of the present air conditioning system (which will not be needed after the new unit is installed) and she was wondering if we could perhaps recoup some of the funds from this contract and use same towards utilities. If she remembers correctly, that contract runs around \$5,000 per month. Have we canceled that contract?

Ms. Rhodes said they have not canceled the contract.

Commissioner Willner said, for the record, he telephoned the maintenance company and they informed him that they already have their money up front for the balance of the year into the air conditioner and that they did not want to give us anything back



on that system. However, they did agree that they would not need a maintenance contract for the next year for the air conditioning and that will be some savings -- but that will be next year.

Commissioner Cox asked, "Bob, how can they make that kind of an agreement with this Board? What if we hadn't had that new system put in and they'd had to spend out "X" number of dollars for work during the remainder of the year -- and even through August to keep it operational?"

Mr. Willner said, "Well, that is a chance they take. What he was saying is that they put in their dollars so they would not have any more -- already in that system. Feel free to talk to him on that if you wish to do so. I'm just telling you of my conversation."

Commissioner Borries said, "We can do that. However, today is the deadline. What is the feeling of the Board in regard to this request to go on Council Call for September?"

Commissioner Cox said, "Obviously you have a utility bill, Gy, that you're not able to pay at this time."

Ms. Rhodes said that is correct. They are \$2,500 short of what they need for the current billing.

Mrs. Cox said with the current deadline, she doesn't see any other alternative. However, between now and then she thinks we should look long and hard to see if we can't get some of that money back out of our maintenance contract and apply toward utilities.

Commissioner Borries said the Commissioners will request a written itemization from the maintenance contractor regarding the account.

Mrs. Cox asked if Ms. Rhodes has any kind of itemization at the Auditorium from January to date on their maintenance -- on what they have done to date on the units?

Ms. Rhodes said she does not.

Mrs. Cox asked, "Do they just send a bill each month reading 'maintenance agreement "x" number of dollars'?"

Mrs. Rhodes said that is correct.

Mrs. Cox asked, "Well, how can we substantiate the work that has been done?"

Commissioner Willner interjected, "Shirley, I talked to the company before I knew that they were over \$22,000 over last year's estimate -- and I would like to talk to them again -- because I think it is ridiculous. Has there been an increase in gas prices? There hasn't, has there?"

Ms. Rhodes said there has been no increase in gas prices

Mrs. Cox said their utility bill at home went up due to higher electric with the air conditioner.

Commissioner Borries said, "Your figures, Gy, seem to indicate that the problem appears to be with the gas consumption rather than the electric consumption."

Ms. Rhodes said they were only \$10,000 over year to date as compared to last year --

Mrs. Cox said they run the air conditioner on gas at the Auditorium.

Mr. Willner said no figure should be \$22,000 over -- he could see \$2,000 or \$3,000 -- but \$22,000?

Commissioner Borries said, "You'd have to consider the amount of usage -- particularly during this 90 degree weather for lengthy period.

Ms. Rhodes said she thinks there are two reasons: First, of course, is the extreme hot weather. Secondly, one reason we're having the existing unit replaced is because the old system is inefficient. Last month (July) they didn't have that many functions at the Auditorium and she was extremely careful in controlling the zones she was able to control. She can't justify this bill -- even in her own mind -- \$10,000 for gas. She can't answer why it was so high. When they checked it out, SIGECO did mention that the unit was dirty and inefficient.

Commissioner Borries asked if the group who has the maintenance contract had several calls this summer?

Ms. Rhodes said there have been several calls to keep the equipment running.

Commissioner Willner said that regardless, we need to pay our bills.

Commissioner Borries said the Board will request further information from Thermotron.

Upon motion made by Commissioner Willner and seconded by Commissioner Cox, the request to go on Council call was approved. So ordered.

RE: CLOSURE OF FUQUAY ROAD

The meeting proceeded with President Borries reading the following request from Koester Equipment, Inc.:

August 2, 1988

Mr. Robert Willner  
Vanderburgh County Commissioner  
Vanderburgh County Courthouse  
Evansville, IN 47708

Re: Closure of Fuquay Road

Dear Sir:

Koester Equipment is formally requesting permission to close a section of Fuquay Road within the construction area of the SR-66 and I-164 Interchange.

This action is necessary to allow placement of new drainage structures and construction of the new eastbound SR-66 lanes and shoulders.

It is anticipated that this closure will last until early October, a period of approximately 10 to 12 weeks.

We will maintain access via Lincoln Avenue and Fuquay Road from the south to the SIGECO and Texas Gas pump stations located as shown on the attached drawing.

Your timely response to this request will be greatly appreciated.

Sincerely,

Alan K. Racine  
Chief Engineer

Commissioner Borries asked if there is anyone present to talk about this?

Commissioner Willner said he talked to the gentleman about it earlier in the week. There are no residences on the stretch they are closing and there are none for a half mile to the south. All traffic would not be adversely affected, because they are doing construction work in that area and it would probably be much easier for them to go the other way anyhow. It doesn't seem as though it will present a problem. However, the Federal Government does request that they get permission from us and it also will be advertised.

The Chair entertained a motion.

Upon motion made by Commissioner Willner and seconded by Commissioner Cox, the request was approved. So ordered.

RE: COUNTY ATTORNEY - CURT JOHN

President Borries asked Attorney John for his report. Attorney John said he has nothing to report.

The Chair entertained questions of Attorney John. There were none.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Work Report: Mr. Bethel submitted copies of the Weekly Work Report for the County Garage for period of August 8 thru August 12, 1988.....report received and filed.

Grader: Church Rd., Koring Rd., Heckel Rd.,  
Millersburg Rd. and Oak Hill Rd. and  
County line (west)

Paving Crew: Baumgart Rd., LaDonna Blvd., and Alameda Dr.

Mower: Upper Mt. Vernon Rd., Boehne Camp Rd., Little  
Schaeffer Rd., Diefenbach Rd., Hogue Rd.,  
Peerless Rd., Koring Rd., Koressel Rd.,  
Middle Mt. Vernon Rd., Broadway, Broom Rd.,  
Boonville-New Harmony Rd. (east), Orchard  
Rd., Fisher Rd., West Franklin Rd. and  
Felstead Rd.

Patch Crew: Tree Top Lane, Big Schaeffer Rd.,  
Dieffenbach, Koring Rd., Hillsdale Rd.,  
St. George Rd., Oak Hill Rd. and Woodland  
Hills Drive

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

- Cut grass and painted guard rail on St. Joe Avenue, Green River Rd., Petersburg Rd., Marx Rd., Koressel Rd., Happe Rd., Schutte Rd., Boehne Camp Rd., Hogue Rd., Red Bark Rd., Upper & Middle Mt. Vernon Rds., Schaeffer Rd. and Old Henderson Rd.
- Cut grate for drop box on Tanglewood and repaired broken drop box on St. George and Cunningham
- Repaired washout on Calf lane and poured concrete on Mesker Park washout
- Picked up culvert at M&W Concrete and installed 18" x 35" on Syls Drive. Repaired culvert on Mesker Park Drive
- Hauled dirt from yard to Old Henderson Rd.
- Hauled junk to Fliegeltaub Co.

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

Payment for Damaged Equipment:: Mr. Bethel reported that there was some vandalism to County Highway equipment out on Owensville Road. He reported this to the Sheriff. This morning he received the following note, together with two (2) money orders, in the amounts of \$150.00 and \$100.00 respectively:

Dear Sir,

For damage done to your equipment. Very sorry.

Mr. Bethel said he understands there were two youths involved in this. He would like the checks quietused into the County Garage repair account.

Commissioner Willner asked, "The logical question is -- is that their restitution and it is now all over?"

Mr. Bethel said he has never found out who the youths were -- he was never told who they were. This is approximately what it cost them to repair the equipment -- but they did lose about a half day's work.

The Chair entertained a motion.

Upon motion made by Commissioner Cox and seconded by Commissioner Willner, the money orders were accepted, endorsed, and given to the secretary for deposit into the County Garage equipment repairs account. So ordered.

Weeds/Heinlein Drive: Commissioner Cox said she had telephone calls about the weeds on both sides of Heinlein Road and also the ditch needs to be cleaned out on both sides -- especially down where the ditch empties into the culvert and the other ditch at Baumgart Road. We've had a lot of wind and the limbs have blown off the trees that are down in the side ditches.

Mr. Bethel said they will be able to get this done now -- since they have finished pulling all the shoulders.

Old Petersburg Rd. (close to I-164) & St. Joe Tavern: Commissioner Borries said he has a note that a resident wants us to look at Old Petersburg Rd. (the part near I-164); she wanted us to look at the approaches on Highway 57. Also, the one near the location on St. Joe Tavern (re repair on a hole there.) He would appreciate it if Mr. Bethel can check these out.

Workshops re Cold Mix Pug Mill Operation: Commissioner Borries said at the Southwest District County Commissioners Meeting in Troy, Indiana (in July) Mr. Chuck (Scover), the new person at HERPIC from Purdue University, had asked about workshops that some County highways might be interested in regarding a cold mix pug mill operation. Some counties have not benefitted from the funding that Vanderburgh County has in relation to our road paving. They were asking at that time if there could be a workshop scheduled in a county that might have such an operation. He (Borries) offered our services and Mr. (Scover) has scheduled a workshop -- and I'll give you his number -- for September 7th. They will invite counties around our area who might be interested in this operation and they will come to our garage and do it on site -- and ask any questions of the Commissioners or any personnel available on that day.

RE: COUNTY ENGINEER - DAN HARTMAN

Agreement for Utility Changeovers: Mr. Hartman presented the following letter from Bernardin, Lochmueller:

August 4, 1988

Mr. Richard J. Borries, President  
Vanderburgh County Board of Commissioners  
Room 305 - Civic Center Complex  
Evansville, IN 47708

Re: Utility Agreements - Boonville-New Harmony  
IDOH Project #RS-7682

Dear Mr. Borries:

I am submitting the originals of the Standard Utility Agreement (S.U.A.) and the Highway Agreement (H.A.) for your review and approval. The S.U.A. pertains to reimbursement for the relocation of SIGECO electric facilities and the H.A. covers SIGECO gas facilities. Mr. David Miller, the Vanderburgh County Attorney, has a copy of these agreements and was instructed to direct his comments to the Commission.

Please send me a copy of all correspondence pertaining to these agreements. Return to me a copy of the signature and acknowledgment pages after the approval process is complete. I will then submit a copy of the encorsed agreements to the IDOH for their approval.

If I can help in any way, please call me.

Respectfully,

BERNARDIN, LOCHMUELLER & ASSOCIATES

/s/ Rick Bennett, Project Engineer

Commissioner Willner said the total cost of the gas construction is \$18,490.00 and he is wondering if that is Federally reimbursible.

Commissioner Cox said we had an estimate at one time from SIGECO telling us how much it was going to cost. (The agreement reads reimbursible utility work.

Commissioner Willner asked if this is for both?

Mrs. Cox said she has the one for electricity -- and the front page reads "for construction with funds apportioned to the State under Public Law #85 as found in Title 23, United States Code and Acts amendatory thereof and supplementary thereto, etc....".

In response to query from Commissioner Willner, Mrs. Cox said there is only one Project Number -- so maybe the one cover page covers both agreements.

Commissioner Borries said the cost of the electric construction is \$23,027.05.

It was noted by Commissioner Cox that these are Standard Utility Agreements -- evidently Bernardin Lochmueller has given them a set of plans and they are giving us a cost estimate to get the utilities out of the right-of-way.

It was the consensus of opinion that the cost is reimbursible.

Commissioner Cox noted this is the same as out on Burkhardt Rd. Some of them they moved -- some of them we had to pay -- and we got reimbursed.

Upon motion made by Commissioner Willner and seconded by Commissioner Cox, the agreements were approved and signed. So ordered.

RE: ACCEPTANCE OF STREETS

Mr. Hartman said he has five (5) subdivisions that he and Bill Bethel have inspected and approved for the Board's consideration of acceptance of streets:

Brookview Heights Subdivision, Section I  
Indian Woods (P.U.D.) (Unplatted Section)  
Audubon Estates Subdivision Section I  
Eastside Industrial Park (Replat of Lots 32, 33, 34 & 35)  
University Heights 5 (Rosemont Drive, 274 ft.)

Following brief discussion, Commissioner Cox asked if copies of the Surveyor's Report are attached?

Mr. Hartman said they are not.

Mr. Hartman said Bill Jeffers is aware of these -- and normally he would be here.

It was the consensus of the Board that these subdivisions be taken under advisement for one (1) week. She personally would like copies of these letters -- and they should be referred to the Surveyor's office so he can compare the drainage plans. The deadline for letters of credit is getting close.

RE: ASPEN DRIVE PROBLEMS

Mr. Hartman directed the Board's attention to problems on Aspen Drive. There is a drainage pipe there, which is an easement that is being undermined. It is an easement -- but it drains part of the Aspen Drive subdivision. Mr. Ken Schenk (3911 Aspen Drive) and Mrs. Joan Mehling (3943 Aspen Drive) are adjacent property owners and they are here. They want to know what perhaps the County can do to correct the cave-in.

President Borries recognized Mr. Ken Schenk. He identified himself and stated his address. He said the sinkhole is directly behind his property. The cave-in is by SIGECO transformer underground wiring, as well as Evansville Cable TV lines and Indiana Bell lines. All of the lines are underground and the hole is right in that area. This hole occurred approximately two and a half years ago in the same place.

Commissioner Cox said she was just going to say she has heard this before. It still is not fixed?

Mr. Schenk said it was fixed until about six (6) weeks ago -- the first heavy rain we had after the long dry spell. He went out there and there is a hole that is caving in and it is already under the transformer. He is afraid with the children in the neighborhood someone is going to walk out there at night and break a leg or a kid will get under the transformer and get fried -- and he doesn't want to be responsible.

Mrs. Cox asked how long Mr. Schenk has lived there?

Mr. Schenk said he purchased the property in August of last year.

Mrs. Cox said she took a complaint from a gentleman on this very same thing and brought it to this Board -- and it has been longer ago than August of last year. And she does know we went out and did some work, because those very same concerns he is expressing here were also expressed at that time -- that there are children in neighborhood.

Mr. Schenk said Citizen's Realty developed the subdivision and Joan Mehling (his next door neighbor) is also here.

Mrs. Mehling identified herself and stated her address. She said she has lived there since the subdivision was developed. She imagines it might have been Len Small that talked with Mrs. Cox previously. (Mrs. Cox said that is exactly the name.) There has been an owner in between the Smalls and the Schenks. But this is the second time it has happened. It always comes after a hard rain. She feels sure right now that if you would touch the transformer (and they are afraid children might do this ) -- because the last time you could see the lines --and she is sure we're not far from seeing that right now. And it just started again all of a sudden about six weeks ago.

Mr. Schenk said they've also lost several large trees and they don't want to lose anymore.

Mrs. Mehling said she talked with Steve Miller at Citizen's a couple of weeks ago and he said they got Don Barnett back out there -- and he was supposed to have gone down and repaired this. She was out of time at the time it was repaired -- so she wasn't there to know just what he did. She does know that Citizen's went on to make him come back (or at least that was my understanding) to do some repairs. But now it is happening again. That transformer is beginning to sink -- it is going.

Mr. Schenk said the last time the sinkhole got about 8' deep and about 6' or 8' wide and about 12' or 15' long.

Mrs. Mehling said they couldn't get anybody to do anything about it, so the neighbors just kept throwing things in there to try to fill it up.

Commissioner Cox said she remembers this Board did direct the problem to someone -- because I always keep notes and check back with people. Then when they say it is taken care of I scratch it off -- and it is not one of the ones I still have -- so we'll have to put it back on the list.

Mr. Schenk said each time it rains it gets worse.

Mrs. Cox said this Board didn't make the repairs -- but where did we make the referrals?

Commissioner Willner said if he remembers correctly, according to Attorney David Miller they should refer it to an attorney. But we can ask Citizen's Realty the Telephone Company, or the Electric Company to do something about it.

Mr. Schenk said it is the storm sewer that is caving in, so he doesn't see that it would be SIGECO's problem or Indiana Bell's problem. He doesn't think they would be the ones wanting to fix it if it is the storm sewer is that is where the problem begins. He doesn't personally feel they would want the expense.

Mrs. Mehling said you can be assured that when this starts to happen again, after a hard rain you are going to see a big amount of destruction again. They are not seeing just a little. There has to be a big hole down there someplace.

Mr. Schenk interjected, "Several; the spots run probably 20 ft. long -- different holes."

Mrs. Mehling said it runs alongside the sanitary sewer, so she is sure it is not the sanitary sewer. It only happens when we have the hard rains. That is when the big change comes.

In response to query re pipe size, Mrs. Mehling said she can't say.

Commissioner Cox asked if the Board could forward a letter to Citizen's Realty, telling them a complaint has been received and the neighbors have expressed concerns -- and tell them that there is a transformer and a potential danger.



Mr. Hartman said he investigated Warrick County and they do not do anything on private property -- they have a hands off policy.

Commissioner Cox said we do, too. Now if a person pays so much per linear foot on a storm sewer maintenance, then we can take over and maintain. But this was prior to that and I'm sure there's no County responsibility, unless it is in a road right-of-way. When we accept the streets we accept everything in the right-of-way.

Mr. Schenk asked, "Do you think it is the responsibility of the developer then?"

Commissioner Willner replied, "I think that is a question you'll have to ask the Judge. It is a very fine point here."

Mrs. Cox said, "If our Board could just send a letter to Citizen's Realty, telling them of this concern and complaint brought to us and ask them to look into the situation, then if they don't fix it to the people's satisfaction -- then I think your alternative is as Mr. Willner reported Attorney Miller advised us in the past -- that there would be a suit against the developer."

Commissioner Willner asked Mrs. Mehling if she knows who installed the storm sewer?

Mrs. Mehling said that according to Citizen's Realty, it was Don Barnett.

Mrs. Cox asked if Mr. Barnett is still doing contractual work?

Upon motion made by Commissioner Cox and seconded by Commissioner Willner, a letter will be sent to Citizen's Realty voicing the concerns expressed to the Board, and also mentioning Mr. Barnett. They will work with the residents to see if we can derive some satisfaction.

Mrs. Mehling asked if the Board will ask Citizen's to contact them? How will they know something is going on for sure?

Commissioner Borries said the Commissioners would be glad to send a copy of the letter to Mr. Schenk and Mrs. Mehling and also keep them apprized of any correspondence received.

RE: ACCEPTANCE OF CHECK

Star Midwest, Inc.: Mr. Borries submitted a check in the amount of \$358.25 for franchise fees.

Welbac Cable T.V.: A check in the amount of \$512.10 for franchise fees.

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

RE: EVANSVILLE CABLE T.V.

A letter of correction from Robert Ossenberrg of Evanville Cable TV concerning mention of their check. The correction is that the check for the 2nd Quarter was in the amount of \$26,717.83 and said check was less than the \$26,846.40 they forwarded for the 1st Quarter.....letter received and filed.

RE: COUNTY TREASURER - MONTHLY REPORT

Also submitted was the Treasurer's Report for the month of July 1988.....report received and filed.

RE: LEGAL AID SOCIETY

Commissioner Borries read a letter from the Legal Aid Society advising that Lee Ann Cook of Bristol-Meyers resigned from the Legal Aid Society Board of Directors because of work and personal scheduling. Legal Aid would like to have a Bristol-Meyers representative to replace her and Ms. Cook and Mr. Rolland Eckels have suggested Gail Rollins, an employment specialist for Bristol-Meyers to replace Ms. Cook. Approval of her appointment is requested.

Upon motion made by Commissioner Willner and seconded by Commissioner Cox, Ms. Gail Rollins was appointed to the Board of Directors of the Legal Aid Society to complete the three year term vacated by Ms. Lee Ann Cook (expiration date is December 31, 1990). So ordered.

RE: OLD BUSINESS

Commissioner Cox said she noted something unusual on the County Treasurer's Report -- a bank error (\$365.00). It is unusual to see bank errors on the Treasurer's reports.

RE: SCHEDULED MEETINGS

Tues.	Aug. 16	5:30 p.m.	County Council (Budgets)
		2:00 p.m.	City-County Computer Mtg.
		9:30 a.m.	Rezoning Subdivision Review
Wed.	Aug. 17	5:30 p.m.	County Council (Budgets)
Thurs.	Aug. 18	5:30 p.m.	County Council (Budgets)
		4:00 p.m.	Board of Zoning Appeals
Tues.	Aug. 23	5:30 p.m.	County Council (Budgets)
Wed.	Aug. 24	5:30 p.m.	County Council (Budgets)
Thurs.	Aug. 25	5:30 p.m.	County Council (Budgets)

Commissioner Cox queried Commissioner Borries re the City-County Computer Meeting on August 16th. Commissioner Borries said it must be the Data Processing Board, as he is not aware of any called meeting. He would, however, like to acknowledge that a meeting between the Board of Public Works (City of Evansville) and this Commission was held on August 11th at 9:30 a.m. during which time there was discussion re computer proposals. No decision was made at that time. However, there will be further study, particularly re some concerns voiced at that meeting regarding one of the bidders who has been recommended by the Consultant (Mr. Lieberman) and who has an installation in Monroe County. We do intend to ask representatives from the Court system to review that operation in Monroe County, which is near us, to get some accurate feeling about the success -- or lack of success -- in regards to that operation. We will then be able to determine what the County Council will budget, since it is somewhat of an unusual request -- and will make a rather dramatic increase in terms of our budget request for 1989.

RE: BOLIN MEADOWS WEST SUBDIVISION SECTION A - PRELIMINARY PLANS

County Engineer Dan Hartman interjected that Mr. Bill Bivins is submitting herewith preliminary plans for Bolin Meadows West Subdivision, Section A. With the Board's approval, he will submit same at this time.

Mr. Bivins said that because of the Board's concerns re drainage, they decided to go with Section A, which is 20 lots. There are 56 lots in the subdivision -- but only 20 lots in Section A. They have put in additional drop inlets to take the water off the streets. Mr. Hartman has approved the design of the streets. The Board spent several minutes perusing the plans and discussing same with Mr. Bivins.

The Chair entertained comments.

Commissioner Cox said she would certainly like for Chief Deputy Surveyor Bill Jeffers to review these. It was the consensus of the Board that Mr. Hartman should forward these plans to Mr. Jeffers for his review and comments prior to taking any action.

RE: CERTIFICATE OF INSURANCE

A certificate of insurance for the Rosemary Clooney Concert at the Vanderburgh Auditorium at 8:00 p.m. on September 10, 1988 was submitted.....certificate received and filed.

RE: CLAIMS

Commissioner Borries said there are no claims for the Board's approval.

