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\$ 450.00	Bureau of Prisons James Rice - # 636	10/14/85
\$ 114.73	Wells Cable G.V. - # 653	
\$ 47,985.75	Deig Bros. - (10/28) - # 658	

Claims

#	193.65	- Pulse Systems (IV-D Program) - #15	
#	378,454.85	- Ind. Dept. of Highway (County's 90% portion of Burkhardt Rd. Project) - #28-29	
#		Nally Coal Company re Wooden Bridges on West Side - #30	
#	3,500.00	- Assoc. of Indiana Counties - 1985 Dues - #31	
#	330.00	- Helpeich Insurance - Public Prop. Bonds - #31	
#	2,076.90	- David L. Jones - Litigation - #31	
#	47,621.00	- Helpeich Insurance - Business Auto/G.F. - #31	
#	24,621.00	- " " - Public Prop. Liability - #31	
#	18,000.00	- " " - Public Prop. Liability - #31	
#	26,822.00	- " " - Comprehensive - #31	
#	32,414.00	- " " - Workers Comp. G.F. - #31	
#	16,162.00	- " " - " (Welfare) - #31	
#	479.00	- " " - " (Work Release) - #31	
#	3,644.00	- " " - " (Home Fund) - #31	
#	1,697.00	- " " - Business Auto (Welfare) - #31	
#	27,088.00	- " " - Inst. Policy (G.F.) - #31	
#	13,548.00	- " " - " (Welfare) - #32	
#	3,250.00	- " " - " (Home Fund) - #32	
#	542.00	- " " - " (Work Release) - #32	
#	21,379.00	- " " - Excess Liab. (Gen'l. Fund) - #32	
#	5,604.00	- " " - " (Welfare) - #32	
#	1,251.00	- " " - " (Home Fund) - #32	
#	208.00	- " " - " (Work Release) - #32	
#	20,850.00	- " " - Umbrella Liab. (G.F.) - #32	
#		Coroner's Claims - Coroner's (\$1190.00) for 1/1/82 thru 12/1/84	#38
#	482.84	- Crane Chevrolet - Van Rental & misc.	#39
#	12,990.10	- Reig Bros. - Retainers on Jail Work	#40
#	1,684.76	- David V. Miller - Litigation	#49
#	53.65	- Judith Lucking (Notary Public Expenses)	#49
#	504.00	- Building Authority	#78
#	100.00	- Victor Funke - (Appraisals/Burkhardt Rd.)	#78
#	194.32	- R. Andrew Earley (Trains, etc.)	#78
#	1,470.00	- Dictaphone Corp.	#93
#	88.00	- Achty-Kawcher (Surety Bond)	#93
#	550.00	- Ind. Assn. of Co. Comm. (General Dues)	#93
#	192.00	- Marine Liners	#111
#	283.20	- David L. Tol	#111
#	192.20	- Helen J. Nicholson	#111

* 268.76 - Jerome Yellaw	# 111	
* 192. - Evelyn Foxneit	# 111	
* 192. - Glen Kook	# 111	
* 272. - Rebecca Fulkeon	# 111	
* 278.36 - Monica Mindrup	# 111	
* 272.64 - Alvin Stucki	# 111	
* 272.64 - Judith Stricker	- # 111	
* 424.50 - Robt. G. Doney	# 111	
* 192. - Harry Gonnella	# 111	
* 88. - " " (mileage)	# 111	
* 154.80 - Shirley Stucki	# 111	
* 2,464.09 - Leber, Craig & McKnight	# 117	
* 62. - Patrick Guley	# 145	
* 80.16 - " " (mileage)	# 145	
* 62. - Jane Barry	# 146	
* 314.20 - David V. Miller	# 146	
* 3,414.20 - David L. Jones	# 146	
* 2,520. - David V. Miller	# 146	
* 383.40 - Kahn, Deen, Donovan & Kahn	# 146	
* 138,000. - I D O K re Morgan Ave. Bridge	# 154-155	
* 175. - Morley & Associates (Construction Engr. - Burkhardt)	# 162	
* 1,287.50 - Home Indemnity Co. - # 166		
* 30,000. - Pulse Systems - # 166		
* 80.16 - Bob Steel		
* 916.98 - Morley & Associates / Construction Engr. Burkhardt Rd.	# 188	
* 8,500. - Southwest Engineering - # 197, 211		
* 17,000. - EUTS (County's Share for 1985) - # 211		
* 2,039.78 - David L. Jones - # 211		
* 15. - Lewis Electric (Refund) - # 211		
* 2,209.22 - KLF, Inc. - # 211		
* 59.40 - Jane Barry - # 211		
* 59.40 - Patrick Guley - # 211		
* 80.16 - " " (mileage) - # 211		
* 57.60 - George Ankenhone (Spec. Prosecutor) - # 219		
* 1,218. - Helfrich Ins. Agency - # 219		
* 2,890.61 - David V. Miller - # 219		
* 4,765.20 - Leig Bros - # 241		
* 15. - Jim Patton - # 246		
* 586.67 - Dave Guillaume Construction - # 252		