RE: EMPLOYMENT CHANGES

Clerk of the Circuit Court (Releases)

Lois Norman	Filing Clk.	\$6.00/Hr.	Eff: 8/5/88
Deborah Hunter	Dep. Clerk	\$535.55/Pay	Eff: 8/5/88

Clerk of the Circuit Court (Appointments)

Patricia Duerson	Dep. Clerk	\$535.55/Pay	Eff: 8/8/88
Lois Norman	Dep. Clerk	\$535.55/Pay	Eff: 8/8/88

County Highway Releases)

Richard W. Sebree	Laborer	\$8.51/Hr.	Eff: 8/5/88
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County Highway (Appointments)

Richard W. Sebree	Equipment Operator	\$8.99/Hr.	Eff: 8/5/88
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Circuit Court (Appointments)

Darren J. Newman	Ver. Officer	\$17,766/Yr.	Eff: 8/15/88
Hugh B. Nicholas	WRO	\$16,380/Yr.	Eff: 8/15/88

Circuit Court (Releases)

Darren J. Newman	WRO	\$16,380/Yr.	Eff: 8/14/88
Hugh B. Nicholas	Ver. Officer	\$17,766/Yr.	Eff: 8/14/88
Patrick J. Kelly	WRO	\$5.00/Hr.	Eff: 7/26/88
David D. Kelly	Intern	\$5.00/Hr.	Eff: 7/29/88

Perry Township Assessor (Appointments)

Laura Werner	Deputy	\$35.00/Day	Eff: 8/15/88
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Pigeon Township Assessor/Reassessment (Appointments)

Donna M. Krowl	Part Time	\$35.00/Day	Eff: 8/15/88
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Prosecutor's Office (Appointments)

Barbara Borchert	VWA	\$14,756/Yr.	Eff: 8/15/88
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There being no further business to come before the Board, President Borries declared the meeting adjourned at 9:20 p.m.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R. J. Borries	Sam Humphrey	Curt John
	R. L. Willner		
	S. J. Cox		

COUNTY HIGHWAY

Bill Bethel

COUNTY ENGINEER

Dan Hartman

AREA PLAN

B. Cunningham  
B. Behme

AUDITORIUM

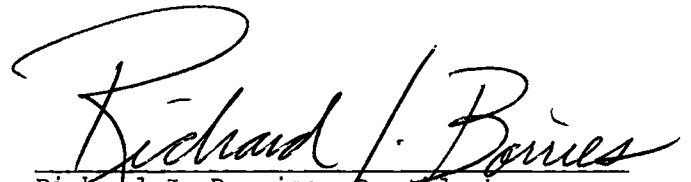
Gyneth Rhodes

OTHER

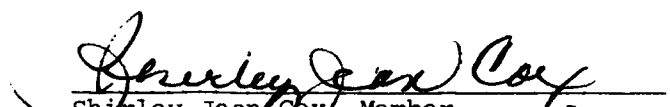
George W. Tabor, Sr.  
Steve Kron, Attorney  
Mike Mitchell, Attorney  
Mark DeLucio, Attorney  
David Crane  
J. DeWitt  
John Schuman  
Ms. Joan Mehling  
Ken Schenk  
Others (Unidentified)  
News Media

SECRETARY:

Joanne A. Matthews

  
Richard J. Borries, President

  
Robert L. Willner, Vice President

  
Shirley Jean Cox, Member

Vanderburgh County  
Boonville-New Harmony Road  
Gas WO #8153002  
Electric WO #8109115

#### HIGHWAY AGREEMENT

THIS AGREEMENT, made and entered into this 15<sup>th</sup> day of August, 1988 by and between Vanderburgh County through the Vanderburgh County Commission (hereinafter referred to as the County) and SOUTHERN INDIANA GAS AND ELECTRIC COMPANY (hereinafter referred to as the Company).

#### WITNESSETH;

WHEREAS, the County through the Vanderburgh County Commission is constructing and will construct, change and relocate a portion of Boonville-New Harmony Road in Vanderburgh County, Indiana, located as follows: from Green River Road, northeastward to Young Road in Vanderburgh County (Project No. RS-7682), hereinafter referred to as the Highway; and

WHEREAS, in the construction, modification and use of said Highway it will become necessary for the Company to alter, remove and/or relocate certain gas utility facilities located within or adjacent to the present right-of-way of said Highway the parties having agreed for reimbursement as to electric facilities; and

WHEREAS, the parties are presently unable to completely agree upon who should pay the costs of altering, removing, and/or relocating certain of the Company's gas utility facilities; and

WHEREAS, the parties wish to preserve their rights and interests regarding the proper and legal allocation of such costs as to the cost and expense of said utilities relocation and/or removal or alteration; and

WHEREAS, the parties desire to avoid any delay in the County's, change, construction or relocation of said Highway;

NOW, THEREFORE, for and in consideration of the mutual covenants, promises and undertakings herein enumerated and other good and valuable consideration, it is hereby agreed and understood by and between the County and the Company, as follows:

1. The alteration, removal or relocation of said gas utility facilities of the Company made within or adjacent to the land covered by the present right-of-way of the Highway or located within the right-of-way of said changed, new or relocated

highway which is required by order of or requested by the County in connection with any construction change, relocation or modification of the Highway, shall be made by the Company.

2. The Company reserves the right to seek reimbursement from the County by promptly submitting proper, itemized invoices for work performed or expenses incurred, or both, on work done as aforesaid, and including the right to litigate the matter by appropriate court proceedings for the actual cost to the Company of the work including labor, materials, equipment and other services and expenses incurred by or for the Company in performing the work of alteration, removal or relocating of its said gas utility facilities. The County shall give the Company notice in writing of its acceptance or rejection of any such bill or bills for such cost within ninety (90) days after the presentation thereof to the County.

3. The County reserves the right to contest or challenge the existence of any legal obligation of the County to pay to or to reimburse the Company for such actual costs referred to in paragraph 2 hereof, and to litigate the matter by appropriate court proceedings.

4. The parties hereto agree that by entering into this Agreement, neither party waives or renounces any rights, claims or causes of action which it may now or hereafter have, by virtue of any present or future laws, but all such rights are reserved by each party respectively, as fully as if this Agreement had never been made and executed and the Highway and utility facilities work not performed.

5. The parties further agree that no rights, claims or causes of action are created by this Agreement, but that the only purpose of this Agreement is to preserve the rights of the parties as they were prior to this Agreement.

6. Any notice of communication hereunder from the Company to the County shall be sent to the Vanderburgh County Commission, 305 Civic Center Complex, Evansville, Indiana, 47708 and any notice or communication hereunder from the County to the Company shall be sent to N. P. Wagner, President and Chief Executive Officer, Southern Indiana Gas and Electric Company, 20 NW Fourth Street, Evansville, Indiana 47741-0001.

7. This Agreement shall be binding upon and inure to the benefit of the successors and assigns of the parties.

IN WITNESS WHEREOF, the parties hereto separately and severally have caused this instrument to be executed in their respective names by and through their duly authorized officers.

THE UTILITY:

SOUTHERN INDIANA GAS & ELECTRIC COMPANY

N. P. Wagner  
President, Chief Executive Officer  
and Chairman of the Board

ATTEST,

A. E. Goebel  
Secretary & Vice President

ACKNOWLEDGMENT

STATE OF INDIANA, COUNTY OF VANDERBURGH, SS;

Before me, the undersigned Notary Public in and for said County and State, personally appeared N. P. Wagner and A. E. Goebel of Southern Indiana Gas and Electric Company and acknowledged the execution of the foregoing contract on this 24 day of May, 1988.

Witness my hand and seal the said last day.

My commission expires:  
July 13, 1991

Robert C. Gulick  
Robert C. Gulick

My County of Residence is  
Vanderburgh County



VANDERBURGH COUNTY;  
by the Vanderburgh County Commissioners

COMMISSIONERS SIGNATURES:

Richard J. Borries  
Richard J. Borries

Robert L. Willner  
Robert L. Willner

Shirley Jean Cox 8/15/88  
Shirley Jean Cox

ATTEST:

Sam Humphrey  
Sam Humphrey (Auditor)

ACKNOWLEDGEMENT

STATE OF INDIANA, COUNTY OF VANDERBURGH, SS:

Before me, the undersigned Notary Public in and for said County, personally appeared Richard J. Borries  
Robert L. Willner And Shirley Jean Cox, of the Vanderburgh County Commission, and acknowledged the execution of the foregoing contract on this 15<sup>th</sup> day of August 19 88.

Joanne A. Matthews  
(Signature)

My commission expires:

June 12, 1992

Joanne A. Matthews  
Notary Public  
(Printed or Typed)

Resident of Vanderburgh County

## WORK ORDER ESTIMATE

WO # 8153002

Est. by T. CHAMPLIN

WO Descr: BOONVILLE NEW HARMONY  
REALIGNMENT

App. by

Date prepared: 04-07-88

## MATERIAL LIST

DISK # 34

Stock #	Material specification	Unit Cost	Quantity	Extention
22-7825	Wire, #14 tracer	0.02	1800	41.40
58-1830	Pipe, 2" st wr sch 40	1.35	190	255.93
58-1868	Pipe, 4" st wr .188wt	2.62	170	446.00
52-1868	Pipe, 4" Plastic	1.53	1800	2754.00
54-6585	Nipple, 2"x6" steel (e)	0.75	1	0.75
54-8821	Cap, 2" steel weld (e)	1.80	1	1.80
54-8126	Ell, 2" std 45 (e)	1.78	2	3.56
54-8133	Ell, 2" std 90,LR(e)	2.28	1	2.28
54-8168	Ell, 4" std 90,LR	6.70	1	6.70
54-8182	Ell, 4" std 45	4.39	2	8.78
54-8812	Stopper, 4" line weld	270.95	1	270.95
56-1118	Colg., 2" posi-hold	9.56	1	9.56
56-5518	STOPPER 2 MJ ST	168.17	1	168.17
58-1218	Cap, 4" pl butt	10.24	1	10.24
58-1288	Ell, 2" pl socket	3.59	1	3.59
58-1555	Transition fitting 2"	16.37	1	16.37
68-1888	Anode, 17lb., magnesium	30.24	1	30.24
70-3880	Box, valve w/ lid	32.35	1	32.35
	Tapecoat	—	—	50.00
	Misc. material & exp.	0.05		285.64
	Storeroom expense	0.13		561.39
	Transportation cost	8.43	0	0.00
	Street Repair	—	—	500.00
	Welding Cost	32.00	0	0.00
	Contractor's Cost	7000.00	1	7000.00
	Contractor's Cost	2.25	1800	4050.00
	Contractor's Cost	7.00	50	350.00
	Contractor's Cost	35.00	1	35.00
	Contractor's Cost			0.00
				0.00
TOTAL MATERIAL				\$16,814.78 / \$16,810

## SERVICES

1/2" Plas. service L&M	309.00	0	0.00
175 cfm Gas meter	44.00	0	0.00
Domestic reg. & reg. set	16.50	0	0.00

TOTAL SERVICES \$0.00 / \$0

## METER INSTALLATION

Labor	14.70	0	0.00 / \$0
Material	18.90	0	0.00 / \$0

TOTAL \$0.00

## LABOR COST

## SOUTHERN INDIANA GAS AND ELECTRIC COMPANY

## OFFICE ESTIMATE

Estimate # : 8153882

Description: BOONVILLE NEW HARMONY  
REALIGNMENT

Budget Hours: 0

Total Capital Exp: \$18,498  
Resp. Area Budget: \$16,843Resp. Area \_\_\_\_\_  
DISK # 34

General Description

MAINT. & OPERATION			PLANT			
Labor	Material	Total	Description	Labor	Material	Total
0	0	0		0	16,810	16,810

Sub Total \$16,810

+ Engineering and Overheads 1680

Total Capital Expenditure \$18,498

+ Meters, House Regulators and Services 0

+ Overheads on Meters, Regs. and Services 0

Total Plant Cost \$18,498

Maint and operation 0

Plant removal cost 0

Total Cost \$18,498

Date: 04-07-88

Estimated by: T. CHAMPLIN

Approved by: \_\_\_\_\_

## WORK ORDER ESTIMATE

WO # 8153002

Est. by T. CHAMPLIN

WO Descr: BOONVILLE NEW HARMONY

App. by \_\_\_\_\_

REALIGNMENT

Date prepared: 04-07-88

## MATERIAL LIST

DISK # 34

Stock #	Material specification	Unit Cost	Quantity	Extention
22-7025	Wire, #14 tracer	0.02	1800	41.40
50-1030	Pipe, 2" st wr sch 40	1.35	190	255.93
50-1060	Pipe, 4" st wr .188wt	2.62	170	446.00
52-1060	Pipe, 4" Plastic	1.53	1800	2754.00
54-6505	Nipple, 2"x6" steel (e)	0.75	1	0.75
54-8021	Cap, 2" steel weld (e)	1.80	1	1.80
54-8126	Ell, 2" std 45 (e)	1.78	2	3.56
54-8133	Ell, 2" std 90,LR(e)	2.28	1	2.28
54-8168	Ell, 4" std 90,LR	6.70	1	6.70
54-8182	Ell, 4" std 45	4.39	2	8.78
54-8812	Stopper, 4" line weld	270.95	1	270.95
56-1118	Colg., 2" posi-hold	9.56	1	9.56
56-5518	STOPPER 2 MJ ST	168.17	1	168.17
58-1218	Cap, 4" pl butt	18.24	1	18.24
58-1288	Ell, 2" pl socket	3.59	1	3.59
58-1535	Transition fitting 2"	16.37	1	16.37
68-1000	Anode, 17lb., magnesium	30.24	1	30.24
70-3000	Box, valve w/ lid	32.35	1	32.35
	Tapecoat	—	—	50.00
	Misc. material & exp.	0.05		205.64
	Storeroom expense	0.13		561.39
	Transportation cost	8.43	0	0.00
	Street Repair	—	—	500.00
	Welding Cost	32.00	0	0.00
	Contractor's Cost	7000.00	1	7000.00
	Contractor's Cost	2.25	1800	4050.00
	Contractor's Cost	7.00	50	350.00
	Contractor's Cost	35.00	1	35.00
	Contractor's Cost			0.00
				0.00
TOTAL MATERIAL			\$16,814.78 /	\$16,810
SERVICES				
	1/2" Plas. service L&M	309.00	0	0.00
	175 cfm Gas meter	44.00	0	0.00
	Domestic reg. & reg. set	16.50	0	0.00
TOTAL SERVICES			\$0.00 /	\$0
METER INSTALLATION				
	Labor	14.70	0	0.00 /
	Material	18.90	0	0.00 /
TOTAL			\$0.00	

LABOR COST

Should the accumulated costs of the work materially exceed the Exhibit "B" preliminary estimated cost, due to conditions not known or anticipated at the time of estimate preparation, and no substantial change in the scope of work, method of installation, change in location, or other changes of similar nature has taken place, the Utility shall notify the State in writing of such fact and the reasons therefore as promptly as possible.

The payments will be made on the basis hereinafter set forth:

Progress or Final Billing

The Utility may submit progress billings reflecting the actual cost incurred or it may submit a final billing upon completion of the project. It is agreed that progress payments be made by the LPA to the Utility for not more than ninety-five percent (95%) of the total amount of work done as shown on monthly statements or when the amount due the Utility equals \$1,000.00 or more, said progress billing to be paid within sixty (60) days of receipt. It is further agreed that upon receipt of a final bill, prepared in the same format as the estimate Exhibit "B", the Utility shall be reimbursed for such items of project work, project expense, and project retainage within ninety (90) days after receipt of same by the LPA.

Provided, however, that all relevant books, records, and accounts of any public utility and the accounts and records of any contractor or sub-contractor involved in carrying out the proposed work to which a payment for a relocation has been made by the LPA shall be audited and the Utility following such audit shall delete those items from the final bill or refund that portion of the payment which the State determines not properly compensable.

Section III

(a) The utility relocation (is) (is not) subject to expired service life credit.

(b) The Utility shall modify its facilities in accordance with its said plans and specifications and estimates shown in Exhibits "A" and "B" and a certification to this effect shall be included in its bills for reimbursement for work performed.

#### Section IV

The Utility shall not start work on the modifications covered by this agreement until written notice has been given to the Utility by the LPA that the work has been authorized nor until a satisfactory starting date has been established with the appropriate District Engineer.

#### Section V

FHPM 6-6-3-1 and FHPM 6-6-3-2 form an essential part of this agreement, and the terms or provisions of this agreement shall in no way abrogate or supersede the terms or provisions set forth in said FHPMs provided, however, the LPA shall reimburse the Utility for any item of work or expense involved if performed at the written direction of the LPA.

#### Section VI

The existing facilities (are) (are not) located on public right-of-way. If such facilities are located on property, other than public right-of-way, and the Utility either has an easement thereon or a continuing right to maintain the facilities in that location, the Utility, for and in consideration of the foregoing provision for payment, shall unless a master subordination agreement has been executed between the LPA and the Utility, subordinate the Utility's rights herein to those of the LPA in the highway right-of-way prior to final payment, by executing an individual subordination agreement.

#### Section VII

Pursuant to IC 22-9-1-10, the Utility, its Contractor and subcontractors, if any, shall not discriminate against any employee or applicant for employment, to be employed in the performance of this contract, with respect to his hire, tenure, terms, conditions or privileges of employment or any matter directly or indirectly related to employment, because of his race, color, religion, sex, handicap, national origin or ancestry. Breach of this covenant may be regarded as a material breach of contract.

#### SECTION VIII

The Utility for itself, its employees, agents and representatives, shall indemnify, protect and save harmless the Indiana Department of Highways, and the State of Indiana, the FHWA and LPA from and against any and all legal liabilities and other expenses, claims, costs, losses, suits or judgments for damages, or injuries to or death of persons or damage to or destruction of property (hereafter "Claim"), arising out of intentional tortious acts of or whether due in whole or in part to the negligent acts or omissions of the Utility, its employees or agents or contractors, in relation to or in connection with any work performed or to be performed pursuant to this agreement, provided however, that where said Department of Highways FHWA and/or LPA is guilty of intentional tortious acts and/or negligence with respect to the occurrence or occurrences giving rise to the Claim, the Utility shall have no duty to indemnify, protect, or save harmless either the Department of Highways, the State, the FHWA, and LPA.



STANDARD

IN WITNESS HEREOF, the parties hereto separately and severally have caused this instrument to be executed in their respective names by and through their duly authorized officers.

THE UTILITY:

ATTEST:

Southern Indiana Gas & Electric Co.  
(Utility Name)  
Evansville, IN 47741

  
(Secretary of Utility-Signature)

  
(Signature of Officer)

A. E. GOEBEL  
(Secretary's Name Printed or Typed)

N. P. Wagner, Chairman and C.E.O.  
(Officer's Name Printed or Typed)

N. P. Wagner, Chairman and C.E.O.  
(Officer's Position)

ACKNOWLEDGMENT

State of Indiana County of Vanderburgh SS

Before me, the undersigned Notary Public in and for said County, personally

appeared N. P. Wagner, Chairman and C.E.O. AND A. E. GOEBEL, Vice President,  
(Names and offices of signers of Utility) Secretary and Treasurer

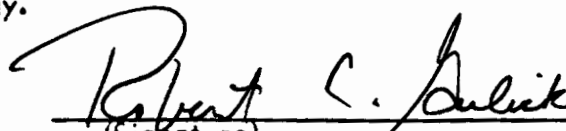
Southern Indiana Gas & Electric Co.

P. O. Box 560  
(Name of Utility)  
Evansville, IN 47741

and acknowledged the execution of the foregoing contract on this \_\_\_\_\_ day  
of MAY 24 1988, 19\_\_\_\_.

Witness my hand and seal the said last day.

My Commission Expires  
July 13, 1991

  
(Signature)

Resident of Vanderburgh Co.

(Printed  
or Typed)

ROBERT C. GULICK  
(Notary Public)

Richard J. Borries  
Signature

Richard J. Borries  
(Print or type name and title)

Robert L. Wilner  
Signature

Robert L. Wilner  
(Print or type name and title)

Shirley Jean Cox 8/15/88  
Signature

Shirley Jean Cox  
(Print or type name and title)

ATTEST:

Sam Humphrey  
Auditor

Sam Humphrey  
(Print or type name)

ACKNOWLEDGMENT

STATE OF INDIANA

COUNTY OF Vanderburgh

On this 15<sup>th</sup> day of August, 1988 there appeared before me,  
a Notary Public in and for said (County) Vanderburgh,  
\_\_\_\_\_, and \_\_\_\_\_,  
respectively, of the Board of Commissioners of Vanderburgh County and stated that  
the above agreement was signed and attested in behalf of said County

Witness my have and seal this 15<sup>th</sup> day of August, 1988  
My commission Expires:

June 12, 1990

My County of Residence:

Vanderburgh

Joanne A. Matthews  
Notary Public

Joanne A. Matthews  
Printed

BM1070W001

SOUTHERN INDIANA GAS AND ELECTRIC COMPANY

WORK ORDER 8109115

TRAN CODE 98 TAX CODE 82190 CONT CODE BILL CODE OH CODE CUR YR CAP EXPEND 18775 DATE MMY AUTH DESCRIPTION  
B-VILLE-NEW HARMONY

TRAN CODE BUDGETED HOURS RESP AREA BUDGET RESPONSIBILITY AREA  
02 560 15620 620

GENERAL DESCRIPTION OF WORK	DESCRIPTION	ACCT	LABOR	MATERIAL	TOTAL
CONSTRUCTION NECESSARY TO RELOCATE A PORTION OF THE HEDDEN ROAD 12 KV CIRCUIT FOR THE RELOCATION OF THE BOONVILLE-NEW HARMONY ROAD AT ITS INTERSECTIONS WITH GREEN RIVER ROAD AND YOUNG RD	DEPRECIATION - INDIANA PLANT	10110	3,262	155	3,417
	POLES, TOWERS AND FIXTURES	364	3,631	4,473	8,104
	OVERHEAD CONDUCTORS & DEVICES	365	4,376	3,166	7,542
	SUB TOTAL - CONSTRUCTION		8,007	7,639	15,646
	MAINTENANCE OF OVERHEAD LINES	72531	745	127	872
	SUB TOTAL - MAINTENANCE		745	127	872

PRIORITY CODE NET LOSS YES NO  
DATE MBO NUMBER  
REQUIRED 07-01-88

DRAWING NO - IRT REQUEST NO  
51014-1 87-142

NUMBER OF 1 ANNUAL  
CUSTOMERS CONSUMPTION  
ANNUAL REVENUE  
EXISTING DEMAND  
ADDED CONTRIBUTION

RATIO TO		SUB TOTAL	
TOTAL PLANT	ADD	OVERHEADS	3,129
PERMITS REQUIRED EASEMENTS 7	ADD	TOTAL CAPITAL EXPENDITURE	18,775
HIGHWAY REQUIRED	ADD	TRANSFORMERS AND METERS	
RAILROAD BY	ADD	OVHDS ON TRFMRS & METERS	18,775
OTHER	ADD	TOTAL PLANT COST	18,775
	ADD	MAINTENANCE & OPERATION	872
	ADD	PLANT REMOVAL COST	3,262
		TOTAL COST	22,909
		PLANT SALVAGE	155
		TOTAL NET COST	22,754
		CURRENT YR CAPITAL EXPENDITURE	18,775

W.T. Wright  
ENGINEER BY MKTGT  
Add 1.2% Gross Receipts Tax (273.05) TOTAL 23,027.05  
ENGRNG APPROVAL EL OPS APPROVAL ACCTG APPROVAL PREST APPROVAL

## WORK ORDER COST ESTIMATE

WORK ORDER NO 8109115 REQUIRED 07-01-88 ESTIMATED 03/10/88

ACCOUNT	ASSEMBLY DESCRIPTION	QUANTITY	MATERIAL COST	OF TOTAL	MAN HOURS REQUIRED	LABOR COST	TOTAL COST
2 ASSBLY NO							
00000	RETIREMENT - JUNK						
01-05-010	BOLT,UPSET,SINGLE,W/SPPOOL	1			.16	2.44	2.
01-06-110	POLE TOP PIN ASSY	3			.72	10.99	10.
01-30-501	POLE WOOD 30FT CLASS 5	1			2.80	42.76	42.
01-35-401	POLE WOOD 35FT CLASS 4	1			3.36	51.31	51.
01-40-401	POLE WOOD 40FT CLASS 4	2			9.28	141.70	141.
01-45-201	POLE WOOD 45 FT CLASS 2	1			4.88	74.52	74.
03-06-001	CROSS ARM PIN ASSY 8-10 ARM	5			.40	6.10	6.
03-08-112	8FT SINGLE ARM BRACE ASSY	3			1.92	29.31	29.
03-09-216	8FT STD DBLARM BRACE ASSY	3			3.84	58.65	58.
03-10-112	10FT SINGLE ARM BRACE ASSY	1			.56	8.55	8.
04-01-210	SECONDARY CLEVIS SPOOL ASSY	4			.64	9.77	9.
04-04-203	SUSP DE ASSY 7.2/12.47KV	6			1.20	18.32	18.
04-05-201	PRI. COND. INS. TIE	8			1.28	19.55	19.
05-08-020	GUY STRAND ASSY 8M	45			.45	6.87	6.
05-08-102	8M GUY & ANCHOR ASSY	1			.96	14.66	14.
05-08-701	8M HEAD GUY ASSY	3			1.68	25.65	25.
05-12-020	GUY STRAND ASSY 12M	130			1.30	19.86	19.
05-12-201	12M GUY&ANCHOR ASSEMBLY	2			1.92	29.32	29.
06-06-611	CABLE COPPERWELD-COPPER 6ABARE	391	46.92-		37.62	574.46	527.
06-10-211	CABLE ALUM ALLOY 620 1/0 7STR	52			4.40	67.19	67.
06-30-211	CABLE ALUM ALLOY 620/ 3/0	376			20.10	306.93	306.
06-35-311	CABLE ALUM ALLOY-REINF 355MCM	492			29.52	450.77	450.
08-16-010	NEUTRAL DEADEND ASSY	3			.48	7.33	7.
08-21-041	POLE GROUND ASSY,ROD	2			.80	12.22	12.
TOTAL DIRECT CHARGES A/C 00000			46.92-	102	130.27	1,989.23	1,942.
INDIRECT PAYROLL LOADINGS						696.23	
MATERIAL & SUPPLY LOADINGS			9.93				
VEHICLE LOADING CHARGE						456.66	
TOTAL CHARGES FOR A/C 00000			36.99-			3,142.12	3,105.

## WORK ORDER COST ESTIMATE

WORK ORDER NO 8109115 REQUIRED 07-01-88 ESTIMATED 03/10/88

ACCOUNT 2 ASSBLY NO	ASSEMBLY DESCRIPTION	QUANTITY	MATERIAL COST	OF TOTAL	MAN HOURS REQUIRED	LABOR COST	TOTAL COST
10110	RETIREMENT - SALVAGE						
01-05-010	BOLT, UPSET, SINGLE, W/SPOOL	2			.32	4.88	4.88
01-06-110	POLE TOP PIN ASSY	1			.24	3.66	3.66
01-08-110	NEUTRAL BRKT ASSEMBLY	4			.64	9.76	9.76
03-06-001	CROSS ARM PIN ASSY 8-10 ARM	6			.48	7.32	7.32
04-01-210	SECONDARY CLEVIS SPOOL ASSY	1	1.72-		.16	2.44	2.44
04-04-203	SUSP DE ASSY 7.2/12.47KV	10	125.30-		2.00	30.53	94.83
04-05-201	PRI. COND. INS. TIE	7	22.61-		1.12	17.10	5.10
	TOTAL DIRECT CHARGES A/C 10110		149.63-	102	4.96	75.69	73.69
	INDIRECT PAYROLL LOADINGS					26.49	
	MATERIAL & SUPPLY LOADINGS		31.65				
	VEHICLE LOADING CHARGE					17.35	
	TOTAL CHARGES FOR A/C 10110		117.98-			119.53	1.98
364	POLES, TOWERS AND FIXTURES						
01-06-110	POLE TOP PIN ASSY	8			2.56	39.10	39.10
01-08-110	NEUTRAL BRKT ASSEMBLY	5			1.60	24.45	24.45
01-35-101	POLE WOOD 35FT CLASS 1	2	286.30		9.84	150.26	436.34
01-35-401	POLE WOOD 35FT CLASS 4	1	90.37		4.92	75.13	165.82
01-40-401	POLE WOOD 40FT CLASS 4	6	676.44		37.92	579.06	1,255.40
01-45-401	POLE WOOD 45 FT CLASS 4	5	662.75		36.40	555.85	1,218.15
01-55-201	POLE WOOD 55 FT CLASS 2	1	261.06		9.12	139.26	400.38
03-06-001	CROSS ARM PIN ASSY 8-10 ARM	2			.16	2.44	2.44
03-08-216	8FT STD DBL ARM BRACE ASSY	1	39.07		1.92	29.32	68.39
03-10-216	10FT DBL ARM BRACE ASSY	1	51.01		1.92	29.32	80.25
05-12-020	GUY STRAND ASSY 12M	840	243.60		25.20	384.83	628.43
05-12-024	GUY STRAND ASSY 12M	440	127.60		8.80	134.37	261.77
05-12-201	12M GUY&ANCHOR ASSEMBLY	15	639.15		25.20	384.75	1,023.10
05-12-701	12M HEAD GUYING ASSY	6	61.14		10.56	161.26	222.96
	TOTAL DIRECT CHARGES A/C 364		3,138.49	46	176.12	2,689.40	5,827.01
	INDIRECT PAYROLL LOADINGS					941.29	
	MATERIAL & SUPPLY LOADINGS		717.14				
	VEHICLE LOADING CHARGE		617.41				
	TOTAL CHARGES FOR A/C 364		4,473.04			3,630.69	8,103.73

FHPM 6-6-3-1) dated September 6, 1985, and Federal-Aid Highway Program Manual Volume 6, Chapter 6, Section 3, Subsection 2 (hereinafter called FHPM 6-6-3-2) dated September 6, 1985, in order to obtain Federal participation in the payment of the costs involved herein; and,

WHEREAS, it is to the best interests of the Utility and the LPA for the Utility to make the necessary adjustments, removals, alterations and/or relocations of its existing facilities as shown on said Exhibit "A" with the Utility's regular construction and maintenance forces, or by a contractor paid under a contract let by the Utility.

NOW, THEREFORE, FOR AND IN CONSIDERATION OF THE MUTUAL COVENANTS HEREIN RECITED, THE UTILITY AND THE LPA DO HEREIN AGREE AS FOLLOWS:

Section I

The Utility with its regular construction or maintenance crew and personnel at its standard schedule of wages and working hours, or by an approved contractor as set forth in Paragraph 9 of FHPM 6-6-3-1 will make the necessary adjustments, removals, alterations and/or relocations in its existing facilities as shown on said Exhibit "A". The preliminary estimated cost thereof is \$ 23,027.05 as shown on the estimate attached hereto, marked Exhibit "B", and prepared in accordance with Paragraph 10 of FHPM 6-6-3-1 which said Exhibit "B" is hereby made a part of this agreement.

Section II

The LPA will reimburse the Utility for actual costs of the work upon presentation of itemized bills to the LPA from the Utility; said itemization being shown and said costs being computed by and in accordance with the methods and procedures set forth in Paragraph 10 of FHPM 6-6-3-1. The Utility accounts and the accounts and records of any contractor or sub-contractor involved in carrying out the proposed work shall be kept in such manner that they may be readily audited and actual costs determined, and such accounts shall be available for audit by auditors of the Department of Highways, and the Federal Highway Administration for a period of not less than three years from date final payment has been received by the Utility in accordance with Paragraph 10.1(3) of FHPM.

STANDARD UTILITY AGREEMENT

PROJECT NOS. RS-7682 ( )

ROADS Boonville-New Harmony Rd.

COUNTY Vanderburgh

THIS AGREEMENT, made and entered into this \_\_\_\_ day of \_\_\_\_\_ A.D. 19\_\_,

by and between Vanderburgh Board of County Commissioners

305 Civic Center Complex

Evansville, IN 47708

(hereinafter referred to as the  
Utility),

and the Southern Indiana Gas & Electric Company,

20 NW Fourth Street

Evansville, IN 47741

(hereinafter referred to as the LPA).

WITNESSETH:

WHEREAS, the LPA desires to make certain highway improvements, consisting of projects for the construction of Boonville-New Harmony Rd. from Green River Rd. to Young R \_\_\_\_\_ and the reimbursable utility work thereon is to be designated as Indiana Project RS-7682 , and,

WHEREAS, the State will recommend approval of this project to the Federal Highway Administration for construction with funds apportioned to the State under Public Law #85 as found in Title 23, United States Code and Acts amendatory thereof and supplementary thereto, and,

WHEREAS, due to the said highway construction certain adjustments, removals, alterations, and relocations of the existing facilities of the Utility will have to be made as shown on the map marked Exhibit "A" attached hereto and by this reference made a part of this agreement, and,

WHEREAS, it is necessary for the parties hereto to comply with the applicable terms and provisions of the Federal Highway Administration's Federal-Aid Highway Program Manual Volume 6, Chapter 6, Section 3, Subsection 1



# SOUTHERN INDIANA GAS AND ELECTRIC COMPANY

## WORK ORDER




W.O. NO.	8153002	W.O. DESCRIPTION	BOTTLED IN HARM REAL 16N						
TRAN CODE	88	TAX CODE	821710	CONTRACTOR'S CODE	15	BILLING CODE	18	OVERHEAD CODE	19
CURRENT YEAR CAPITAL EXPENDITURE				15	8490				

<b>DATE AUTHORIZED</b>							
<b>TRAN CODE</b>	<b>BUDGET HOURS</b>	<b>RESP. AREA BUDGET</b>	<b>RESP. AREA</b>				
094		6073	320				

General Description of Work **GAS CONSTRUCTION NECESSARY TO RELOCATE EXISTING MAINS IN CONFLICT WITH THE BUYLE-N HARMONY REALIGNMENT PROJECT.**  
CONSTRUCT 1800' OF 4" PLASTIC, 170' OF 4" STEEL AND 190' OF 2" STEEL AS THE ATTACHED DRAWINGS INDICATE.

Retirement W.O. No. 3153002 Drawing No. \_\_\_\_\_ Date Service Required \_\_\_\_\_  
Net Loss—Yes \_\_\_\_\_ No \_\_\_\_\_ Shop Order No. \_\_\_\_\_ Hwy. Project No. \_\_\_\_\_  
Easements Required \_\_\_\_\_ Secured By \_\_\_\_\_  
Permits Required NOTIFICATION LAND CO Secured By GAS CONST.  
No. of Customers \_\_\_\_\_ Heating \_\_\_\_\_ Range \_\_\_\_\_ Water Heater \_\_\_\_\_  
Contribution \_\_\_\_\_  
Demand \_\_\_\_\_ Annual Consumption \_\_\_\_\_ Annual Revenue \_\_\_\_\_ Ratio To Total Plant \_\_\_\_\_

MAINTENANCE AND OPERATION					DESCRIPTION	PLANT				
Acct.	Labor	Material	Total	%		Acct.	Labor	Material	Total	%
					DISTRIBUTION MAIN			16810	16810	

  
 ENGINEER 4-7-88  
DATE  
  
 ENGINEERING APPROVAL 4-11-88  
DATE  
  
 GAS OPERATIONS APPROVAL 4/11/88  
DATE

MARKETING APPROVAL	DATE
ACCOUNTING APPROVAL	DATE
GENERAL MANAGER APPROVAL	DATE

WORK ORDER COST ESTIMATE  
WORK ORDER NO 8109115 REQUIRED 07-01-88 ESTIMATED 03/10/88

COUNT SBLY NO	ASSEMBLY DESCRIPTION	QUANTITY	MATERIAL COST	OF TOTAL	MAN HOURS REQUIRED	LABOR COST	TOTAL COST
	OVERHEAD CONDUCTORS & DEVICES						
4-01-210	SECONDARY CLEVIS SPOOL ASSY	2	3.44		.48	7.32	10.76
4-04-203	SUSP DE ASSY 7.2/12.47KV	28	350.84		10.08	153.91	504.75
4-04-310	CONDUCTOR SUSPENSION ASSY	2	32.30		.80	12.22	44.52
4-04-336	CONDUCTOR SUSPENSION ASSY	3	42.96		1.20	18.32	61.28
4-05-201	PRI. COND. INS. TIE	10	32.30		2.40	36.63	68.93
6-10-211	CABLE ALUM ALLOY 620 1/O 7STR	590	548.70		100.00	1,527.00	2,075.70
6-30-211	CABLE ALUM ALLOY 620/ 3/O	365	383.25		39.00	595.53	978.78
6-35-311	CABLE ALUM ALLOY-REINF 355MCM	533	453.05		48.00	732.96	1,186.01
8-16-010	NEUTRAL DEADEND ASSY	14	54.46		5.60	85.54	140.00
8-16-030	NEUTRAL DEADEND ASSY	3	14.85		1.20	18.33	33.18
8-17-010	NEUTRAL SWINGING CORNER ASSY	3	24.27		1.20	18.33	42.60
8-17-030	NEUTRAL SWINGING CORNER ASSY	1	8.09		.40	6.11	14.20
8-21-041	POLE GROUND ASSY, ROD	2	22.62		1.92	29.32	51.94
	TOTAL DIRECT CHARGES A/C 365		1,971.13	62	212.28	3,241.52	5,212.65
	INDIRECT PAYROLL LOADINGS					1,134.53	
	MATERIAL & SUPPLY LOADINGS		450.41				
	VEHICLE LOADING CHARGE		744.32				
	TOTAL CHARGES FOR A/C 365		3,165.86			4,376.05	7,541.91
	MAINTENANCE OF OVERHEAD LINES						
15-08-024	GUY STRAND ASSY 8M	216			2.16	32.98	32.98
16-01-401	LABOR CONTINGENCIES	34			34.00	519.18	519.18
	TOTAL DIRECT CHARGES A/C 72531			100	36.16	552.16	552.16
	INDIRECT PAYROLL LOADINGS					193.26	
	VEHICLE LOADING CHARGE		126.74				
	TOTAL CHARGES FOR A/C 72531		126.74			745.42	872.16

MINUTES  
COUNTY COMMISSIONERS MEETING  
AUGUST 22, 1988

I N D E X

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MINUTES  
COUNTY COMMISSIONERS MEETING  
AUGUST 22, 1988

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, August 22, 1988 in the Commissioners Hearing Room, with President Rick Borries presiding.

The meeting was called to order by President Borries, who subsequently entertained a motion concerning approval of minutes.

July 25, 1988 -- Upon motion made by Commissioner Cox and seconded by Commissioner Willner, minutes were approved, as corrected, and reading of same waived. So ordered.

August 8, 1988 (Public Hearing): Upon motion made by Commissioner Willner and seconded by Commissioner Cox, the minutes of the Public Hearing re the County Code of Ordinances were approved and reading of same waived. So ordered.

August 15, 1988 -- Approval of minutes deferred until Commissioners have had an opportunity to review same.

RE: AUTHORIZATION TO OPEN PROPOSALS RE BRIDGE INSPECTION

President Borries entertained a motion to authorize County Attorney David Miller to open proposals received on County-wide Bridge Inspection.

Motion to this effect was made by Commissioner Willner and seconded by Commissioner Willner.

Upon request from Commissioner Cox, Attorney Miller said proposals were received from the following:

Howard, Needles, Tammen & Bergendorf (Indianapolis)  
Veach, Nicholson, Griggs Associates (Evansville)  
Fink, Roberts & Petrie (Indianapolis)  
Floyd E. Burroughs (Indianapolis)  
Bernardin, Lochmueller & Associates (Evansville)

Attorney Miller said the record should also reflect that there is an unopened envelope from United Consulting Engineers directed to Commissioner Borries. It was not opened for fear this is a proposal. It is not indicated "Proposal", but it may well be.

RE: REQUEST FOR VACATION OF EASEMENT IN McCUTCHAN ESTATES

President Borries said the Board had set a hearing today with regard to vacation of easement in McCutchan Estates, requested by Mr. Neil Broshears. He believes Mr. Broshears has completed all the necessary legal work prior to this meeting. He is here today and the Board has an ordinance which has been prepared by his legal counsel. Commissioner Borries asked if there is anyone in the audience who wishes to speak to this matter (which has been advertised with regard to public hearing). There being no response, Commissioner Borries then asked for comments from the Board.

Commissioner Cox said, for the record, she would note that Evansville Cable T. V., Inc. has sent a letter dated July 18th indicating no objection to the request for the vacation. There is also a letter dated July 15th from SIGECO stating no objections to the vacation. A letter dated July 11th from

Indiana Bell states they have no objection to the request. There is also a letter from the Evansville Water Department indicating no objections to the request.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the request for vacation of easement in McCutchan Estates Section I was approved.

The Chair then asked for roll call vote: Commissioner Cox, yes; Commissioner Willner, yes; and, Commissioner Borries, yes. The ordinance was approved by unanimous roll call vote. So ordered.

RE: ASPEN DRIVE SINKHOLE PROBLEMS

President Borries said he appreciates the presence today of Mr. Steve Miller of Citizen's Realty as a result of communication re storm sewer cave-in discussed in previous meeting, whereby some residents had expressed concerns regarding the Aspen Drive area. The Commissioners corresponded with Mr. Miller and they are pleased to welcome him today. He then recognized Mr. Miller.

Mr. Miller said he appreciated receipt of the letter from the Board of Commissioners, bringing this matter to the attention of Citizen's Realty -- although he did know about it and has known about it for a long, long time. He has known Mrs. Mehling (who appeared before the Board) for many, many years and she used to be a close neighbor of his and had called him a few weeks ago to talk about the problem. He asked her to come to the Board of Commissioners, and he believes that is probably why she was here. Mr. Schenk, on the other hand, hasn't lived there a long time and the Board is correct in their minutes in that Mr. Len Small did live there previously and this problem did exist a couple of years ago -- and it has been a concern of Citizen's Realty. They thought they corrected the problem at that time, but the bigger picture is that Citizen's Realty & Insurance, through a subsidiary that has since been merged into Citizen's, developed that property some fifteen (15) years ago and the drainage plans were approved at that time and some of that drainage plan was in concrete pipe -- some of it was not. But the point is that it seems to him the residents need more than the developer to rely on. At that time it was approved (at least as far as we knew) without the developer being specifically responsible for maintenance -- and he doesn't know that the County at that time addressed who would maintain those kinds of things; but at least at some point in time it seems reasonable that a developer will no longer be responsible. He doesn't know how many years that is. He understands that in some of the County's more recent subdivision plans that they have provided for maintenance of those storm systems. As the Board is probably aware (and he is sure they are) sometimes a storm system leads into another storm system that leads into another one and on and on -- and he believes this particular one we're talking about covers four, six, or eight different subdivisions. Consequently, it is more than just a few people who live around the area that can possibly maintain that. These people out there have been very reluctant to maintain those storm sewers. But his concern is that if Vanderburgh County has the attitude that storm sewers are to be maintained by the developers, then the residents are possibly going to have a problem -- as these two people have had. This has been a concern of the Evansville Board of Realtors for a time and there has been a Committee -- or there is a Committee being organized now -- to work with that problem. Although, he asked them if he might at least initially address that with the Board of Commissioners at this time, since he was going to be here responding to citizens' concerns anyway. As people interested in private property and the use of that, they really don't know what to tell prospective buyers when they come into our community or move from one home to another insofar as who is responsible for maintenance of storm sewers. It seems to him that it would be better if we could rely on a document such as the recording of the subdivision, like restrictions in the subdivision. If there

isn't any, he doesn't know whether the County has a list of accepted streets and roads they can go to -- but it seems to be a bigger problem than Citizen's, Mrs. Mehling, and Mr. Schenk. This is a stubborn problem that we've run into on Aspen Ridge, and he honestly doesn't know the answer. But it doesn't seem to him appropriate to expect the developer to maintain those systems indefinitely. They have never had any communication from the County (except the one last week) indicating that the County thought that was something Citizen's should take care of. They have inquired many, many times and have been told that those things are done on an as-needed basis, but they've never had any clear cut directive as to what is expected of them. Thus, he doesn't really know how to respond to the Commission's letter. If what the Commissioners is telling them is that they are to maintain that indefinitely, he thinks that is pretty difficult for them to accept. There is no way now they can have an open end contract with anybody to do that, so he really doesn't know exactly what the Commissioners expect of them as a developer, nor any other developer that had a drainage plan that was accepted before including the maintenance in the proposal. If there is a solution, he is interested in working on it from Citizen's viewpoint. And the Board of Realtors is interested in working on it from the idea that the residents would know what they should expect insofar as maintenance on the storm sewers. They were of the opinion that this was a public project, but maybe they are not accurate on that. If the Commissioners would like to give him directions today, he would be happy to try to abide by same.

The Chair entertained questions from the Board.

Commissioner Cox said she did talk with Mr. Miller on the telephone and asked that he please come and bring the concern to the Commission -- because it is a concern. He asked her a question she couldn't answer and she doesn't know that this Board has ever addressed it in their deliberations as to how to solve these maintenance problems of storm drainage within a subdivision. The question was, do these people pay a legal drain fee? Or, do they pay for emptying into a watershed? Even though she does not know whether it has implications or whether it deserves consideration, she thinks it is a point well taken and one that this Board should explore -- to see if there is some ramification or if the County can give some assistance. That is all she wanted to interject into the conversation.

Commissioner Willner said he thinks the residents probably feel they have some share of responsibility, but they feel others have some share of responsibility -- and he is not sure. This is probably a legal question -- as to what time. Some say when the last lot is sold -- but at what time is the developer free and clear? And he certainly doesn't know. But it would seem to him that the same could be true for a farmer's field. If he needs to tile his field, he doesn't ask the public to do it, does he? He's not here saying, "My field needs tiled." He goes ahead and tiles it, doesn't he? And we're talking about the same thing, except it happens to be a residence. It is not public land; it is not our problem -- it is not our land either. It is there for the enjoyment of the people living there and it would seem that they share a great deal of responsibility. But they are not willing to do that, so he doesn't know exactly what the answer to that is. Turning to County Attorney David Miller he asked, "Have there been some cases, to your knowledge, of a developer versus home owners insofar as drainage structures are concerned?"

Attorney Miller said he has not researched this question, but he has had a conversation about two weeks ago with Steve Miller about this problem. During the eight years he has served as County Attorney, from time to time various developers have called him about similar problems. He thinks on a couple of occasions (if the Commissioners will go back through their minutes) that this has come up in the Drainage Board meetings. But his suggestion is that this kind of thing needs to be handled by an ordinance.



Now, he doesn't know exactly what the solution is -- but he has to believe that other metropolitan counties in this state have faced the same problem. He thinks Mr. Willner is quite correct in that we need to take a look at the case law and see if there is some definitive case law that would avoid the necessity for an ordinance. But, in the absence of case law (and he doesn't really believe there is any at this point) he would suggest that the Commissioners allow him to contact the Association of Counties and other governmental organizations to determine how that problem has been addressed on a state-wide basis and come back to the Board with some kind of a suggestion. He quite agrees with Mr. Miller that at some point (and he doesn't know what that point is) a developer ceases or should cease to have a responsibility. But he does not have any idea what that ought to be at this point and he thinks it is something that has come enough times that we probably ought to address it and he will be happy to do that.

President Borries proceeded by recognizing Chief Deputy Surveyor, Bill Jeffers.

Mr. Jeffers said he hasn't received anything from Mr. Miller on this particular case, but similar cases frequently come to the Surveyor's office and he, too, would like to have something to be able to tell residents, taxpayers, developers, real estate agents, and the many people who have called their office or been referred to their office by other offices in this building -- or by some of the Board members. He's never been able to give them an answer that he was satisfied with when they asked the same question. To him, it is not quite like a farmer's field -- because we, in this building, as representatives of County government have told the developer that he must put in street drainage. Farmers don't come to us because they don't have to change the zoning of their agricultural ground to put in a tile. But developers come to us -- all of us (Area Plan Commission, Drainage Board, County Commissioners, City Council, Surveyor's office) in the process of changing an agricultural piece of ground to a residential piece of ground -- and they are told by us that they must provide adequate street drainage. If he is not mistaken, the property in question was a residential parcel of property and the drain tile in question is connected directly to street drainage. It is providing adequate drainage for a County roadway. So he thinks it is a little different than just simply being private property. While we do have an ordinance that has addressed it to some degree and it was instituted at the request of the Home Builder's Association (with which he is sure that the Realtor's Association is somewhat familiar and has some members in common). That is the ordinance where the residents pay 50 cents per lineal foot, anticipating repairs to these types of structures. That began a couple of years ago. He believes there currently is about \$1,700 in that account which covers about 3,500 l.f. of pipe.

Attorney Miller interjected he believes the first one we did that on was the McCarty subdivision (but it could have been earlier).

Continuing, Mr. Jeffers said he guesses his point is that when you have a 36 inch pipe you can generally count on spending \$36.00 per lineal foot to install it -- that is just a general rule of thumb formula (12 inch pipe -- \$12.00 per lineal foot). So if we have 1,200 l.f. of pipe go out on us in the next couple of years -- then we have a problem. He guesses what his comments boil down to (it's a question that comes up frequently -- almost daily -- and the question from the residents is (not just the residents, the developers, the residents and other people) -- "You had us put this in, but you don't want to take care of it." That is a general comment that he is forwarding to the Board. He said, "I have one in my yard. I have a 15 inch vitrified clay tile running from Kembell Drive down through my yard into the cemetery property, where it falls into a natural creek back there. It is exposed; the dirt on top of it has

washed away and I take care of it -- because I know no one else is going to --but I know how to take care of it. You find people who don't know how to take care of these installations or who can't afford to -- and the day will come when I won't be able to afford to and I will just mickey-mouse it together. The last call I got was on 6000 Plainview Drive (out there near School House Rd.). It was a widow lady who has a serious problem. They went out there to look at it in an effort to try to help her and he estimated it would cost her \$1,200 just to patch it together. She wants to know why -- and she is going to come to the Commission and ask them why -- she can't get some help. She will be here next week.

President Borries thanked Mr. Jeffers for his comments and asked if it is the consensus of this Board that they ask Attorney Miller to research case law and maybe survey other metropolitan counties who have urbanized and face similar problems -- and see what they have done to address this. Is that agreeable with the Board?

Commissioners Willner and Cox nodded agreement.

Continuing, Commissioner Borries said the Board appreciates Steve Miller's comments and, obviously, at this point, the Board has no solutions or answers for either Mr. Miller or the residents. As Mr. Jeffers has pointed out, he is sure many residents are oftentimes not aware of what responsibilities they have once a subdivision is completed. Is there any Home Owner's Association in the Aspen Drive area?

Mr. Miller said he understands there are other problems not related to this with regard to restrictions and enforcement of those restrictions, and he understands that it is being organized right now -- so they may have the ability to take care of some of their own problems in the future.

Commissioner Willner said there is a street right below there that has never been accepted by the County and up until last year would not be. They have gotten together to repair that street. That is the same thing. If it was built to specifications they probably wouldn't have this problem; but it wasn't. Both streets probably weren't properly built in the first place, or they wouldn't have the problem. In the case of the street, had there been some culverts to relieve the water, it wouldn't have frozen and the concrete wouldn't have come up.

Commissioner Cox said, "As I conveyed to Mr. Miller over the telephone -- and I think I was correct when I told him what our Board has operated under -- because for 7-1/2 years it has been my impression that we accept that part of the storm drainage which lies within the road right-of-way. That is what we accept when we accept streets. But we do not accept the storm drainage within a subdivision interior area and an easement doesn't mean that the County has accepted everything in that easement to maintain. And I do appreciate his coming here today and bringing to head a very aggravating problem, because different subdivisions have different rules. Some have home owners; in some the developer has set up an agreement to maintain it and continually oversee, rather than an individual sell a house in the subdivision the developer re-sells. So we have all of these different things going on out in the County and it is hard for this Board to know when a person brings a problem to us -- just whose responsibility it is. And I would ask my fellow Commissioners if that assumption I have been operating under is not what we have used for the past 7-1/2 years concerning storm drainage, unless they paid the money in for maintenance.

Commissioner Borries said Mr. Steve Miller does bring up a very valid point -- at some point -- when does the responsibility end? You have to obviously realize that situations will not always stay the same and, of course, sometimes as more growth occurs it

tends to aggravate the problems in the area. The Board will continue to be in touch with Mr. Miller and the residents and see what can be done. He thinks what the County has done in terms of these escrows has been pointed out -- with the lineal footage accounts -- and it does help to ease some of this situation now (as pointed out by Bill Jeffers). However, on a big item we would quickly use up that account. Hopefully, if we don't have any major incidents all of that money would not have to be used at once and we could have a reasonable amount of money in escrow when it is needed. That helps. But in a situation like this -- before that kind of ordinance was enacted -- this is an area which we need to research.

Commissioner Cox said, "The people still have the problem out there and it is a problem. Mr. Miller has also stated he considers it to be a problem. It is going to take time for us to research and write an ordinance and get something legally on file. What are we going to do in the meantime -- or what can we do -- and who is going to address this situation, rather than ignore it -- or is our only alternative to ignore it? Do we know why it is doing this? Could the Surveyor's office maybe evaluate it? As Mr. Miller said, they thought they had it corrected two years ago."

Mr. Steve Miller interjected, "Mr. Borries, may I ask -- if we repair that -- we did this two and a half years ago and the problem went away. And I am back today. But if we repair that, can we be assured you will continue the idea..."

Commissioner Borries asked, "Continue the idea in terms of researching responsibility?"

Mr. Willner asked, "Is that what you are saying?"

Mrs. Cox said, "No, he asked if he would repair it would we take over."

Mr. Miller interjected, "No. I am saying if we repair it now, will you follow the idea to a definitive position -- so that everybody in the County will know where they are?"

Mr. Willner asked, "Are you talking about every time you decide that you are going to need another service, you are going to have to have some money to pay for it and you're going to have to have a County tax -- a County drainage tax? I certainly would not be for that. You should understand that we don't have any money to do this. You are not allowed to use gas tax money off the County highways -- so we don't have any money for drainage. I think Warrick County has one -- where they do tax the people a drainage tax. Personally, I am not for that. I don't believe we should tax people for drainage -- when you should take care of your own. That is really the way I feel about it. We take care of County roads; that is our responsibility and we use gasoline tax for that. But when you get off the right-of-way, you have no wherewithall to do anything."

Mr. Miller said, "You have a drainage tax now."

Mr. Willner said, "No you do not. Where do you live?"

Mr. Miller said he lives in Vanderburgh County.

Mr. Willner asked, "The city?"

Mr. Miller said it was.

Mr. Willner said, "If you live in the City, you pay City taxes. But if you live in the County you do not pay a drainage tax."

Mr. Miller said he lives in the County and he pays.

Commissioner Cox interjected, "He's talking about his Ditch Assessment."

Mr. Willner said, "You're talking about a legal drain. There is a big difference between a legal drains and drains. A legal drain is paid for by the people; it's a state statute enacted by the State of Indiana, which lets a group of people form a Drainage District and they pay every penny spent by the Drainage Board. It is approved by this Board; but it is their own money that they are spending and that is called a legal drain."

Attorney David Miller said what he understands Mr. Steve Miller to be requesting (and correct him if he is wrong) is only if he goes ahead and fixes this, he doesn't want the issue to die and he wants some definitive statement from this Commission as to where the Commission views the responsibility to be. Not if he goes ahead and fixes this he wants the Commission to say today it will accept responsibility. "You're not asking that, are you?"

Mr. Miller said, "I don't think it is our responsibility. I've told those people that and I am happy to tell you that. But it is a problem."

Attorney Miller continued, "You're asking that the issue not die and that we pursue this research to a conclusion and come forth with some definitive policy -- whether it is an ordinance or whatever -- we say that is the way things will be handled henceforth -- is that what you are asking?"

Mr. Miller acknowledged that it is.

Commissioner Borries asked if this is agreeable to the Board?

The other Commissioners nodded their agreement.

Mr. Borries continued, "It may be as you say, Steve. It may address what we've done to this point -- taking steps to set up an escrow account. But I think that is what you were asking, Steve, in terms of coming up with a position -- particularly in terms of those which have been developed retroactive to the current program."

Mr. Miller asked, "So if we repair this now and something happens three years from now -- I don't want to continue to do this if I am going to end up (as Mr. Willner said) going to Court and let the Judge decide. We may as well do that now if it isn't resolved in another way."

Commissioner Borries said, "Hopefully, we can resolve it without that. But I certainly think you have demonstrated your good faith to say what you have said -- and that is what we will do. We will ask our County Attorney to begin his study of what we should do."

RE: LEASE AGREEMENT - DRUG & ALCOHOL DEFERRAL SERVICE

The meeting continued with Commissioner Borries presenting a lease for certain office space for Drug & Alcohol Deferral Service on the lower level of the Landmark Building. The amount for the one (1) year lease would be \$9,198.00.

Commissioner Cox asked if the County Attorney has seen the lease?

In response to query from President Borries, Attorney Miller stated he has not seen same. It was handed to him for his perusal. He subsequently stated the lease is in proper legal form. He believes this is the same location that DADS occupies presently. He would only ask that the Commissioners make certain this money has been budgeted for in the Courts Budget. This is actually an arm of the Vanderburgh Superior Court, unless the

Commissioners have a line item in their budget for it. It seems to him there ought to be some assurance that there is a budgeted fund. It is a Court agency.

The question came up as to the what budget Drug & Alcohol Deferral falls under? It was subsequently determined that it is an arm of Superior Court (137.1 account). A motion was entertained.

It was noted by Commissioner Willner that Superior Court has said they are not part of Superior Court. Attorney Miller suggested the Board proceed to sign the Agreement, but delivery of same to the other party should not be made until such time as the Commissioners are certain funds are available. Until it is delivered to the other party there is no contract. There must be a line item for DADS someplace; if there isn't, tear up the agreement. He thought they were an agency of the Court.

Commissioner Cox said she did, too, until, as noted by Commissioner Willner, the Courts very adamantly said they were not.

Attorney Miller reiterated that his only request of the Board is that they not deliver this agreement to the prospective landlord until that determination is made. Until the contract is delivered it is not binding.

Upon motion made by Commissioner Willner and seconded by Commissioner Cox, the agreement was executed. So ordered.

(File note: Prior to transmitting signed lease agreement to Mr. Campbell of Drug & Alcohol Deferral, a check was made re available funds. Mr. Campbell confirmed the rent is included in his 1989 budget. DADS is an arm of Superior Court, but they are not a line item in the Superior Court budget; rather, for 12 years now they have prepared their own budget (137.1).

RE: HUMAN RELATIONS AGREEMENT - 1988

President Borries recognized City Clerk Betty Lou Jarboe, who presented the Joint City-County Agreement concerning Human Relations Department for 1988. She said it is the same as the agreement the Board approved just a few weeks ago for 1987, with one exception. It is a three (3) year agreement which runs concurrently. In other words, the agreement runs for periods of three years and shall be automatically renewed for periods of three years unless either party thereto cancels.

A motion was entertained.

Upon motion made by Commissioner Willner and seconded by Commissioner Cox, the agreement was approved. So ordered.

Mrs. Jarboe said she will now submit the agreement to County Council for their signatures.

RE: REQUEST FOR STREET ACCEPTANCE IN OGLESBY ESTATES

Commissioner Borries said he believes the Board had briefly discussed the request for street acceptance in Oglesby Estates last week. He asked Chief Deputy Surveyor Bill Jeffers for his comments.

Mr. Jeffers said he hasn't finished the complete inspection of this yet, but he did give the Board a preliminary report for anyone going out there -- so they'd have something to look at. He received a response from Mrs. Frances Wolf and her engineer. Mrs. Wolf is the developer. Two years ago we were asking for an open graded drain at the entrance similar to what was installed

at Green River Road Estates subsequent to some silt problems there. Back when we asked for that we weren't familiar with some of the other solutions and her engineer proposes to install paved curb spillouts or depressed curb section for drainage. That is what is shown on his plan. Unfortunately, the contractor that put the streets in didn't put those in and they are in the process of sawing the curbs out and putting those in currently. That is just a spillout down near the entrance to Orchard Road that should carry the gutter of water out to the ditch so it won't go across Orchard Road like it is right now.

Elvis Douglas (Soil & Water Conservation Service) had originally suggested some silt retention basins and subsequently there was a sewage problem with silt discharging across Mr. Terry's property from an area that should have had a silt basin and her engineer put something in showing a semi-permanent silt fence and Mrs. Fox proposes to install and maintain that for a period of two or three years until the grass takes hold. Those things haven't been completely accomplished at this time and the Surveyor's office is not ready to submit a final report. But if they were to work, they would be acceptable substitutes for what was originally laid out in the drainage and street plans.

Commissioner Borries asked, "You said some things are under construction right now and changed. Do you have any time frame as to when these other items ...."

Mr. Jeffers interjected, "When she finishes, we'll go and inspect it. I'm just guessing it will be done within the next two weeks. If anyone has been out there to see it, she has had a severe problem over the past two years. It is the worst incidence of silt discharge off site that I've ever seen and subsequently she has done a lot of work in the last two weeks -- and has the area looking a whole lot better and she is putting in lot of straw bale check dams that were designed by someone for her and they showed her how to put them in and they put some of them in. She hired some young men to put some more in. She was in Friday and said she was going out to inspect the site after that little thundershower we had. She is going to put in more yet. She has done a lot of work. The only caution he would have is that basically what is happening here -- she is trying to free up some money to continue developing and she is trying to do that by getting the streets accepted. So she is trying to get them in condition to be accepted."

Mr. Borries said she has mentioned in her report and requested that the Commissioners accept the street improvements, subject to the condition that the developer will, within 15 working days, (and this was dated as of the 19th) complete the construction of the depressed curb sections and install and maintain silt fence for period of three years and the undersigned agrees to complete the said items within 15 working days and requests the County Commissioners' cooperation.

Mr. Jeffers said the caution he was going to forward to the Board was that some of the other improvements aren't in place yet -- such as water and gas, telephone and cable. And he is not aware of whether those installations are going to cross the street. He knows they run along the street within the right-of-way. There will be some trenching going on. He doesn't know whether at any point these lines are going to have to be cut through the concrete -- because they weren't put in place before the concrete was poured. I don't know that. That would be a question for someone who does know that.

Attorney Miller said he would suggest the Board not take any action on this until the construction is finished.

It was the consensus of the Board that action on Oglesby Estates will be deferred. Commissioner Borries asked that Mr. Jeffers report back to the Board in terms of the 15 working days -- and that would make it easier for the Board to make a decision.



RE: BRIDGE INSPECTION PROPOSALS

Attorney Miller reported that he has finished opening the proposals re the Vanderburgh County Bridge Inspection Program. The proposals did not contain cash money prices and all describe programs envisioned by the firms, which will meet the requirements of Federal Law and all of the proposals contain some description of the backgrounds of these firms in this particular field. The one thing they have in common is that they all set forth their anticipated overhead rate, which relates to the amount that they would charge on a per hour basis for their services. He believes they are all stated in terms of a maximum overhead rate that they are permitted to charge by the Indiana Department of Highways for this type of work. He will read the bidder and the overhead rate that is set forth, and then he would suggest that the proposals be referred to the County Engineer for further study.

- |   |         |
|---|---------|
| 1) Howard, Needles, Tammen, Bergendorf      | 133.05% |
| 2) Veach, Nicholson, Griggs Associates      | 123.67% |
| 3) Fink, Roberts & Petrie                   | 149.52% |
| 4) Floyd E. Burroughs.....                  | 145.00% |
| 5) Bernardin, Lochmueller & Associates..... | 121.81% |
| * 6) United Consultants Engineering.....    | 159.66% |

\*The mystery envelope from United Consulting Engineers was, indeed, a proposal

It was the consensus of the Board that the proposals should be referred to County Engineer Dan Hartman, with a request that he perhaps set up a schedule if the Commissioners want to interview a certain number of these firms to discuss the proposals -- and proceed from there.

Motion to this effect was made by Commissioner Willner.

Commissioner Cox asked, who is going to review the proposals?

Commissioner Borries said that Dan Hartman and EUTS will review them.

Mrs. Cox asked, "What does EUTS have to do with our bridges?"

Mr. John Gugin of EUTS approached the podium and stated that EUTS' role is that they help to apply for the funding - Federal participation -- for the project and they do this in conjunction with Mr. Hartman.

Commissioner Cox said she personally wants to express reservations about decisions that have been made and given on projects and proposals -- recommended firms to handle these things. "I feel there has been very little Commissioner input, especially on my part on some of these projects. I would definitely like to be involved. I don't think we should leave decisions like this up to other people. We are elected and I think we should be the ones making the decisions. And I personally resent the fact, also, that we did not see a design (I did not even know for sure what the design was going to be) on North Green River Road until we went out there to the Public Hearing -- and I think this is embarrassing to our Board. I feel we need to be involved and we need to have a say in who is getting these contracts to look at these bridges. I am not sure how much money is going to be involved here and I do have some questions over how the bridge inspection was done and how the re-inspection was done, and there were discrepancies there which I still haven't gotten totally answered -- and I personally would like to be involved and I expect to be called or notified when and where a meeting is going to be held between EUTS and the County Engineer. And that is the only way that I will second the motion. Because there have been meetings held and I have not been notified and I resent that."



Commissioner Borries said it has been moved and seconded that an interview schedule be established. "Shirley, we want your comments; if you feel there was any -- or if you have any questions, you should forward these to Dan, so those questions can be addressed.

RE: COUNTY ATTORNEY - DAVID MILLER

The Chair recognized Attorney David Miller, who said he believes he mailed a report to the Commissioners just prior to leaving for vacation (a week ago Friday) concerning the Elizabeth May matter. The Court has determined that neither the County nor the Sheriff of Vanderburgh County, nor the Sheriff's Department are appropriate Defendants in that action. Therefore, we will anticipate the forthcoming appeal. But at this point we are victorious.

The County has received a summons with respect to a legal action in which the County is named as a Defendant. Lee West, a former member of the Vanderburgh County Sheriff's Department is the Plaintiff. Mr. West's claim relates to the amount of seniority to which he is entitled in determining what his pension amount should be. He names as Defendants: Vanderburgh County, the Vanderburgh County Police Pension Plan and the Vanderburgh County Sheriff. The Vanderburgh County Police Pension Plan has its own attorney. Vanderburgh County and, in some cases, the Vanderburgh County Sheriff's Department, are separately represented, of course. Mr. Miller said he has been touch with Pete Swain, who is the Secretary of the County Police Pension Plan Board and he indicates to me, as usual, that the Pension Plan does not have any real funds available, other than the funds budgeted for pension payments. In order to handle litigation like this, at this point the County and the Sheriff and the Pension Plan have no particular conflict of interest. But he anticipates that the County and the Vanderburgh County Sheriff will not be Defendants in this case very long. He anticipates that he can achieve a dismissal as to the County and the Sheriff, because they simply have no interest in the operation of that plan nor the rules by which it is operated. It is not a part of the Commissioners budget and it is something over which the Commissioners didn't have any particular control. Therefore, for a time he supposes we will have to be involved in this case. But there will come a point when he believes the County and the Sheriff will be eliminated from the lawsuit. At that point, the Commissioners will need to make a determination whether or not they want to authorize him to continue in that case or whether they want him to hand it over to the Pension Board and let them incur the expense.

Alexander Ambulance Lawsuits: Attorney Miller submitted a report on the Alexander Ambulance Lawsuits and submits the following payments on accounts:

Audrey Chatman	\$ 25.00
David Walter	20.00
Gerald Wallace	128.53
Chris Hunt	5.00
Teresa Boyle	50.00
Thomas Yeates	10.00
Total	\$238.53

Attorney Miller said there is a current status report of all the cases dated August 22nd concerning all the lawsuits filed and he is also submitting this for the record.

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

Mr. Lindenschmidt presented a Money Order in the amount of \$25.00 to Attorney Miller, which had previously been accepted on the Audrey Chatman account. It is not readable and the bank would not accept same. Attorney Miller said he will have his staff ask Ms. Chatman to re-sign the Money Order.

Ongoing Investigation into Advisability of Adopting Recommendation of Consultant re Computers: Attorney Miller said he understands Commissioner Borries has made some progress in initiating a visit to Monroe County with respect to the ongoing investigation into the advisability of adopting the recommendation of the Consultant with respect to the purchase of computers. He wants the Board to know that he will make himself available to attend that meeting (if the Board wants him to do so) although he doesn't really think his presence is necessary. It is not really a legal question at this point, but he does want the Board to know of his availability to go if they want him to go.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Work Report/County Garage: Mr. Bethel submitted copies of the Weekly Work Report for Employees at the County Garage for period of August 15 thru August 19, 1988.....report received and filed.

Gradall: Wimberg Rd., Tanglewood, Kleitz Rd., Kuebler Rd., Heinlein Rd., and culvert on Wimberg Rd.

Paving Crew: No. 6 School Rd.

Road Crew: Hauled fill from yard to Old Henderson Rd; hauled cold mix from yard to shoulders on Waterworks Rd; hauled rock to Seminary Rd., Long Rd., and Hickory Ridge.

Grader: Mill Rd., Armstrong Rd., Wallenmeyer Rd., Kimber Lane, Oak Grove Rd., Green River Rd., Long Rd., King Rd, and cut bumps off Old 460; Also, Seminary Rd.

Mower: West Franklin, Smith-Diamond, Schmuck, Old Mt. Vernon, Old Henderson Rd., Cemetery Rd., Honeysuckle, Schlensker, Cemetery, McCutchan, and Boonville-New Harmony Rds.

Patch Crew: St. Joe Rd., Diamond-Island Rd., Heppler Rd., Whitman Rd., Oak Hill Bridge, Old Petersburg Rd., and Rosser Drive

Trash Crew: Old 460, Allen's Lane, Schutte Rd., Old Green River Rd., Lynn Rd., Bayou Creek, garage, Clark Lane at Schutte Rd.

Tree Crew: Old Henderson Rd., the Bottoms, Smith-Diamond and West Franklin Rd.

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

- Installed culverts on Calf Lane and Kuebler Rd.
- Hauled rip-rap to Kuebler Rd. and repaired two washouts on Petersburg Rd.
- Installed guard rail on Kuebler Rd.

- Cut grass and painted rails on Nurrenbern, Rollet Lane, Boehne Camp Rd., Baseline, County Line Rd. East, Old State Rd., Oak Hill, Heinlein, Baumgart, Darmstadt and Mohr Rds.
- Cut bridge decks for patching on #1C-Columbia Street Bridge and #117 Oak Hill Bridge

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

The Chair entertained questions of Mr. Bethel.

Commissioner Cox said she has no questions, but she does have some items to refer to him.

Heinlein Rd.: Mrs. Cox expressed her thanks to the Bridge Crew for cutting a portion of the weeds in the ditch on Heinlein Rd. She did get a call from a resident on Heinlein Rd. and, of course, a new subdivision is going in there and some of the water that was coming down onto the subdivision and out into the ditch was flooding their fields. She went out and took a look at it and the ditch is on both sides of Heinlein -- but probably on the north side the ditch really needs attention -- to be cleaned out so the water can get down there and get down to Baumgart Rd.

Mr. Bethel asked when Mrs. Cox looked at this?

Mrs. Cox said it was last Thursday or whenever we had the downpour.

Mr. Bethel said he's been out there this week -- and he just wonders if she's seen it since that time.

Mrs. Cox asked if they have ditched it all the way down from Browning Rd.?

Mr. Bethel said he will double check; it could be they broke down and didn't get some of it done.

Mrs. Cox said she knew they were working on it, because a portion of it had been done and that is what she told the resident. Mr. Gary Williams, who is developing that, is waiting for SIGECO to move the lines onto the new pole (they have already moved the pole) and then he is backhoeing behind his curb and is going to widen out Heinlein Rd. in that area to 24 ft. as you go into the subdivision, which really helps. *backfilling*

Wimberg Rd./Flooding: Commissioner Cox said they experienced flooding on Wimberg Rd. (between St. Joe and Kratzville) by Whitehead's Mobile Home Court. Part of that ditch has also been cleaned out -- from probably Kratzville down to the railroad underpass there. But it was about 16 inches deep in a portion of Whitehead's Mobile Home Court. She guesses what the water is doing is coming down off the high landfill hills running down and since they've cleaned out a portion of that ditch, then it kind of bottlenecked and ran across Wimberg Rd. and into the trailer court.

Mr. Bethel said he put a culvert across St. Joe Avenue right by the railroad tracks -- and that has been taking this water. But above there someone has a very small tile and that is holding this water back, especially in a downpour, and it is going out onto the road. It takes maybe an hour and then it will go ahead and drain. We have real good drainage there right now -- but the tiling is what we're going to have to worry about. The culverts they have put in across their yard.

Mrs. Cox said she told Mr. Whitehead that maybe it would be good for our County Engineer to come out and take a look to see what is really happening - the way the water is going, the grade, and everything. Mr. Whitehead's phone number is 423-2487. Maybe if we can get the proper grade on those ditches on Wimberg -- that will help that. The woman was very concerned about the water getting up in the mobile home court, because they have so many of the under home connections for electricity and different things -- and she was afraid there would be some people electrocuted.

Seib Rd.: Commissioner Cox said she also received a telephone call from Mr. Wayne Weiss concerning Seib Rd. They are all thoroughly delighted that we are going to put the new pavement down on Seib Road, but they were also concerned about some turnarounds for the fire trucks in that area and she told him to send a letter to this Board. She said she didn't feel the Board could do much about it at this time, because Seib Road has been let out on a private contract. However, this Board could look at the situation and perhaps our County forces could help do additional work.

Workshops re Pug Mill Operation: Commissioner Borries said information was received from HERPIC concerning the utilization of the asphalt pug mills by local government. Our program would be held on September 7th. They are going to have a lunch at Bockelmen's Restaurant. He will give Mr. Bethel a copy of the fly sheet.

Commissioner Cox asked if it is recommended that local County officials attend this? He understands invitations will also be sent to other County officials in surrounding areas' first of all to see if they have interest (and he thinks they do, particularly in some counties where they have not had the funds to pave with hot mix). The County Officials and Highway Officials in these counties will be invited to attend.

Mrs. Cox said she notes they pose three questions:

- 1) Will an asphalt pug mill save local government money?
- 2) How can a local government produce quality paving material with a pug mill?
- 3) What is the experience of local governments who have been using pug mills?

Who is going to participate in this? We've had a pug mill here since 1979 or 1980. Is someone going to speak on the use of a pug mill here in Vanderburgh County? Who is our authorized spokesman? Or, are they even going to ask us?

Commissioner Borries said we were not asked, as such, to put anyone up in terms of a speaker. But, obviously, there would be time for questions and on-site visitation. That is why Mr. Sclor had brought up a location when we attended the Southwest District Meeting of the Indiana Association of County Commissioners in July.

Attorney Miller said there is an indication that at 1:00 p.m. a gentleman named Eugene something or the other is going to speak about county experience.

Mr. Bethel said we intend to set up our pug mill and intend to pave Wright Rd. or Wright Lane (a small road) to show them how it operates.

Mrs. Cox asked where this is located?

Mr. Bethel said you go out St. Joe Avenue and it is the first road to the left -- there is a turnaround.

Money Orders to Cover Damages: Attorney Miller said that before Mr. Bethel leaves, it has been brought to his attention that some anonymous individual obviously wanting to make his peace with the Lord has sent to us two American Express Money Orders (one for \$150.00 and one for \$100.00) made payable to the County Garage. They are undated and unsigned. For that reason they are not negotiable. He understands that Mr. Bethel submitted these at a previous meeting with the belief that they were submitted by this person wanting to make restitution for damage done to County property. Does Mr. Bethel have any idea as to what incident it applies to or who sent the money orders?

Mr. Bethel said he doesn't know who sent them; he thinks he knows the incident they apply to. They had some damage done to their paver and roller up on Frontage Road North. But he has no idea who sent them. They came to him in the mail in a plain envelope.

Commissioner Cox said somebody had to pay \$100 and \$150 for those.

Attorney Miller said, "No doubt about it. But they could have been purchased at any one of a number of places."

Following further brief comments, Attorney Miller said if the Board could appeal to the media to put a little blurb someplace suggesting that whoever bought these ought to come into the County Garage and sign them -- and there will be no questions asked -- this might work.. This is the only suggestion he has. He gave the money orders to Mr. Bethel and said if this fails, bring the money orders back to him and he will try to put a tracer on them.

RE: COUNTY ENGINEER - DAN HARTMAN

Progress Report: Mr. Hartman reported that J. H. Rudolph & Co. worked off of Upper Mt. Vernon Road last week. They did Cort Drive, Gaynes Drive, Walcott, Kedzie Avenue, and Vanness. The Rogers Group did not do any work last week. The Woods Road Bridge is slowly coming along. They took the forms off the deck and they are now sanding the deck to make it smoother and more level. It apparently had a couple of ripples in it. Delbert Pinkston has been the Project Engineer on this job and he was waylaid last week due to a car accident.

Indian Woods P.U.D.: It was noted by Mr. Hartman that he talked with Bill Jeffers about the unplatted section of Indian Woods P.U.D.; Rosemont Drive in University Heights No. 6 and Eastside Industrial Park. He has not gotten out there yet, but it is hoped he will get out there this coming week.

Claim/Veach, Nicholson, Griggs Associates: Claim re the South Green River Design Project in the amount of \$1,884.27.

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

Bernardin, Lochmueller & Associates: Claim re Lynch Road Extension project in the amount of \$5,219.60. He has gone over the figures and they are correct. The Field Survey is now 100% complete.

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

RE: BOLIN MEADOWS WEST SUBDIVISION STREET PLANS

Mr. Hartman said Mr. Bivins is here with regard to the street plans for Bolin Meadows West Subdivision.

Commissioner Borries said he doesn't know whether Mr. Jeffers has had an opportunity to review the street plans.

Mr. Jeffers said this will be the first time he would have been asked to review street plans. The Surveyor's office reviews drainage plans and then makes a final inspection and compares the as-built to the drainage plans.

Commissioner Cox explained that what Mr. Bivins wants to do here is, rather than build the whole subdivision with the streets all the way up to where the two cul-de-sacs are connecting, they just want to build the lower portion (Section A, which is 20 lots).

Mr. Jeffers commented that most of the developers are doing that now.

Mrs. Cox said she did suggest when Mr. Bivins brought the plans up last week that the Board turn it over to Mr. Jeffers, because there was concern about the velocity and how fast it would run -- and there would have to be some inlets.

Mr. Jeffers said he has added a set of inlets at an intersection where there were none shown in the original drainage plans. This would improve the collection of water. That's at the intersection of Whipperwill Drive and Pine Brook Drive. His adding that set of inlets may have been due to the Surveyor's comment that the water was traveling about 1,000 ft. in the gutter and now it is only going to be traveling about 600 ft. or 700 ft. before it goes into those inlets. If the Board is asking him if the street plans are in accordance with the drainage plans, they are, except there are some added inlets which improves it. He is sorry he couldn't have said that last week, but they moved that Caranza Drive Sewer Project meeting down to the Surveyor's Office and he was unaware that the Board had anything to do with this subdivision. But he thinks the Board should be asking the County Engineer to recommend that they sign the street plans. Isn't that the normal procedure?

Commissioner Borries said Mr. Hartman had approved them and he said they had discussed things -- and Commissioner Cox had said she would like for Bill Jeffers to review these and it was the consensus of the Board that they could be forwarded, as Mr. Hartman had reviewed them. Mr. Bivin had said he decided to go with Section A, the 20 lots.

Mr. Jeffers said he might also say that where West Meadow Drive comes out onto Broadway Avenue there is a set of inlets and then that roadway is depressed. It is 6 inches lower than Broadway Avenue is, so you have a 15 ft. area that is 6 inches lower than Broadway. If those inlets were to get clogged up, of course, the water would run over the curbs (which are only 5 inches high) before it got up onto Broadway -- if water spilling out onto Broadway is one of the Board's concerns. He has an area that is depressed lower than Broadway at the entrance to the subdivision that would cause water to go over the curb, so long as the dirt behind the curb wasn't any higher. Other than that, all he can say is that the drainage portion of the street plans is in accordance with the drainage plan submitted to the Drainage Board, with those additions. Those additions represent improvements.

Commissioner Borries queried the Board concerning their opinion of Mr. Jeffers' comments.

Commissioner Cox said, "The reason I referred it to the Surveyor was because she thinks in the initial discussion that the Drainage Board had indicated a concern that we needed to pay particular attention to where these three inlets were going to be placed along these streets. Has Mr. Hartman signed the plans?"

Mr. Jeffers said he has.

The Board thanked Mr. Jeffers for his comments.

The Chair entertained a motion.

Upon motion made by Commissioner Willner and seconded by Commissioner Cox, the street plans for Bolin Meadows West Subdivision were approved. So ordered.

RE: TRAVEL REQUEST - CIRCUIT COURT

President Borries submitted a travel request from Circuit Court Master Commissioner Robert Matthews. Purpose of the trip is to attend Judicial Conference of Indiana (Clarksville, IN) to acquire continuing legal education credits. Mr. Matthews states that Judge Miller advises there are sufficient funds in their budget to cover the costs of the conference. A motion was entertained.

Upon motion made by Commissioner Willner and seconded by Commissioner Cox, the request was approved. So ordered.

RE: PAY FOR ABSENTEE TEAMS

The meeting continued with President Borries reading the following letter from County Clerk Helen Kuebler:

To: County Commissioners  
From: Helen Kuebler, Secretary for Election Board  
Date: August 17, 1988  
Re: Pay for Absentee Teams

I, Helen L. Kuebler, Clerk of Circuit Court, Secretary, Election Board, respectfully request permission to increase the daily pay of the Absentee Delivery Teams for the November 1988 General Election.

The Absentee delivery teams should be given an increase in their daily pay from the current pay of \$20.00 per trip per person to \$30.00 a day per person. The teams have a big responsibility, time consuming and requiring a lot of patience.

This pay scale has not been increased in the past eight years. The mileage at present is 25 cents per mile; this is regulated by State and is changed regularly.

I feel there will be sufficient funds in this account to cover this increase; therefore, I would appreciate your consideration of this change.

Upon motion made by Commissioner Willner and seconded by Commissioner Cox, the request was approved. So ordered.

RE: ACCEPTANCE OF CHECK -- STAR MIDWEST

A check in the amount of \$991.55 from Star Midwest was submitted. The check from Star Midwest last week was in the amount of \$358.25 and the fee was \$1,349.80. Thus, there was an underpayment of \$991.55, which is the amount of the current check.

Upon motion made by Commissioner Cox and seconded by Commissioner Willner, the check was accepted, endorsed, and given to the secretary for deposit into the County General Fund.



RE: ADDITIONAL BID FOR BRIDGE INSPECTION ENGINEERING

Commissioner Willner interrupted the meeting by noting that a bid re the Bridge Inspection Engineering has been received -- and he asked that the record state that it is now 4:25 p.m. Does the Board want to accept the bid?

Commissioner Cox asked what the legal advertisement said?

Mr. John Gugin of EUTS said the bids were due by 2:00 p.m. -- or when the Commissioners Meeting begins.

Mrs. Cox asked who brought the bid into the meeting and where has it been?

Commissioner Borries said Margie Meeks just brought the bid in.

Mrs. Cox asked, "Well, who brought it to Margie?"

Commissioner Willner said there is no stamp on it, so it is bound to be hand delivered.

It was noted that it was hand delivered -- but it is addressed to Rose Zigenfus.

Commissioner Cox said, "I would suggest we call Mr. Morley and asked him what time he submitted his bid and where he submitted it."

Commissioner Willner asked Mr. Lindenschmidt to call Mr. Morley.

Mrs. Cox asked, "Did the advertisement say the bids were to be submitted to EUTS?"

Mr. Lindenschmidt said that is what the advertisement said.

Attorney Miller asked if the advertisement stated a time.

Commissioner Cox said, "We don't know how long it has been down at EUTS."

Mr. Lindenschmidt said he was down there at 2:00 p.m. and he told them if any additional bids came in to bring them to the Commissioners Meeting.

Commissioner Cox said, "If it came in after 2:00 p.m., then it is too late. But if it came in before 2:00 p.m., then....."

Attorney Miller said he suspects it just arrived.

Following further brief discussion, Attorney Miller said the bid might have arrived subsequent to his announcing the overhead figures.

Commissioner Cox again requested that someone from the Commissioners' office call Mr. Morley to determine when the bid was delivered and where.

A subsequent report revealed that Morley personnel have evidently left for the day, as the answering service is on at this time.

Mr. John Gugin of EUTS reported that he was in the EUTS office at 2:00 p.m. and the bid from Morley & Associates had not come as of that time.

Motion was made by Commissioner Willner that the proposal be returned unopened.

Commissioner Borries instructed the secretary to return the unopened proposal, with a letter of explanation.

Mrs. Cox asked if the proposal wasn't open?

Attorney Miller commented, "It was not opened here. If it is open, it apparently was never sealed and this would also constitute another reason to reject the proposal. In any event, according to the information we have, it arrived too late.

Mrs. Cox said she will second Commissioner Willner's motion, with the understanding however that the action is based on circumstantial evidence presented to the Board. She still thinks the Board needs to talk to whomever brought the proposal over and to the individual to whom it was given.

Attorney Miller said that may be true and the Board could certainly reconsider. But we don't have to meet that question at this point.

(Secretary's note: The proposal was returned to Morley & Associates subsequent to the Commissioners meeting, with a letter of explanation. Morley & Associates called on Thursday (August 25th) to advise that the contents of the envelope addressed to EUTS was not a proposal on the Bridge Inspection Program, but rather data concerning North Green River Road.)

RE: SCHEDULED MEETINGS

Tues.	August 23	5:30 p.m.	County Council (Budgets)
Wed.	August 24	2:00 p.m.	Council Personnel Wed.
Wed.	August 24	2:30 p.m.	Council Finance Mtg.
Wed.	August 24	5:30 p.m.	County Council (Budgets)
Thurs.	August 25	5:30 p.m.	County Council (Budgets)

RE: CLAIMS

President Borries said there are no further claims for consideration by the Board.

RE: EMPLOYMENT CHANGES

Pigeon Township Trustee (Releases)

Kimberly Wilkie	Clerk	\$35.00/Day	Eff: 8/12/88
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Superior Court (Releases)

Julia Annakin	PTI	\$5.00/Hr.	Eff: 8/19/88
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County Highway Department (Releases)

Jarrold T. Pfaffmann	PT	\$3.35/Hr.	Eff: 8/3/88
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County Highway Department (Appointments)

David Gugin	Part Time	\$3.35/Hr.	Eff: 8/15/88
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RE: SCOTT TOWNSHIP VOLUNTEER FIRE DEPARTMENT/FIRE HYDRANT

Commissioner Cox noted that she had received a call from the Scott Township Volunteer Fire Department concerning a situation out on Green River Rd. in Daylight (where their fire station is located). The fire hydrant is on the west side of the road and the fire station is on the east side of the road. In order to fill their pumper truck, they either need to run a hose across Green River Road or back their fire truck into the line of traffic and park on the side of the road during the time that they are filling their pumper truck. She did ask them to write a letter to this Board; however, their request is for the Board to look into the possibility of relocating that fire hydrant from the west side of Green River Road to the east side next to their fire station.

RE: WORK RELEASE PROGRAM ACTIVITIES REPORT

Mrs. Cox also noted that she received a copy of the Activity Report of the Vanderburgh County Work Release Job Program. It lists the Community Service activities for July of 1988. She believes this is the first report the Board has seen from this program. In any event, it lists the number of Community Service Activity Manhours that have been generated from that program and the areas in which the service manhours have been devoted. She would like to make this part of the record. (The report is attached hereto, as Supplement No. 1).

RE: UPDATE ON BRIDGES 34 & 35

Commissioner Cox queried County Engineer Dan Hartman concerning the status of plans for Bridges #34 and #35.

Mr. Hartman advised that he has the plans drawn, but he has not yet written the proposal data.

Mrs. Cox said she knows Mr. Willner was interested in looking at these plans before a decision was made.

RE: REIMBURSEMENT ON BRIDGE RE-INSPECTION

Mr. Hartman said that, with the Board's permission, he would like to show them that the County is eligible to receive reimbursement on the bridge re-inspection. He will ask that County Auditor Sam Humphrey explain this.

Mr. Humphrey explained that the County has already paid Floyd E. Burroughs and this claims voucher is a form for reimbursement (as he understands it) from the Indiana Department of Highways of \$6,400. All we have to do is to submit the claims voucher.

Then there is a second claim of \$1,520.00, which he assumes we also have to pay. However, he supposes it is also eligible for reimbursement. The claims vouchers need to be signed.

Commissioner Willner interjected that he talked with the two gentlemen from Floyd E. Burroughs earlier in the day. It seems the State has not reimbursed us for our last re-inspection and have lost the paperwork; thus, we need to re-submit it.

Mr. Humphrey asked, "So they want these signed and re-submitted?"

Mr. Willner responded in the affirmative.

The Chair entertained a motion.

Upon motion made by Commissioner Willner and seconded by Commissioner Cox, the claim vouchers were signed and are to be re-submitted. So ordered.

There being no further business to come before the Board at this time, President Borries declared the meeting adjourned at 4:45 p.m., with an announcement that the Drainage Board will convene following a five minute recess.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R. J. Borries	Sam Humphrey	David V. Miller
	R. L. Willner		
	S. J. Cox		

COUNTY ENGINEER

Dan Hartman

EUTS

John Gugin

COUNTY HIGHWAY

Bill Bethel

OTHER

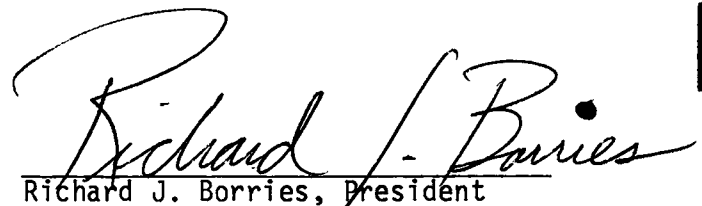
<sup>Neil</sup>  
~~Chester~~ Broshears  
Betty Lou Jarboe/City Clerk  
William Bivins  
Steve Miller/Citizen's Realty  
Jerry Riney  
Danny Spindler  
Bob Gulick/SIGECO  
Jim Lindenschmidt  
Others (Unidentified)  
News Media

COUNTY SURVEYOR

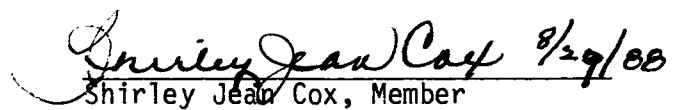
Bill Jeffers

SECRETARY:

Joanne A. Matthews

  
Richard J. Borries, President

  
Robert L. Willner, Vice President

 8/29/88  
Shirley Jean Cox, Member

**VANDERBURGH COUNTY WORK-RELEASE  
JOBS PROGRAM**

SUPPLEMENT No. 1

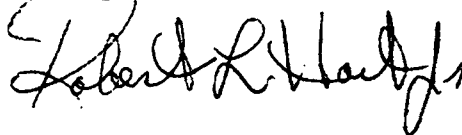
1505 North 3rd Avenue  
P.O. Box 4370 Station A  
Evansville, IN 47710  
812-426-1892

August 11, 1988

Dear County Commissioner:

The community service program of the Vanderburgh County Circuit Court has been active in our community for some 6 years. We would like to share with you in the following report our community service activities for the month of July. As you will see our activities serve a wide variety of public locations and events. We will try in the future to keep you more informed of our activities. Thank you for your time and consideration.

Respectfully Yours,



COMMUNITY SERVICE  
ACTIVITIES - JULY 1988

1. 4 - H Center - Mowed and Weed Whipped.....	256 Man Hours
2. Worked in Jail-Making Shower Room.....	48 Man Hours
3. Pal Camp - Mowed and weedwhipped.....	240 Man Hours
4. Gold Room - Clean-up.....	280 Man Hours
5. Police Community Service -2nd, Canal and Sweetser Locations.....	480 Man Hours
6. Highway 41 - Mowing and weedwhipping.....	664 Man Hours
7. Burdette Park.....	1,104 Man Hours
8. Conrad Baker Foundation.....	552 Man Hours
9. Building Women's Work Release Dorm	
a. Drywalling	
b. Putting up conduit	
c. Pulling electrical wire	
d. Hanging doors	
e. Putting up guard shack	
f. Finishing drywall.....	1680 Man Hours

Total Community Service Man Hours..5,304

Figured at a base rate of \$4 per hour.....\$21,216.00

These figures also do not reflect many of the overhead expenses we incur operating such a program for the benefit of the Evansville Community. In some of the ongoing projects like mowing of Highway 41, Lloyd Expressway, and many of the special projects like mowing the 4-H Center, the Pal Camp and construction projects we maintain full time supervisors to coordinate and oversee these projects. We also provide each worker on these crews with a sack lunch. We provide transportation to and from the project. We supply gas, 2-cycle oil, weedwhip line, motor oil and do our own maintainance and up-keep on our equipment. All these things combined provide Evansville with a unique and powerful work force to serve our local community.

MINUTES  
COUNTY COMMISSIONERS MEETING  
AUGUST 29, 1988

*defer for  
1 week for  
Bob Withers  
review*

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MINUTES  
COUNTY COMMISSIONERS MEETING  
AUGUST 29, 1988

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, August 29, 1988, in the Commissioners Hearing Room with President Rick Borries presiding.

The meeting was called to order by President Borries, who subsequently entertained a motion concerning approval of minutes of meetings held on August 15 and August 22, 1988.

Commissioner Cox commented that in the August 15 minutes on Page 13 under the Heinlein Road problem, Paragraph, 7, Sentence 5 should be corrected to "backfilling" rather than "back-hoeing" behind the curb.

Another minor correction is on Page 21 under those in attendance at the meeting should read "Neil" Broshears. These are the only corrections to be noted.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, the minutes of August 15, 1988 were approved and reading of same waived. So ordered.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Willner the minutes of August 22, 1988 were approved with noted corrections and reading of same waived. So ordered.

RE:     AUTHORIZATION TO OPEN BIDS RE TITLE SEARCHES RE TAX SALE

The meeting proceeded with Commissioner Borries entertaining a motion to authorize County Attorney Curt John to open the bids received re title searches to be performed in conjunction with the 1988 Tax Sale.

Commissioner Cox said that before the Board proceeds with the regular agenda, they do need to get some clarifications out concerning the phone calls she received last night and the articles in this morning's paper.

"Gentlemen, I think we can have a serious problem here. I have endeavored as a minority member of this Commission to serve as -- for use of a better term I will use the word 'watchdog' -- and many times my barks have been considered to be political on most occasions. And it was near midnight last evening when I received a call from a reporter and was informed that, according to the State Board of Accounts (which I don't think anyone would consider to be political in nature) said this Board had violated the State Law. Now, to me, that was disturbing enough. But the thing that I find most disturbing is why was this not brought to the attention of our full Board and to the public and why, as an elected official, did I have to find out from a news reporter near midnight last night that our Board had violated the State Statutes? I find that this leaves a lot of questions not only in my mind, but in the phone calls I received there are questions out there concerning why this wasn't reported. I think it does cast a grave shadow on our Board and I do also think it raises serious questions about the operation of our Commission. So I think I need to <sup>have</sup> answers to the questions that both the public and I have. Therefore, we can continue with any kind of orderly business today. But two months is a long time and why was it kept secret? Was there something to hide? What other secrets remain? Why wasn't a full explanation given at the State Board of Accounts Exit Conference when there was an opportunity to

explain this Board's position? Would it have been the same one that I read in the paper this morning -- or have they taken two months to come up with this explanation? Were phone calls made to alter the State Board of Accounts report? Was it hoped the report would not come out until after the election -- as was the case with the Treasurer's Audit showing the almost half million in missing funds? I think it is a common feeling that to err is human. But political cover-up is totally unacceptable and I think the integrity of this Board has been damaged and I think that the public has a right to know answers to this question and I, as an elected official, also feel I have a right to know.

Commissioner Borries asked if Mr. Willner has any comments?

Mr. Willner said, "A lot of them I passed to you."

Mrs. Cox said, "You can repeat them."

Mr. Willner said, "No, I have them written down."

Commissioner Borries said, "The exit conference I attended -- Mark Owen was there; Sam Humphrey was there. They asked for comments in relation to the Rollet's Lane Bridge project and Nisbet Road and comments in relation to what they would like to see insofar as cataloging and putting an index system on all County property. The information then, as we received it at that point, was to take that information and at that point forward some of those things to the County Engineer (who had been County Engineer) and to forward those documents to the State Board of Accounts for their review. The document I see was received here -- it is stamped August 27th -- and it is public record and certainly is available for anyone's inspection.

Shirley, it has been my feeling and my intention that we proceed through any kind of project without a political kind of activity in any way. The Rollet's Lane Bridge was brought before this Board several different times. There was a line item that talked about \$100,000 line item in that particular situation and Mr. Easley was apparently acting (when he was County Engineer) as the purchaser for the materials on that and we went through a series of invitational bids in this meeting. I don't know of any situation here that involved any kind of a cover-up at all. The bridge project itself moved forward. It was certainly successful I would say insofar as the savings set up. At your request, the invitational bids were taken back insofar as the individual to do the installation of the culvert and completely scrutinized to make certain that those things did not violate any kind of Statute. I don't know of any situation where the Statute, from my standpoint, was intentionally violated. And I would think our Attorneys who have been present at these meetings would have advised us should there have been any kind of a violation that I wouldn't have been aware of and I would have stopped that.

Commissioner Cox interjected, "Well, those are points well taken."

Continuing, Mr. Borries said, "But insofar as any kind of allegations to say that there is any kind of cover-up, anything that the State Board of Accounts says is a matter of record here."

Mrs. Cox interrupted, "That is true."

Mr. Borries continued, "And you're sitting here on this Board -- and you're one of the most outspoken persons, and I certainly would respect your expertise and as a watchdog, you do a magnificent job. But insofar as saying that this Commission has squelched your right to speak would be far from the truth knowing Shirley Jean Cox. You're going to speak out on an issue. And the timing of this situation is something, in my opinion -- the Rollet's Lane Bridge if it was a line item for \$100,000 and now

it is completed for \$70,000 -- as a County Engineer, Andy Easley ordered all the materials right directly from there. And we asked for invitational bids insofar as the construction part of it. So to my way of thinking, I believe -- I wanted to act in terms of saving dollars and getting that project done and make sure that the residents in the area had an improved facility."

Mrs. Cox: "I have no quarrel with the bridge itself; it was very much needed. But why didn't you make that same response at the time that this report was presented to you on June 27th? Why wasn't I invited to the meeting?"

Mr. Borries said, "I have no idea; I didn't call it. The State Board of Accounts called the meeting."

Mrs. Cox: "Well then, why didn't you bring that to this Board? Why didn't you come to this Board? Wouldn't it have been easy to say, 'Ladies and Gentlemen, we can no longer piecemeal out these bids. There have been questions concerning this procedure in the past and now the State Board of Accounts says you cannot do it, so we no longer will accept invitational bids -- we will go the sealed bidding, advertised process. Why didn't you do that, Rick? That is the big question. I'm not concerned that this Board erred, because I tried to point out (and I went back and got my minutes after I talked to the reporter last night near midnight) and I read the conversation and it was addressed to Mr. Andy Easley concerning the invitational bidding procedure and that the amount could not go over \$25,000 and he assured us it would not go over \$25,000 -- and you, yourself, said 'I will not tolerate that action. If it goes over \$25,000 there will be no change orders. I will not stand for this.' You did speak out on that. I'm not questioning your understanding and Mr. Willner's understanding that this was proper was not a sincere response, because you voted yes and I voted no. But the thing of it is, Rick, and you have not answered my questions, why has it taken a reporter to notify me as an elected official that this has been a problem with this Board? Why didn't you bring it to us?"

Mr. Borries responded, "The State Board of Accounts requested information that we could send back and that is exactly why we requested information from Mr. Easley."

Mrs. Cox: "Well, where is the information?"

Mr. Borries: "I don't know. Perhaps he sent that information to Indianapolis."

Mrs. Cox, "Well, where is it?"

Mr. Borries: I don't know.

Mrs. Cox: "What other calls were made. What other calls did you make?"

Mr. Borries: "There were absolutely no calls. Why would there have been a call?"

Mrs. Cox: You said you checked with the County Engineer and talked to the County Attorneys and they reassured you that what we did was legal?

Mr. Borries: "Certainly."

Mrs. Cox, "Okay; so it is the County Attorney's opinion that it is legal to bid invitational bids if the total amount of the project doesn't go over \$25,000?"

Attorney Miller: "Could I answer that since I happen to be here?"

Mrs. Cox: "Certainly, please do it at the podium."

Attorney Miller: Neither Mr. John nor I had any knowledge of the question being raised by the State Board of Accounts until (at least me) last night around midnight (about the same time you did). And when I arrived at work this morning I, too, reviewed the minutes and I recalled the re-bidding of the invitational bids (just as you did) and that, I think, was done with the agreement of everyone. The only other question that was raised in my mind by the State Board of Accounts' report was whether or not it is legally proper for a County to choose to purchase its own materials for a project and then either advertise or request invitational bids for the labor to be provided for that particular project.

I have concluded on more than one occasion that I believe it is proper. The State Board of Accounts in this report says that it is of the opinion that it is not proper. I cannot find anything in Indiana Law; I cannot find any case which indicates that a County that wants to save money cannot use its own personnel to acquire materials and then hire (using the proper bidding statutes) some company or person to perform the labor. That, I think, is the question raised by the State Board of Accounts -- and I think the answer to that question is that until the Courts of Indiana make it clear that there is some problem with that kind of procedure, County authorities have very broad discretion in determining how a County can save money in a public works project such as this one. What was done here (as I recall and as I understand it) was that a decision was made early on that the County was going to purchase the materials. And a second decision was made that we were going to either request invitational bids or advertise for the labor, depending upon whether the Engineer determined that the bid would probably go over \$25,000 or be under \$25,000.

Mrs. Cox: Right.

Attorney Miller: He determined that the labor bid would probably be under \$25,000 and invitations for bids were issued. The problem with the first set of responses was that those bids had been opened before the meeting.

Mrs. Cox: That is correct.

Attorney Miller: And, for that reason, Mr. Easley agreed with the request of the Board that the invitations be re-issued and that new bids, by invitation, be obtained. That is a correct legal procedure. And the only problem that really was a problem was solved by that second step -- that second request for invitational bids. That is my conclusion. And I believe that the County acted properly in buying its own materials and I think that until there is a Court someplace that chooses to tell some County authority in this County that that is not a proper way to do it, that it is an avenue available for saving some money in some of these projects. I believe that the cases around the United States indicate that the (and these are cases from other states, because Indiana's Courts have not spoken) problem arises when there is an intentional effort on the part of some public authority to intentionally avoid compliance with a bidding statute. That is not the case here. The cases say that when there is a good faith effort by a public body to save the public agency (whatever size it is) money and that when the officials who are responsible act in a reasonable manner in attempting to do that, there is no violation of bidding statutes such as this. That is why I don't agree with the State Board of Accounts' decision. I think the one problem that was apparent in the course of these proceedings (that is, the early opening of the first invitational bids) was resolved and that everything that was done in terms of both of these projects was right and appropriate and defensible.

Mrs. Cox: Thank you. You are an eloquent speaker, David.

You are very good. So, if in essence then \$25,000 is the limit that we could have paid our invitational biddee.....

Mr. Miller: "Bidder".

Mrs. Cox: "Bidder,-- that is the absolute limit?

Mr. Miller: That is absolutely correct.

Mrs. Cox: What if we had paid them more? I'm just saying -- I don't know. According to this State Board of Accounts report we have not. But had we paid that individual who was named as the successful bidder more than \$25,000, would our Board ....?

Mr. Miller: You're asking me a question that I have not looked into recently.

Mrs. Cox: Well, David, the law is \$25,000. You told me that. Now come on.

Mr. Miller: If we have an invitational bid that is less than \$25,000 and if some change is made in the contract that requires the contract to go over \$25,000 for that contracting party in that project, I would then say that any amount over and above the \$25,000 is subject to some question by the State Board of Accounts and probably if it was known to this Board that there was going to be an over run or an over payment, then that would be an intentional evasion of the Statute. I have not seen any evidence of anything of that nature with respect to either of these projects. And if there is such, that might change the picture. In fact, my understanding was and is, that this particular bidder performed the work bid upon for the amount that was bid and the work was done. That is my current understanding."

Mrs. Cox: Thank you again, David. And I'm sorry you weren't brought into the picture two months ago to give that same opinion at that time, because again I am back to why did it take two months -- and I guess, Rick, you are the only one who can answer -- to operate with what he knew was wrong -- the State Board said it was wrong -- why didn't you come back at the next regular meeting and say, 'Hey, look, we had this audit thing and the Attorney says this'...and that is my big question. I think that is more damaging. I think that puts an aura of secrecy around this Board not being open and not being responsive and it raises questions of how many other secret things are going on? I don't know. When I came into the office here -- the door was closed. I don't know who was in the back room. I don't know what you all were talking about. I do know that in order to meet with the majority members on this Board you've got to have notice and I think this Board needs to address why this was not brought up in the two month period.

Commissioner Borries: I told you, my recollection of the meeting itself in terms of receiving information, asking information -- I can remember asking Mr. Hartman to forward communication to Andy Easley and that's my explanation on that. I don't know of any situation where it would have -- because it is a matter of public record -- there were certainly other individuals sitting in the room -- where the information would have been available. Plus, certainly if the State Board of Accounts had raised questions about the issue they certainly would want some answers and I assume that is exactly why they have requested that information.

Mrs. Cox: They don't say anything other than 'They did not wish to make a written response'.

Mr. Borries: That was the first time we'd heard the information.

Mrs. Cox: I know -- June 27th, Rick.

Mr. Borries: And that is why it was important to be able to collect that information in order to provide it.

Mrs. Cox: Couldn't you have answered back then the same way that it was answered in the Courier this morning?

Mr. Borries: That is exactly what I did say -- that they said did you prefer any kind of written response? I said, "We'll certainly get you that information."

Mrs. Cox: I tell you. I thank you for what answers you have given and those questions that still remain unanswered.

Mr. Borries: You know, again it is a political season.

Mrs. Cox interjected, "It is again a political year."

Mr. Borries: I understand that. I understand that.

Mrs. Cox: Absolutely. And you're a candidate and I'm a candidate, too.

Mr. Borries: That is exactly right.

Mrs. Cox: That is exactly right.

Mr. Borries: And I'm saying -- that in terms of the Rollet Lane Bridge, we were doing the best we could in terms of the way it was done. Everything was held in a public meeting -- and if you don't get the answers you want from the State Board of Accounts, well certainly as a Board member, you are welcome to forward any information.....

Mrs. Cox: Had I know about this on June 27th I would have questioned that.

Mr. Borries: I didn't call the meeting, Shirley.

Mrs. Cox: I know you didn't; but you had knowledge of this and you've called me at home about other things that were coming up on different things. And to me this is very important. This has implications here. If you will go back and read the minutes, the only reason that those first bids that were brought in before this Board that Mr. Easley had opened in this office were re-advertised is because of the insistence of this Commissioner. Had I not said a thing, everything would have gone right on through.

Mr. Borries: I don't know where your presumption is at that particular point. You certainly raised that question and the question was certainly a valid question and the bids were not awarded that day. Because there certainly was not any reason...

Mrs. Cox: They couldn't have been awarded -- they were opened, Rick, and....

Mr. Borries: That's right.

Mrs. Cox: And the bidding procedure for sealed bids says they shall be opened in a public meeting.

Mr. Borries: That's right.

Mrs. Cox: That's right.

Mrs. Cox: And they were not. And there are reasons for opening bids in a public meeting.

Mr. Borries: Absolutely.



Mrs. Cox: Invitational or otherwise. So we couldn't have acted on those. Or we shouldn't have. I'm not saying that this Board wouldn't have.

Mr. Borries: Well, we wouldn't have. And when you say you raised the question, certainly your question was supported at that particular meeting.

Mrs. Cox: Well, does this Board intend to file suit for Declaratory Judgment here in Vanderburgh County to get this matter resolved? Because I'm sure we have ninety-one other counties operating. I don't know what in all kinds of fashions, but I'm sure the State Board of Accounts does not have special rules for one county over another county. And if this is a contention of disagreement between the State Board of Accounts and Vanderburgh County, then I think that it is timely that this Board file a suit -- a friendly suit -- for a Declaratory Judgment on just what this bidding procedure is -- and just what I see as a list-out here -- an Indiana Code Number we supposedly have violated be tested in Court (IC-36-1-5).

Commissioner Borries: Okay.

Attorney John: We'll attempt to get that answer one way or another.

Mrs. Cox: Attempt to get what?

Attorney John: An answer to this question as to whether or not this is valid procedure. There is definitely a difference of opinion. Mr. Miller and I reviewed the case law and the law itself and think that the procedure was done properly. And apparently, we differ with the Board of Accounts. Of course, if we're wrong -- that is one of the things before us. So we'll attempt to get an answer as to whether or not that it is procedurally correct to do it this way.

Commissioner Borries: I would urge that -- and say we simply should pursue that in order to clear the air. Bob?

Willner: "Shirley, last evening I happened to see a newscast where you said you felt ineffective sitting on this Commission. And I want to echo the fact that I don't think you felt ineffective -- you are ineffective -- and that's my personal opinion. I told you before what I thought and this being election time only bears that out. This exit conference was supposedly held on June 27th. What happened to July, August, September and October? Why didn't we bring this out before if it was such a big thing? I'm not too sure that you and I weren't at this conference -- at least one of them, because I remember quite a bit about it. According to the Auditors, you or I weren't present -- but Sam Humphrey was there. Sam, do you remember who all was at that meeting? Was I there?"

Mr. Humphrey: I don't remember. I have a copy of that Audit that was sent to my house. I called the State Board of Accounts regarding two corrections to me made. They just happened to make the errors in just plain entries in it. This leads me to assume some of the other things were in error. They have me listed as the Treasurer and my term expiring December 31, 1988 -- and that is not true in either case. And there was another correction -- and they said they would make those corrections and send them out to me. Whether or not the information on the bidding projects is accurate, I don't know. As to who all was there, I can't remember. I was there and Rick was there. Rick Hillenbrand from the State Board of Accounts was there.

Mr. Borries asked, "There were two gentlemen, weren't there, from the State Board of Accounts."

Mr. Humphrey: "I don't remember - I don't remember."

Commissioner Willner, "Whether we were there or not, I don't know. But as far as I'm concerned there is no problem here. If you stop and ask your question, "Who was to gain from doing this procedure? Who was to gain? Nobody but the taxpayer was to gain from this procedure -- nobody. The projects were both needed. I'm sure there was some oral explanation to the State Board of Accounts and it was so trifle that a written response, in my opinion, was not necessary. I'm sure there was an explanation given as to why we did this. What was to hide by this Board? Nothing -- absolutely nothing. It doesn't throw a shadow on this Board and if the same situation were to come up today, I'd vote exactly the same way. So if this isn't an election ploy I've never seen one....and that is exactly the way I feel about it."

Commissioner Cox: On June 27th we had a Commission Meeting and also had a Drainage Board Meeting. Mr. Willner, I believe you were in Alaska at that time -- and I was available all day -- and I knew of no meeting with the State Board of Accounts. And, did you say I am effective or ineffective? I want to find out for sure.

Commissioner Willner: Ineffective.

Mrs. Cox, Ineffective. Had I known about this at the time of that Audit (and we have been in Final Audits together and this is what I couldn't understand -- is why all three of the Commissioners were not notified of the final audit) -- because we've sat in there before. And if things had come up and they were questioned, I would have spoken out about this and said, "Hey, we need to address this." And, Bob, you can't say I wouldn't have done that. So don't tell me that I'm responsible for two months going by without an answer to this question, because I am not responsible -- because I didn't know about it until last night.

Commissioner Willner: You do know that the State Board of Accounts does audit us and you do know when that comes up. And if you want to, you can go right down there and ask them -- that's very simple -- if you wanted to.

Mrs. Cox: I'll tell you another little story."

Mr. Willner: Now, the Exit Conference might well be done by those people. But there were probably other conferences in which the State Tax Board told you and I what they had found.

Mrs. Cox: "Um---hmmmmmm."

Mr. Willner: Okay, and you had perfectly ample time.

Mrs. Cox: Since when? Last night at midnight? You're telling me I had perfectly ample time.? And I just get a copy of this today? The State Board of Accounts Report -- and you're telling me there was ample time?

Mr. Willner: I still haven't gotten a copy.

Mrs. Cox: Well then, were you aware of this? You were not aware of the Exit Conference?

Mr. Willner: No.

Mrs. Cox: This is the first that you've heard about it -- at this meeting -- and from what you read in the paper?

Mr. Willner: I hadn't even read the paper until this morning.

Mrs. Cox: And you were not at the Exit Conference?

Mr. Willner: I'm not sure; although I thought I was.

Mr. Borries: I only remember the one Exit Conference that was called by these two gentlemen from the State Board of Accounts.

Mrs. Cox: I am sorry to belabor the point again -- and that is why I started out at the opening as a political watchdog -- and oftentimes my barks are considered to be labeled political and it has happened again. I still feel that this Board has a serious concern and that this serious concern is not open to the public and operating in a manner of secrecy -- and I have not received satisfactory answers to the questions on why we waited two months? I think that pursuing it and finding an answer is in essence -- if we can continue to issue \$25,000 invitational bids -- this does need to be addressed, because we have some bids to open today. So this is an ongoing procedure. I do thank you for your indulgence.

Commissioner Borries: Your comments are certainly always an important part of this Board, Shirley. I don't know, as I say, in terms of what this procedure will bring, but insofar as acting in good faith in relation to the Rollet's Lane project or any project, that is what I proceeded to do. Whatever information was forwarded to the State Board of Accounts I would assume they would want to check into in order to settle in their minds any kind of question that there had been any secrecy regarding these particular projects -- because the projects themselves, Shirley, have moved forward through these open meetings. You had raised questions and those questions were certainly taken to heart.

RE: AUTHORIZATION TO OPEN BIDS ON TITLE SEARCHES/TAX SALE

President Borries asked, "Do we have at this time a motion then to open the bids in relation to the performance of Title Searches in connection with the 1988 Tax Sale?"

Commissioner Willner: So moved.

Commissioner Cox: I will second.

Commissioner Borries: So ordered.

Commissioner Cox requested that the Attorney read into the record the names of the bidders.

Commissioner Borries asked, "Before he opens the bids?"

Mrs. Cox said, "Absolutely."

Attorney John said there were two (2) bids received; one from Vanderburgh Abstract Corporation and one from Indiana Paralegal Services.

RE: POOR RELIEF APPEAL - PIGEON TOWNSHIP

The meeting continued with President Borries asking if Mr. Willie Murray is in the audience at this time?

Speaking to the news media personnel, Commissioner Borries said at times the Commission has to ask poor relief applicants certain questions and he would appreciate their consideration in relation to this -- because he feels the individuals might be under stress or nervous in terms of the cameras. Thus, he would ask their indulgence concerning this matter.

At the request of Commissioner Borries, Karen Murray approached the podium and stated she resides at 252 E. Mulberry.

Commissioner Borries asked why Willie Murray is listed on the application?

Ms. Murray said he is her husband.

Mr. Borries asked if there is some reason Mr. Murray cannot be here today?

Ms. Murray said he was called back to work last night, so he had to be at work this morning.

Commissioner Borries queried the Board concerning their feelings re Ms. Murray's appearance.

Mrs. Cox asked if Ms. Murray wants to withdraw her appeal now that Mr. Murray has been called back to work? Or does she want the Board to proceed to hear the appeal?

Ms. Murray said she wants the Board to hear the appeal, because he won't be getting his first paycheck until next week.

Mrs. Cox said she thinks what Mr. Borries is saying here is that the Board usually hears from the individual who has filed the claim -- but they're glad to hear Mr. Murray is working.

Commissioner Cox queried Mr. Borries re the nature of the request.

Mr. Borries said they are requesting a food order. Is that correct?

Ms. Murray acknowledged that this is correct.

Mrs. Cox asked if it is a non-food order?

Mr. Willner said she's talking about food stamps.

Ms. Murray said, "No; we applied for a food order at the Trustee's office and they turned us down, because they said the household was over income."

Mr. Willner commented, "Food stamps are given out by the Welfare Department. What does that have to do with the Trustee? A non-food order is okay -- but they're not talking about that, they're talking about food stamps."

Commissioner Borries said the appeal indicates they were cut off of food stamps, because her husband was called back to work.

Ms. Murray said they were cut off of food stamps when he went back to work and the latter part of July they got food stamps for the month of June. He was called back to work so they cut them off and they have been cut off ever since then. So they went to the Trustee's office a couple of weeks ago for a food order and they turned them down because they were over income. This is why an appeal was filed.

Commissioner Cox said she would move that the request for an appeal by Karen Murray (representing her husband, Willie Murray) be heard by the Board.

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

Commissioner Borries asked if Ms. Murray has further comments? The Board also needs to hear from the Trustee's office.

Ms. Murray said there isn't much more to tell. She has three other kids and they get social security money from their daddy's death (\$604.00 per month). They said that is why she was over income. They had a big light bill she had to pay out of that because Mr. Murray was laid off from work, plus they turned around and paid \$270.00 for rent.

Commissioner Cox asked how many are in the family altogether?

Ms. Murray said there are five in the family -- three kids and two adults.

Mrs. Cox asked what the total income is?

Ms. Murray said the children get \$604.00 per month.

Ms. Cox continued, "And I assume your husband makes more than \$150.00 per month?"

Ms. Murray said that is correct.

Mrs. Cox said, said the income limit for five persons is \$500.00.

Commissioner Borries asked if there are any further questions of Ms. Murray at this time? There being none, he asked Ms. Nancy Walters of the Pigeon Township Trustee's office to approach the podium.

Ms. Walters said that according to Pigeon Township Trustee's guidelines the income limit for five in a household is \$500.00 per month. The Murray's income for this month was just a little over \$900.00, because he had received one pay this month. She called the place he was working and he worked until the second week of this month and then he was going to return to work today. She also called the food stamp department. The Murray's were supposed to come back in that office in June with some information, but they didn't show up with the information for them to go back on food stamps. At the time when they were supposed to show up for more information for them to get food stamps in June, they were way over income then for food stamps and their income level is higher than the Trustee's level of income.

Commissioner Borries asked if there are any questions of Ms. Walters at this time?

Ms. Murray indicated she again wished to speak. She said when the lady from the Food Stamp office asked her to send back in a monthly report, she sent it back in telling her how much the monthly income was. "She never told me to come in for an appointment or nothing like that."

Commissioner Borries said he doesn't know what to say, short of the fact that maybe when Ms. Murray told the lady what her monthly income was -- and again he doesn't know -- she might not have felt the Murrays were eligible because of the current income standards.

Mrs. Cox interjected, "Karen, have you tried Patchwork Central and the Food Bank -- operated by the churches here? That would get you over the hump here until your husband gets a paycheck. Maybe they could give you some temporary support. Just call the Council of Churches office and they can give you those numbers. On second thought, Mrs. Cox asked Ms. Walters of the Pigeon Trustee's office if she can provide Ms. Murray a list of the agencies (such as Patchwork Central, Catholic Charities, etc.).

Ms. Walters said she gave her information relative to the Food Bank earlier --but Ms. Murray said she didn't have transportation.

Mrs. Cox asked if the Murrays would be eligible to take the S.M.I.L.E. Bus?

Ms. Walters offered comments -- but they were inaudible.

Mrs. Cox again asked that Ms. Walters provide the Murrays with the names of the agencies. And she believes if Ms. Murray will call the people at the church -- they would even provide her with some money for transportation -- or some arrangement.

Ms. Murray expressed appreciation to the Commissioners.

RE: JOINT AGREEMENT RE OPERATION OF ANIMAL SHELTER

Commissioner Borries recognized City Clerk Betty Lou Jarboe.

Mrs. Jarboe laughingly said she is here again today -- with no buttons! (She was referring to the political button she was wearing a week or so ago for Democratic candidate for County Clerk (Betty Knight Smith).....while seeking approval from the Commission on the Joint City-County Agreement re Human Relations Department. Commissioner Cox is the Republican candidate for County Clerk...and Mrs. Jarboe removed the subject political button when she was seeking approval of the agreement from the bi-partisan Board..

Continuing, Mrs. Jarboe said she has the Joint Agreement between the City and the County re operation of the Animal Shelter. The Open House will soon be held for the new shelter. In any event, this is three year contract which will automatically be renewed unless either party wishes to give six (6) months notice that they want to get out of the contract. It will be funded, as the City and County Council have already had their meeting. 75% of the funding will be from the City and 25% from the County. She needs the Commissioners' approval on the agreement and their signatures on the contract, so she can get these to County Council for their approval and signatures. A copy will be provided to the Commissioners after the agreement has been recorded.

Commissioner Borries asked if there are any changes?

Mrs. Jarboe said there are no changes except for the time of expiration. The City Council and County Council Joint Budget Hearing was held last month and they agreed to the budgeting item. The Animal Shelter will again be run by the Health Department and the City Controller will pay all the claims and the County will reimburse the City for any expenditures. Again, 75% is the City's contribution and 25% contribution on the part of the County.

The Chair entertained a motion.

Upon motion duly made by Commissioner Willner and seconded by Commissioner Cox, Resolution No. C-88-76 regarding operation of the Animal Shelter was approved and the agreement executed.

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

RE: WATER DRAINAGE PROBLEM - PLAINVIEW DRIVE

The Chair recognized Ms. Ruby Ann Branstrator. Mrs. Branstrator read the following presentation, which she had submitted to the Commissioners, together with an invoice from Deig Bros. dated May 27, 1986 in the amount of \$1,450.00.

August 29, 1988

I hope you will bear with me this afternoon, as I come before you to explain a problem that I am facing.

I am Ruby Ann Branstrator -- I live at 6000 Plainview Drive, which is in German Township in northwestern Vanderburgh County off Highway 65. There is a water drainage problem that exists on my property but which, I believe, is not wholly my problem.

There are seven homes on the North side of Plainview Drive before you reach my home and nine homes on the south side which is where my home is located. There is some covered drainage tile extending down Plainview Drive on the south side, but when it gets to my driveway, this water is directed into a ditch lying alongside my drive back to a culvert which runs under my drive and ultimately empties into the Eastern Lake of Northlake Estates. There is also a concrete pipe that comes across Plainview Drive from North to South and empties into this open ditch -- so I am also carrying water for the south side of Plainview Drive.

Two years ago I had to replace the metal pipe under my drive as it had rusted out and my driveway was sinking and the soil eroding. I had to hire Deig Bros. Construction Company at a cost of \$1,450.00 to redo this part of my drive, replacing the pipe under the driveway and adding another piece of pipe leading from the culvert out to the open ditch. This ditch from this point to my mailbox is approximately 150 ft. long.

This ditch alongside my drive needs some improvement; of course, pipe would be the most desirable way of taking care of the water flow. Another method would be to grade the level of the ditch into a series of rip-rap steps descending about a foot at a time, resulting in a gradual grade until the water meets the pipe which I have installed, at the same time rip-rapping the sides of the ditch.

A county work crew came out this summer and dug out the ditch alongside Plainview Drive in front of the property next door to me. There has been water standing on this property for some time. Of course, the water from the ditch they dug out empties into the ditch alongside my driveway.

I am asking for a recommendation from this Commission that this ditch be declared a Public Ditch as it is carrying all the public water along Plainview Drive from Highway 65 down to my drive. My driveway is 1/4 of a mile from the highway.

I feel the improvements and maintenance of this ditch should not fall upon one property owner.

Thank you for your indulgence.

Commissioner Borries expressed appreciation to Ms. Brandstrator and said she did a fine job. He then entertained questions from the Board.

Commissioner Willner asked Mr. Bethel if he is familiar with the problem.

Ms. Brandstrator said Mr. Jeffers from the Surveyor's Office was out, because when she first called the secretary in the Commission office, she directed her to the Drainage Board and she talked to Mr. Jeffers on the telephone and he was good enough to come out with two men and walk up and down and spent 15 to 20 minutes advising her, of course, as to how it could be fixed. But what she is interested in obtaining is some help. This is a lot of expense. But since this is public water -- if she just had her own front there to take care of, she wouldn't have all of this erosion. And this is what she is facing. The erosion alongside is going to eat up right to her driveway if something isn't done.

Mr. Bethel said Mr. Jeffers is not in his office right now -- we tried to find him earlier.

Commissioner Borries said the Commissioners thank Ms. Brandstrator for coming today. They will check with Bill Jeffers and the Commissioners could come out?



Ms. Brandstrator asked that they let her know when they are coming; she would like to be there if they come out.

Commissioner Cox asked if the Board can have Ms. Brandstrator's telephone number?

Ms. Brandstrator said it is 963-5205.

Commissioner Cox said she thinks what the Board first has to determine is whether this ditch lies within the road right-of-way and if it is the County's responsibility to maintain it. That's one thing. It wouldn't need to be declared a legal drain; the County would just maintain it all up and down the roadside. She thinks; it has been the Board's policy (and correct her if she is wrong) driveway tiles are another matter. If the individual property owner will buy the tile, the County has placed these tiles within the ditch.

Ms. Brandstrator said she wasn't even aware of that. She is widowed and really, the sources as to how to get this information is limited. Thus, two years ago she had to do something -- she thought everytime she drove on her drive she might suddenly sink -- so she did do that much.

Mr. Borries again reiterated the Commissioners will speak with Mr. Jeffers concerning the problem.

RE: READING OF BIDS -- TITLE SEARCHES/TAX SALE

The meeting continued with President Borries asking for a report from Attorney Curt John re the two bids received.

Attorney John said that, as stated earlier, two bids were received on the title searches concerning the tax sale.

- 1) Indiana Paralegal Services: Bid amount of \$200.00 per search or per title. (There are some questions about some of the things in there.)
- 2) Vanderburgh Abstract: Bid of \$175.00 per title, which would appear to be the low bid.

Mr. John said the Commissioners may want to refer these bids back to the Purchasing Department prior to awarding a contract.

Commissioner Borries entertained questions of Mr. John.

Mrs. Cox asked if the bid wasn't \$200.00 last year?

Attorney John said he believes Vanderburgh Abstract said they did state in their bid that they did 295 title searches or something like that last year.

County Attorney Sam Humphrey said it is interesting to note for the record that the State average per title search last year was \$83.00. And we sent invitations to people who bid them as low as \$35.00 per title search in other parts of the State -- but we received no response.

Commissioner Cox asked if we're on a time frame?

Mr. Humphrey said the sale is October 3rd and the abstracts for those properties we sell have to be completed within thirty (30) days.

Commissioner Cox said, "That is why I am asking -- can we wait a week for referral to the Purchasing Department?"

County Auditor Sam Humphrey said we do not use the Purchasing Department on these.

Attorney John said the reason he asked was that in the specs it stated the bids were to be made in accordance with the requirements of the Joint Purchasing Department. If Purchasing did not do anything on this, he will refer it back to the County Auditor's Office. He asked if the Auditor had handed out any specific forms?

Mr. Humphrey responded that the forms sent out were obtained from the Purchasing Department.

Attorney John said there may be some problems with one of the bids regarding the non-collusion affidavit and the bid form, itself, so that is why he is wondering.

Commissioner Cox asked if the bids couldn't just be referred to the County Auditor and let him report back before the meeting's end.

Motion to this effect was made by Commissioner Cox and seconded by Commissioner Willner. So ordered.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Work Report/County Garage: Mr. Bethel submitted copies of the Weekly Work Report for employees at the County Garage for period of August 22 thru August 26, 1988.....report received and filed.

Gradall: Mohr Rd. ditch, Heinlein and Happe Rd.

Paving Crew: No. 6 School Road

Grader: Elmridge (shoulders), King Rd. and The Bottoms

Mower: Old Henderson Rd., Eickhoff Rd., Green River Rd., Mohr Rd., Mt. Pleasant, Old State Rd., Marx Rd., Old 460, and Five Dollar Rd.

Patch Crew: Shady-Hollow and Mimosa intersection; Kleitz, Meier, West Terrace, Red Bank Rd., Kuebler, Mesker Park Drive and culverts on Hillsdale Rd. and Allen's Lane.

Tree Crew: Cut trees on Middle Mt. Vernon Rd.

Bush-Hog: Broadway, Campbell, Hillside and Walnut Park Roads

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

- Installed guard rail on Syls Drive; removed guard rail on Middle Mt. Vernon Rd.
- Repaired washouts on Green River Rd. and Volkman Rd.
- Cut grass and painted rail on Ohio Street Bridge, Seven Hills Rd., Schlensker, Kleitz, McCutchan, Kremer, Green River Rd., Radio, Hirsch, Millersburg, Bergdolt and Heckel Rds.
- Patched concrete culverts and opened culverts on Green River Rd. and built drop box on Browning Rd.
- Worked on culverts on First Avenue at Allen's Lane and Winterheimer Drive

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

Acceptance of Insurance Settlement Check/Automobile: Mr. Bethel said that on August 8, 1988, Delbert Pfingston (one of the Bridge Inspectors) was coming back to the County Garage from a day's work and was accidentally run into by another car. The other car totaled out the car the Garage had, which is one of the Sheriff's old cars. He talked to Messrs. Willner and Borries concerning the car, as to whether he could sign for it -- he told them he would not take less than the Blue Book value. They said it would be okay. The Blue Book value was \$1,700 and he got \$1,741.25. Had we sold the car at auction, we'd probably gotten \$400 or \$500 out of it. So he feels we did very well.

Commissioner Cox said she would want an opinion from the County Attorney as to whether the proper method was used in disposing of this vehicle. She does commend Mr. Bethel on the price he obtained for the vehicle, as long as this was within the framework of the Board to dispose of the vehicle in this manner.

Commissioner Borries asked Attorney Curt John for his opinion and he asked that Mr. Bethel again give Mr. John the background information.

Mr. Bethel said there was an accident involving one of the Sheriff's old cars. The vehicle was totaled -- the insurance adjuster absolutely totaled the car out. Mr. Pfingston was not at fault in the accident and the other driver was ticketed. The Blue Book value of that vehicle was \$1,700.00. The check from the insurance company is \$1,741.25. He figures that had we sold that vehicle at auction (which is generally what we do with old cars) we would have gotten \$400 or \$500 out of it. He called Messrs. Borries and Mr. Willner happened to also be there -- and they said it was all right to go ahead and total out the car and let the insurance company have it. Commissioner Cox wants to know whether or not it was legal for him to do this.

Attorney John said it does differ a bit from the normal procedure for disposing of County property. However, given these circumstances and the events, it is very possible that it was done properly. Could the Commissioners hold this check until next week -- or let him endeavor to check this out and report back later in the meeting? The normal procedure would be the bidding and auctioning of the property. But, as a settlement...

Commissioner Borries asked, "The insurance company had contacted you about this. Is that correct?"

Mr. Bethel replied, "That is correct; and they wanted to settle for this vehicle -- and the car was absolutely totaled. I told them it was a total wreck."

Attorney John said, "I would think the Commissioners would have that authority, because it does not involve really the selling of the property; you're compromising in settling a claim for damage to County property which in this instance does involve a transfer of title to a salvaged vehicle."

Mrs. Cox said, "I misunderstood; I didn't know this was an insurance settlement."

Mr. Bethel said, "It is an insurance settlement."

Mrs. Cox said, "I thought you had sold this to..."

Mr. Bethel said, "Oh, no."

Mr. John said, "Basically, I would assume they are taking the vehicle, aren't they?"

Mr. Bethel said, "Oh, yes."

Mrs. Cox: "Well they do, when they total you out -- they take your vehicle."

Attorney John said, "I don't think there'd be any improprieties there."

Mr. Bethel commented, "To tell you the truth, I didn't even think they'd come to pick it up."

Commissioner Borries said, "Again, we were going to have a junked car worth \$300 or \$400. They had offered this settlement. Again, Bill couldn't act on his own and asked my opinion of that. Again, that depends on what the legal opinion might be."

Attorney John said, "Without citing a statute I would say that this is a proper procedure or else it would require that you sue every time rather than negotiate a settlement -- and you do have the authority regarding compromise to settle claims."

Mrs. Cox asked, "Have we ever had this happen before?"

Attorney John said he knows there have been repairs before, but he is not familiar with any actual total out. He can't recall any.

Upon motion made by Commissioner Willner and seconded by Commissioner Cox, the check was accepted and endorsed.

Commissioner Cox said she is not sure where this money goes. She hopes this time we get a new car. We're always getting one of the Sheriff's rejects at the County Garage and we need better stuff out at our garage.

Mr. Bethel said, "Yes, we do. We ought to give the Sheriff our cars and let him run them a while."

Commissioner Willner said the check should be deposited into the County General Fund.

Mr. Bethel reported that Mr. Pfingston is still off from work.

Mrs. Cox asked what the Garage is going to do for another vehicle for him to use, because he does need a car.?

Mr. Bethel said he hopes the Sheriff has some more cars he'll let go of -- but they will have to find something for Mr. Pfingston to use.

Mr. Bethel noted that a lot of the Sheriff's vehicles have over 400,000 miles on them.

Mr. Willner asked if Mr. Bethel had to sign a release?

Mr. Bethel acknowledged that he did -- only for the car.

Commissioner Willner asked if Mr. Bethel will let the County Attorney read the release?

Mr. Bethel said he doesn't have it -- but he can get it.

Mrs. Cox asked if Mr. Bethel has the title?

Mr. Bethel said he gave the insurance adjuster the title.

Attorney John said the important thing is whether it specified "Property Damage Only".

Mr. Bethel said it did.

Commissioner Willner requested that the record reflect that the Commissioners endorsed the check with the knowledge that it was only for property damage to County property.

RE: COUNTY ENGINEER - DAN HARTMAN

President Borries called upon County Engineer Dan Hartman for his report.

Progress Report/Road Paving: Mr. Hartman advised that J. H. Rudolph has continued working on the Schutte Road pavement job. Again, he cautioned him about our doing the paving between Highway 62 and Clark's Lane at the eastern entrance to USI. Mr. Hartman said his office is currently designing a new entrance way or roadway there for the University to coincide with what the State is going at the north end of the University on Highway 62 itself.

The Rogers Group has promised to begin paving next week.

Boonville-New Harmony Rd. Plans: Mr. Hartman said the plans for the Boonville-New Harmony Road project (which are in his office) are currently being drawn up by county personnel.

Claim/Accu-Survey/Seymour, IN: With regard to the Boonville-New Harmony Rd. project, he has a claim to Accu-Survey in Seymour, IN for flying and photosheets in the amount of \$3,340.00. Mr. Borries asked if Mr. Hartman agrees with the claim? If so, he will need to sign in the appropriate place.

Mr. Hartman said he concurs.

The Chair entertained questions or a motion.

It was noted that this project is a 3-R project. Mrs. Cox asked if Mr. Hartman has the photos and he acknowledges that he does.

Mrs. Cox said she realizes the authority for Accu-Survey to perform this work was probably negotiated before Mr. Hartman came on Board, but by who?

Mr. Hartman said he believes Mr. Easley handled this.

Mr. Borries asked where this project now stands?

Mr. Hartman said they are now adding the elevations, geometrics, etc. on the plans. The plans are available for viewing in the Engineer's office.

Mrs. Cox said she believed we also received notice from the State that they would not include this in their funding.

Mr. Hartman said he believes that was on the bridge on Boonville-New Harmony, which is under design.

Mrs. Cox said Rose Zigenfus of EUTS is involved in this 3-R, did she authorize Accu-Survey to do this work? She doesn't remember anyone coming before this Board and asking permission to have over flights done on this area. Mr. Hartman has the maps and we know the work has been done, it's just checking to see under what authority it was done.

Prior to taking any action on this claim, Mr. Borries requested that Mr. Hartman attempt to secure additional information.

Claim/Veach, Nicholson, Griggs Assoc.: Mr. Hartman submitted a claim in the amount of \$1,057.00 for the Orchard Rd. project over Indiana Hi-Rail Railroad for their portion of the design solution to that problem. They are up to 41% of the \$23,500 contract, less 10% retainage, less previous payments.

Upon motion made by Commissioner Willner and seconded by Commissioner Cox, the claim was approved for payment.

Darmstadt Rd. Bridge over Lower Big Creek: It was noted by Mr. Hartman that last week the Commissioners had expressed a desire to see what had been done on the Darmstadt Road bridge over Lower Big Creek. With the Board's permission, he will now show them the plans.

RE: ACCEPTANCE OF STREETS IN EASTLAND ESTATES D-2

Mr. Hartman said he has an acceptance letter on streets in Eastland Estates D-2, which he and Bill Bethel have examined and signed off on. The only approval missing is that of Bill Jeffers of the Surveyor's office.

Mr. Borries asked if Mr. Hartman is aware of whether Mr. Jeffers has made any particular comments?

Mr. Hartman said he has made no comments at all.

Upon motion made by Commissioner Cox and seconded by Commissioner Willner, this will be referred to Mr. Jeffers for his comments prior to the Board taking any action.

RE: ACCEPTANCE OF STREETS IN OGLESBY ESTATES SUBDIVISION

Mr. Hartman said he also has an acceptance letter on streets in Oglesby Estates Subdivision, which he and Mr. Bethel went out to view and approve. They did approve the roadway itself and the inlets, etc. However, there was a question about where Oglesby Estates ran into Orchard Road and the question had to be resolved insofar as run-off is concerned, because the water was spilling over Orchard Road itself at the entrance to Oglesby Estates. This is presently being corrected.

Mrs. Wolf, the developer, is here to give her comments on the work currently being done. Again, we are waiting on Bill Jeffers to give his final approval with regard to the run-off and the drainage.

Commissioner Cox asked Mrs. Wolf if she has a Letter of Credit deadline?

Mrs. Wolf said she is going without the Letter of Credit.

Mrs. Cox asked, "So you're not under any real tight time constraints?"

Mrs. Wolf said, "Yes I am. I am going without the Letter of Credit. The streets are in and everything has been done except for paying for the water (\$50,000) and she can get that from the bank as soon as the streets are approved."

Mrs. Cox said she thinks a couple of meetings ago the County Attorney advised the Board (because at that time it was reported that the utilities had not yet been installed).....

Mrs. Wolf interrupted, "No -- I'm borrowing the rest of the money for the utilities. Once the street is approved, then I have the money to finish paying for the water."

Mrs. Cox said, "I believe our Attorney recommended that the Board not accept the streets until the utilities were in place."

Commissioner Borries said his notes say that there is to be a report back within 15 working days from 8/22/88.

Mrs. Cox said, "That is correct."

Mrs. Wolf said, "The bank has approved the loan subject to the street being approved."

Mrs. Cox said Mr. Jeffers' comments were that the caution he was going to forward to the Board was that some of the other improvements aren't in place yet (such as water, gas, telephone and cable) and he is not aware as to whether those installations are going to cross the street. He knows they run along the street within the right-of-way and knows there will be some trenching going on, etc., etc. And Attorney Miller said he would recommend that the Board not take any action on this until the construction is finished. It was the consensus of the Board that action on Oglesby Estates Subdivision be deferred. Mr. Borries asked that Mr. Jeffers report back to the Board within 15 working days and that will make it easier for the Board to make a decision.

Commissioner Borries said, "To go back then and perhaps to expedite this decision, Mrs. Wolf is saying that she has done everything?"

Mrs. Wolf responded, "I have done everything that anyone has told me or indicated that they wanted done to get that street approved and the bank has agreed to loan be the balance of the money -- and it is just a question of that money being paid."

Mrs. Cox asked, "Will there be cuts across the concrete?"

Mrs. Wolf responded, "There will not be cuts across the concrete. On the entrance with regard to the water line -- before they poured the street that was all checked out by the engineers to be sure that if there were any lines going under they would be installed before the street was poured. At the entrance there is a large line going through that will accommodate the water -- and that was put in before the street was finished (and that is going down Orchard Rd. at that point). Other than that, for the houses -- they said it is just as easy to do it afterwards as it was before. She checked that out with the Water Department. The electric lines will be looped -- they will go around the whole subdivision -- the water will go under the streets and Mike Kelly from SIGECO has set up the plans and as soon as I pay the \$16,000 ...."

Mrs. Cox said, "Please understand that this Board has had some trying experiences and that explains our concern. In some cases utilities were put in after new surfaces were put down on roads and these roads have been virtually destroyed by the activity going on. Concrete isn't as easily disturbed as asphalt, but it does crack and it does break."

Mrs. Wolf said she has done everything in her power to see that this won't happen, because she doesn't want the street messed up anymore than she does.

Mrs. Cox asked if Mrs. Wolf is going to live there?

Mrs. Wolf said she is not going to live there -- but she certainly wants it to end up being a nice subdivision.



Mrs. Cox said the Board had said to wait 15 working days, which...

Mrs. Wolf interjected, "What was the reason for waiting?"

Mrs. Cox said because Mr. Jeffers -- did Mrs. Wolf receive a copy of Mr. Jeffers' preliminary report?

Mrs. Wolf said she hasn't received one yet.

Mrs. Cox cited comments about inlets #13 and #15.

Mrs. Wolf said she went back and had larger inlets installed.

Mrs. Cox said she will let Mrs. Wolf have a copy of the Surveyor's report and ask that she get with him this week -- and if at possible bring this back to the Board on September 6th.

Mr. Borries asked if this would be agreeable with Mrs. Wolf?

Mrs. Wolf said, "It would have to be. But I have done everything. There has not been one thing they have said for her to do that she hasn't had someone do. I met with Mr. Jeffers and he told her what needed to be done and I complied with Mr. Jeffers' and Mr. Hartman's requirements."

In response to query from Mr. Borries as to whether Mr. Jeffers will be here this week at all, Mr. Hartman said he believes he is in town.

Mr. Borries said he thinks it is important that the Board work with Mrs. Wolf. If the Board can't give her a decision by next week, then they need to tell her that.

Mrs. Wolf said the agreement with the concrete pavers was that she would get the streets approved in a timely manner -- and she has tried to do everything ahead of time.

Mrs. Cox said she does understand that Mrs. Wolf's credit is at stake here.

Mrs. Wolf said she talked with Mr. Jeffers and tried to do everything he said to do.

Mrs. Cox asked if she has talked with him since last Monday?

Mrs. Wolf said she talked to him the day before he was to go to the meeting.

Commissioner Cox asked that if the Board approves the streets today, would Mrs. Wolf be willing to sign a Letter of Intent that if there is any damage to the roads due to the lines that...

Mrs. Wolf said there are no more cuts that are supposed to be made -- that was her understanding.

Mrs. Cox continued, "That you will comply with the suggestions?"

Attorney John asked if the County has standard policy that if there are any road cuts performed a bond is posted?

Commissioner Borries said, "Not that I know of."

Mrs. Wolf said the understanding was that if any cuts were to be made the pipes were to be installed before the concrete was

poured. At the time it was done, it was double checked through the Engineer and it was inspected when it was installed. The electric will loop the whole subdivision.

Commissioner Borries queried the Board concerning their feelings. He said it certainly seems Mrs. Wolf has made some good faith efforts here to resolve these problems and the Board certainly respects that Mr. Jeffers has to have vacation somewhere down the line. Assuming the Board has Mrs. Wolf's commitment in the meeting that if any further cuts are made that repairs will be made, then he would entertain a motion concerning approval of the request.

Mrs. Cox noted the street is paved with 6 inches of concrete with rolled curbs.

Upon motion made by Commissioner Cox and seconded by Commissioner Willner, the streets in Oglesby Estates Subdivision were approved and accepted for County maintenance, as follows:

Oglesby Drive	3,175 LF
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So ordered.

RE: ACCEPTANCE OF STREETS IN OAKVIEW PLACE II

Mr. Hartman submitted acceptance letter for streets in Oakview Place II. The streets have been inspected by Bill Bethel and himself and was accepted by the County Commissioners on August 8, 1988 -- but the acceptance letter was not signed.

Upon motion made by Commissioner Willner and seconded by Commissioner Cox, the letter was signed to accept streets in Oakview Place II, as follows:

Oak Park Drive	489.0 LF
Cypress Court	599.0 LF
Total	1,088 0 LF

RE: CHANGE ORDER RE WOODS ROAD BRIDGE

Commissioner Willner said that several weeks ago Mr. Hartman said he did some Change Orders on the Woods Road Bridge. A Change Order needs to come before this Board forthwith.

Mr. Hartman said he did not make a Change Order; he just deleted an item. But he does have to have a Change Order. He will definitely have a Change Order next week for the deletion of a 36 inch drain pipe (about \$1,200 worth).

RE: REQUEST TO BURY GUARD RAIL ENDS ON WOODS ROAD BRIDGE

Commissioner Willner said he would request that Mr. Hartman see that the guard rail ends on the Woods Road Bridge are buried -- they are not buried.

Mrs. Cox asked, "Wait now -- wait not; is that part of the invitational bid?"

Mr. Hartman said we're doing our own guard rails on the Woods Road Bridge and he will have Mr. Bethel make sure the ends are buried for safety reasons.

Mrs. Cox asked how that project is progressing? Isn't there a deadline of September 1st? She thought it was pretty close.

Mr. Hartman said he would say next week, but he would be remiss in saying that. However, it will be soon -- but we're not quite there yet. They have to have some asphalt out there yet and the rolled stone base is in place and he can't remember whether it is J. H. Rudolph or Rogers that is putting the asphalt down.

RE: AWARDING OF BIDS FOR TITLE SEARCHES RE TAX SALE

Attorney John said the bids for title searches re the upcoming tax sale have been reviewed. County Auditor Sam Humphrey has recommended that Vanderburgh Abstract be awarded the contract for title searches in the amount of \$175.00 per title. There is an urgency in getting this information to Martha Calkin, so she can let the people in the Computer Room know so the letters can go out.

Commissioner Cox asked how many titles are we talking about approximately?

Mr. John said they differ this year in that the title search is not performed until after the tax sale and it is only then on the ones that were sold at the tax sale. Thus, it will not be the approximately 300 we had last year.

Ms. Calkin said we sold 99 parcels last year.

Attorney John said it will probably be one-third of what is advertised. He would assume many of those from last year will be on the list again this year.

Commissioner Willner asked, "The fee for the title search is added to the sale price, is it not?"

Attorney John said that is correct.

Mrs. Cox said this year we are protected because the title searches are not going to be done until after the property is sold. Last year we had to do the title searches on all of them and we lost all the money on the title searches and all the money for attorneys fees for reviewing.

Upon motion made by Commissioner Cox and seconded by Commissioner Willner, the contract was awarded to Vanderburgh Abstract for title searches in conjunction with the 1988 Tax Sale. So ordered.

RE: REQUEST FOR NEW ROOF/HILLCREST-WASHINGTON  
SUPERINTENDENT'S HOME

President Borries called upon Jim Lindenschmidt, who reported on the progress with regard to the new roof on Hillcrest-Washington Children's Home. As we've been moving along on this project, the Superintendent's home has developed some leaks in the roof and they'd like the Board to sign a change order to put a new roof on the Superintendent's home, which is 3,350 sq. ft. -- using the same type material that is being used on the Children's Home. This change order would be for the amount of \$18,700.00.

Commissioner Borries said Councilman Owen had talked with him. He apparently was aware of this. Mr. Borries said he is not certain the Mental Health Foundation would go ahead and pay for this -- it is extra work. He doesn't believe the leaks were detected at the time the other contract was set up for the Children's Home. Thus it is up to this Board. He doesn't believe anyone is aware of any other leaks at this particular time. If this Board sees fit, then the Council would certainly have to appropriate the money. But insofar as concluding the County's obligations, he doesn't know what obligations the County would have at this time. He is sure that had the leaks been detected at the time that the other work was being considered, it would have been added to the contract.

Mr. Lindenschmidt said the Mental Health Foundation has completely remodeled this home at their expense. They felt there were a few things in the air conditioning contract -- the removal of radiators wasn't included -- and they are going to do that at their expense. Mr. Lindenschmidt said he went in and looked at it and they are doing a good job.

Commissioner Borries said they have done extensive work in regards to water lines, so it is strictly up to this Board. It is a form of extra work.

Mr. Lindenschmidt said he has talked to the County Council about this and they are acceptable to it.

Commissioner Cox said, "Here again, gentlemen, I am going to ask for an opinion from our County Attorney. I was not under the impression that the -- and you're talking about the Superintendent's Home -- was part of the original contract for replacement of the roof.

Messrs. Borries and Lindenschmidt said it was not.

Continuing Mrs. Cox said, "So I don't know that a change order -- I think that is a question we need to have answered by the County Attorney -- as to whether a change order can come in on what I would consider a new project. I have no objection -- the buildings do belong to Vanderburgh County; and please don't misunderstand, I do not have objections to the County participating in the correction of this problem. I just want to make sure that what we do we do legally. If I recall correctly, there is only one company that can install what we've specified as a roof anyway -- but I do feel we need a legal opinion."

Attorney John said he would like to see the previous bid as well as the existing contract as to what is being leased and what the obligations of the County are versus what their obligations are. It would be difficult to stand here and shoot from the hip and he could give wrong answers.

Mr. Lindenschmidt said he'll have to check this out -- but the total amount on the Washington Home was \$94,400.00.

Mr. Borries asked how many square feet?

Mr. Lindenschmidt said he doesn't have those figures -- but he believes the reason we're getting this \$18,000 price is because they are out there now finishing up their work.

Attorney John asked how long that will take? Will they still be there next week?

Mr. Lindenschmidt said they're about completed. He will check to see if he can find the square footage.

Commissioner Borries said this is extra work -- it was not in the original part of the contract.

Attorney John said he doesn't think that would prohibit doing a change order -- but there are more things involved here.

Commissioner Borries said if it would take a new contract, he supposes that could be done, but it would have to be advertised.

Attorney John said he would recommend it now.

Commissioner Willner asked, "For \$18,700?"

Mr. John said, "I don't believe you have to. But there is a question pending in front of this Board right now."

Commissioner Willner said, "Not as far as I am concerned."

Mrs. Cox said, "Well, I don't think the \$18,000 is the question. But we get back here to the total amount of the project and if they're going to add this \$18,000 onto that company that is getting the \$94,400 -- then we'd better daggone well advertise to keep our tails clean -- that is all I can say."

Commissioner Cox said, "It would be my hope that this Board might consider it. Perhaps it is extra work. I want to follow the proper way of doing it and certainly I guess my concerns would be is it going to cost extra money at this point if we issue a new contract? Perhaps that would be the best way to do it and just see if ...."

Attorney John said, "Now, logically speaking, if you're going to obtain a new contractor and require them to bring their forces out there it would seem that it would cost more -- but I don't know -- I'm not in the roofing business."

Mrs. Cox said, "I just posed the question."

Mr. Borries said, "It is extra work. It was not within the other scope. Again, it was something Mr. Owen had discussed and I am open to this Board; I am only one of three members here and we're not in the habit here of asking for a lot of extra funding. It is a facility that is undergoing a lot of improvements at this time. The Mental Health Foundation has put in considerable amounts of money and the Vanderburgh School Corporation is using part of it for a Middle School and has renovated parts of the structure in the Washington Building -- so whatever the feeling is of this Board. If they do not wish to participate -- then it is a dead issue."

Mrs. Cox said, "Well, I think I've already expressed that I wish to participate. But I think our participation must be legal."

Mr. Borries hastened to interject, "I agree -- I agree."

Mrs. Cox continued, "If we can do this by way of a change order, I say fine -- and go with it. The other thing I think we need to look at and, Curt, I'm sure you will when you research it, is is there a limit or a percentage of this whole contract that limits change orders?"

Attorney John said, "That is my main concern."

Mrs. Cox said, "This is a pretty big lump sum and almost 1/4 the total bid on that one roof."

Mr. Borries said the Board will await Attorney John's answer.

Mrs. Cox said that if Attorney John can get an answer back to the Board today as to whether it is legal, the Board can go ahead and deal with it right now -- to do it on a change order. If it isn't, then we can immediately try to get the advertisement placed or whatever we have to do.

Commissioner Borries said, "Well, I certainly want to do it legally. I am not a fan of change orders. It has been my opinion that this was extra work -- it is not in the contract -- they are county buildings and I would like to see us participate to do that renovation. But it could be funded through another source -- so, again, it is up to this Board."

RE: REQUEST TO GO ON COUNCIL CALL - COUNTY ASSESSOR

President Borries said he has a request for the Commission to go on Council Call for the Board of Review to request additional monies for the extension to October 31st -- granted by the State Board of Tax Commissioners.

Mrs. Cox asked what the total amount is?

Mr. Borries said the note does not say.

Commissioner Cox asked Mr. Willner if he knows how much Mr. Angermeier needs to go on Council Call for?

Mr. Willner responded, "No, I do not. Is that a per diem Board? It is, isn't it, Sam? \$45.00 per day?"

Mr. Humphrey said that it is.

Upon motion duly made by Commissioner Cox and seconded by Commissioner Willner, the request was granted. So ordered.

RE: HOLIDAY CLOSING

President Borries said the City-County offices will be closed on Monday, September 5th, in observance of Labor Day. The next County Commissioners Meeting will be held on Tuesday, September 6th, in Room 307.

RE: OLD BUSINESS

Matters of Old Business were entertained by Commissioner Borries.

Commissioner Cox said she does want to enter into the record (and these were reported as inquiries at last week's meeting:

First is the letter from the Scott Township Volunteer Fire Department which says they would like to make a request to have the fire hydrant on North Green River Road in front of their fire station moved from the west side of the road to the east side of the road. "This request is made for safety reasons. At the present time while filling trucks we have to block one lane of the road. This is a public safety hazard as well as a safety hazard for fire fighters. Any assistance you render will be most appreciated."

Mr. Willner said the letter was forwarded to the Water Department as the County Commissioners have no jurisdiction over the water mains nor funds to move same.

Mrs. Cox asked, "Do you mean to say then we could not participate in the repair of the pavement or participate in the cost of this? But a letter has been sent to the Water Department?"

Mr. Borries said this letter was forwarded to the Water Department.

Mr. Lindenschmidt said he has an answer back on this. They just sent the letter back and said that the rough estimated price would be about \$4,400.00.

Mrs. Cox asked, "But they would be willing to do it?"

Mr. Lindenschmidt asked, "Who?"

Mrs. Cox said, "If somebody pays them the price -- yes."

Mrs. Cox said, "Well, we have a safety problem there on the road."

Mr. Lindenschmidt did point out that they said this was a rough estimate. He went down to see Mr. Diekmann and gave him a copy of the letter. If the Board is really interested in pursuing this, he will get them a firm estimate.

Mrs. Cox said she thinks we need to. As explained in the letter, right now the fire truck is pulling over on the wrong side of the road to fill up -- or they have to run their line across the road and block off traffic. She definitely thinks it needs to be pursued. A funeral cost more than \$4,400.00.

Commissioner Borries asked if there is any question as to the source of the funding -- and he will write them a letter to that effect.

Mrs. Cox asked if the Board would want a motion that Jim Lindenschmidt be asked to pursue it further and obtain a firm estimate?

Commissioner Borries said that would be fine -- but there is a question here with regard to funding.

Mrs. Cox said, "Ask if since this is another government entity, would the City be willing to stand some of the cost -- and maybe the County could repair the road cut or whatever. I don't know how they are going to get the line underneath it."

Mr. Willner said, "It is not a government entity. Scott Township Volunteer Fire Department is not a government entity."

Mrs. Cox said, "I beg to differ with you. It is supported by the Township tax rate which...."

Mr. Willner said, "It is supported by a contract -- not by ...."

Mrs. Cox said, "It is an item in every Township Trustee's budget, which comes right out of the pockets of the people who live in those Townships, Bob."

Commissioner Willner said, "That is correct -- but not their total budget."

Mrs. Cox said, "Well no, not their total budget that is true."

Commissioner Willner said, "We give money to the Chamber of Commerce and they are not a government entity. And, in return, we get BASF."

In conclusion, Mr. Borries requested that Mr. Lindenschmidt check with the Water Department to obtain a firm estimate and determine from whence some available funding could come.

Motion was made by Commissioner Cox that Mr. Lindenschmidt again check with Mr. Diekmann to see if we can get a firm commitment on the cost and just what this project is going to involve and whether the highway forces could provide some of the equipment and labor in order to do this and just have their inspectors hook up the lines. We need to find out these things.

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

RE: WORK IN PROGRESS ON HILLCREST-WASHINGTON HOME ROOF

Mr. Lindenschmidt said he checked with the contractor on the Hillcrest-Washington Home roof. He advised they will probably be done next week -- but it would be all right -- they could wait.



There are 20,900 sq. ft. on the Washington Home. There are 3,350 sq. ft. on the Superintendent's home.

The meeting was interrupted as Commissioner Willner calculated the 20,900 sq. ft. into the \$94,400.00 contract let for the room on the Children's Home, which came out to \$4.51 per sq. ft. The total on the Superintendent's home was \$18,700 divided by 3,350 or \$5.58 per sq. ft. What did the other one figure out to, Bob?

Mr. Willner said it was \$4.51 per square foot.

Attorney John quoted from the State Statutes:

If in the course of construction, reconstruction or repair of a public works project it becomes necessary to change or alter the original specifications, a change order may be issued to add, delete or change an item or items in the original contract. The change order becomes an addendum to the contract and must be approved and signed by the Board and the Contractor.

There is a limitation of 20%. An emergency does not increase that percent. All change orders must be directly related to the original public works project. If there is a licensed architect or engineer assigned to the work project, the change order must be prepared by that person. But the statute does state on a number of occasions that it has to be related to the original specifications or work project. Now, whether this is or not is subject to the Board's interpretation.

Commissioner Borries said, "It is not. It is extra work."

Mrs. Cox said, "Well, we could advertise for bids."

Commissioner Willner said, "It is less than \$25,000."

Mrs. Cox said, "You still have to have invitational bids, Bob."

Commissioner Willner said, "You don't have to advertise though for invitational bids. On invitational bids -- you invite them to bid."

Mrs. Cox said, "Now, we went through that before. There is a proper procedure and there has to be seven (7) days notice, I think."

Commissioner Borries said, "Let's advertise then and do it in a way the Board feels they want to do it. If not, let's drop that and we will not consider it."

Mr. Lindenschmidt said we advertised the original project twice and got two bids each time. He said he doesn't even know who to send the invitational bids to.

Attorney John suggested he send them to the people who are there now plus two other people known to be in that kind of business -- that's all he can do.

Commissioner Willner said, "That's an invitational bid."

Mrs. Cox said, "It has to be via certified mail and it has to be at least seven (7) days."

Commissioner Willner asked that he read the Statute re declaring an emergency.

Commissioner Cox asked, "Is it truly an emergency? Is the roof getting ready to..."

Mr. Lindenschmidt said he was informed it is only leaking in three rooms. He doesn't know.

Commissioner Willner said he guesses it depends upon when it rains.

Commissioner Borries said it could leak in all of them if we get a three inch rainfall in a half hour period. Let's just advertise. There may not be a motion on the floor. He just wanted to bring the matter to the Board's attention and Jim has presented the matter. If the Board does not want to act on it today .....

Mr. Lindenschmidt asked, "What do you want to do?"

Commissioner Cox asked, "What can we do, Mr. Counsellor?"

Attorney John advised, "You can advertise, you can take your invitational bids -- and I'm looking for the Statute pertaining to declaring an emergency."

Mrs. Cox asked, "Now are we declaring this an emergency because it is a true emergency -- or are we declaring it an emergency for the expedience of awarding a bid to do this? I think that is the whole topic of the question. And I do recall on this roof project I questioned when the specs were drawn up and were very, very specific -- even down to the code numbers of the materials -- and I was assured there would be a lot of people bid on this project. It's right in the minutes. You know, we are limited here if we want the same kind of roofing. And I'm not questioning that it is good roofing. I do question the technique that was used to get what an individual wanted and I want to make sure -- you know we were told there would be a lot of people bid on that, Jim; you heard that statement made and so did the rest of the Board. And you saw what came in. I just want to do it right. I don't care if we give it to the individual for \$18,000 as long as it is legally done."

RE: SEIB ROAD SITUATION

Commissioner Cox read the following letter from the German Township Volunteer Fire Department concerning the Seib Road situation:

August 12, 1988

Dear Resident:

As your fire department, we would like to discuss with you some concerns that we have with regard to providing adequate fire protection to the residences on Seib Road. We became very aware of these concerns some months ago when we were dispatched to a house fire at the far end and mentally formulated a plan of attack for fighting such a fire. Fortunately, that incident was minor.

As it stands, your road is over 2,500 feet long; the two hydrants that exist are not acceptable for providing fire fighting water flows; the road is not wide enough to allow vehicles to pass; and the only place that equipment would possibly be turned around is at the first hydrant at 1000 feet or at the far end.

We have some suggestions as to how this situation can be improved, but we need your assistance. A couple of turn arounds properly located would be a starting point or maybe a lake for a source of water.

We will also be sending this letter to the County Commissioners in order to see of what assistance they may be.

We will be available on Seib Road on Saturday, August 20, from 9:00 a.m. to 10:00 a.m. to answer your questions and to present our suggestions. If you wish to discuss this matter prior to that date, please contact Chief Buckman or myself at 963-9077.

Sincerely,

Wayne Weiss  
Assistant Chief

cc: Chief Buckman  
County Commissioners

Commissioner Cox said it was her understanding that they were going to discuss this with the residents on Seib Road and see if they couldn't come up with some voluntary commitments for right-of-way to make some turn arounds. Thus, she is submitting this letter for the record. But there is no correspondence to date concerning the residents' agreement to provide the right-of-way.

RE: SCHEDULED MEETINGS

Commissioner Borries stated that he is not aware of any scheduled meetings at this time.

RE: CLAIMS

It was also noted that there are no further claims to be considered for approval.

RE: EMPLOYMENT CHANGES

County Highway (Releases)

Joseph G. Schapker	Bridge Laborer	\$8.58/Hr.	Eff:	8/19/88
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County Highway (Appointments)

Joseph G. Schapker	Highway Laborer	\$8.51/Hr.	Eff:	8/19/88
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County Assessor (Releases)

Mary Hollander	Secretary/B/R	\$35.00/Day	Eff:	8/29/88
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County Assessor (Appointments)

Shannon Hall	Secretary/B/R	\$35.00/Day	Eff:	8/29/88
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Probate Division/Superior Court (Appointments)

Virginia Lomax	Asst. Clerk	\$9.28/Hr.	Eff:	8/22/88
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Burdette Park (Releases)

Wm. Engelhardt, Jr.	PTGC	\$4.35/Hr.	Eff:	8/1/88
Andrew Miller	PTGC	\$3.50/Hr.	Eff:	7/30/88
Chris Schneider	PTGC	\$3.35/Hr.	Eff:	7/29/88
Rod Baumgart	Rink D. J.	\$3.50/Hr.	Eff:	8/3/88
Christy Eickhoff	Pool Cashier	\$3.35/Hr.	Eff:	7/23/88
Jason Fowler	PTGC	\$3.00/Hr.	Eff:	7/27/88
Rebecca Eggleston	PTGC	\$3.50/Hr.	Eff:	8/3/88

Burdette Park (Appointments)

Gary Goodsen	PTGC	\$3.50/Hr.	Eff:	8/11/88
Stephanie Gee	Slide	\$3.35/Hr.	Eff:	8/6/88

Kenneth Palmer	PTGC	\$3.50/Hr.	Eff: 8/5/88
Rod Baumgart	Rink D. J.	\$3.75/Hr.	Eff: 8/3/88

RE: EMERGENCY BIDDING STATUTE

Attorney John reported that under the Emergency Statutes, the Board would have to find and declare that the roof situation at the Washington Superintendent's Home is an emergency. By Statute, an emergency is defined as "A situation that could not reasonably be foreseen and that threatens the public health, welfare, or safety and requires immediate action." If the Commissioners find it to be that, he would recommend that they specify in the minutes as to what that emergency is and how it relates to the statute. If they do that, then upon declaration of the emergency they may purchase or lease materials without giving notice or receiving bids, if quotes are invited from at least two or more persons known to deal in the materials or services required. Then the Board is to make of record the declaration of the emergency and the names of those persons invited to quote on the project. That is under the Emergency Statute.

He guesses the Board is familiar with the Under \$25,000 Statute regarding public purchases, which allows the Board to do invitational bids -- this has been the subject of quite a bit of discussion. So the Board has this alternative.

The third alternative is to go through the legal advertising and bidding process that is the normal procedure of the Board.

Attorney John again said, "These are what I see as your three alternatives."

Mr. Willner asked if the roof at the Superintendent's Home is a flat roof or a gable roof?

Mr. Lindenschmidt said the roof is mostly gable.

Mr. Willner asked, "And what kind of roofing does it have on it?"

Mr. Lindenschmidt said it has regular rolled roofing.

Mr. Willner said his feelings are that the square foot price on the rest of the contract figured at \$4.51 and the square foot price on this additional would be \$5.58, which would be \$1.07 higher per square foot. He does not know whether it would take the same type of roofing as the other, so he therefore says do nothing until we have better information.

Commissioner Cox commented she would think that this is something that is needed and if they have gone to the expense of renovation of that home (and she does know they are using it as an interim live-in home and not for an in-house Superintendent's residence) she would hate to leave the roof leaking in three rooms as has been reported to this Board and incur further damage. She would think that what the Board needs to do is immediately prepare specs for replacement of this roof and go through the bidding procedure and she makes that motion.

Commissioner Borries seconded the motion. So ordered.

Mr. Lindenschmidt asked, "You want the specs prepared and advertise, is that correct?"

President Borries confirmed that this is correct.

There being no further business to come before the Board at this time, President Borries declared the meeting adjourned at 5:10 p.m.

PRESENT:      COMMISSIONERS      COUNTY AUDITOR      COUNTY ATTORNEY

R. .J. Borries      Sam Humphrey      Curt John  
R. L. Willner  
S. J. Cox

COUNTY ENGINEER      COUNTY HIGHWAY

Dan Hartman      Bill Bethel

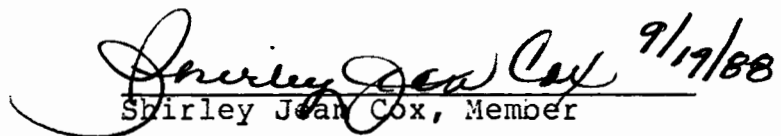
OTHER

Karen Murray/Poor Relief Applicant  
Nancy Walters/Pigeon Township Trustee's Office  
Betty Lou Jarboe/City Clerk  
Ruth Ann Brandstrator  
Mrs. Wolf/Oglesby Estates Subdivision  
Jim Lindenschmidt  
News Media

SECRETARY:      Joanne A. Matthews

  
Richard J. Borries, President

  
Robert L. Willner, V. President

 9/17/88  
Shirley Jean Cox, Member