Claims

- #27,586.66 - Morley & Associates (Burkhardt Rd.) - #362
- #337,406.50 - National City Bank (Fixed Rental) - #380
- #557,782.50 - Full-land Building Authority (Rent) - #381
- Claim to Elberfeld Concrete forthcoming (Emergency Basis) - #386
- Commercial Water Hauling/Pee Wee Melton - No Charge - #386-387
- #1,992.00 - Rig-Men Contracting Co. - #387
- #32.50 - Lewis Electric Service - #398
- #58.50 - Hank's Electric Service - #398
- #224.53 - Barbara Cunningham - #398
- #285.40 - Kahn, Deen, Donovan & Kahn - #420
- #206.52 - " " " " " - #420
- #3,560.00 - Morley & Associates/Burkhardt Rd - #434
- #21,922.91 - Morley & Assoc/Constr. Engrs/Burkhardt Rd - #434
- #139.00 - Joe Schaefer - #435
- #17.50 - Redinger Construction - #465
- #252.00 - David V. Miller - #465
- #32.50 - Patton Heating & Air Conditioning - #480
- #51,018.30 - Alexander Ambulance Service - #480
- #25.00 - Mary Aguilera - #480
- #65.00 - Harold Stockton - #480
- #19,825.50 - Morley & Associates - #492
- #4,250.03 - David L. Jones - #494
- #750.00 - Jim Wicks Excavating - #506
- #2,640.00 - Helfrich Insurance Agency - #517
- #142.08 - Patrick Tuley - #517
- #3,727.30 - Bowers, Harrison & Kent - #523
- #270.00 - Kahn, Deen, Donovan & Kahn - #547
- #80.00 - Mel-Kay Electric Co. - #547
- #51.50 - Hennepers Electric Service - #555
- #21,398.20 - Morley & Assoc. (Constr. Engrs/Burkhardt Rd.) - #560-561
- #3,177.69 - Bowers, Harrison, Kent & Miller - #563-564
- #8,544.00 - B. M. B., Inc. - #591
- #18,225.00 - Deig Bros. - #591
- #3,525.00 - Warwick County Commissioners/Co. Lin Rd. - #602
- #2,040.00 - Overhead Door Company - #604
- #17,702.41 - Morley & Assoc (Constr. Engrs - Burkhardt Rd.) - #604
- #187.00 - Alfred & Julia Euler - #604
- #86.50 - Helen Kuebler - #605
- #30.00 - James L. Will Insurance Agency - #605

- * 158.20 - Pat Tuley - #647
- * 315.00 - Kevin Winterheimer - #617
- * 3,061.22 - Bowers, Harrison, Lents & Miller - #647
- * 41,650.97 - Alexander Ambulance Service - #647
- * 23,874.08 - Morley & Assoc. / Constr. Engrs / Burkhardt - #652-653
- * 15,397.65 - B.M. B, Inc. / N. Green River Rd. Storm Sewers - #653
- * 288.50 - Evelyn Lannett - #653
- * 285.50 - Monica Mindrup - #653
- * 30.00 - Mark Tuley - #653-654
- * 30.00 - Ashby, Rauschen Agency - #654
- * 547.00 - Helrich Insurance Agency - #654
- * 282.00 - Kahn, Deen, Donovan & Kahn - #654

# 4,453.93 -	Lebrun, Craig & McKnight -	# 259
# 195.00 -	Marley & Associates -	# 259
# 53.50 -	Charles Althaus -	# 261
# 250.00 -	Hanson Tuting & Engineering -	# 277
# 31.90 -	Board of Public Works -	# 277
# 4,681.22 -	I. D. O. H. -	# 291 (R.R. crossing/Allen's Lane)
# 1,618.49 -	Marley & Associates, Inc.	
# 8,950.00 -	Citizen's Nat'l. Bank / William Hirsch -	# 281
# 8,950.00 -	Reinhold's Hirsch for Right-of-Way -	# 281
# 5,975.00 -	Hirsch Brothers for Temp. Const. Easement -	# 290
# 210.00 -	Kevin Winterheimer -	# 293
# 1,729.48 -	David V. Miller -	# 293
# 3,710.81 -	David L. Jones -	# 293
# 41.75 -	Fred Henneker -	# 308
# 38.00 -	Ken Jarboe -	# 308
# 85,114.54 -	Pulse System -	# 328
# 425.50 -	Blankenhuyzen Bros. / Wallenmeyer Ditch -	# 328
# 192.16 -	Charles Althaus -	# 328
# 37.50 -	Susan Sathings -	# 328
# 500.00 -	Home Indemnity Insurance Co. -	# 337
# 83.00 -	Charles D. Riley -	# 337
# 2,268.00 -	David L. Jones -	# 337
# 3,500.00 -	John C. Cox (Deaconess Hospital) ^{John Schaghtford} -	# 333
# 1,005.00 -	Carl Heldt -	# 336
# 44.00 -	Gary Jeffers -	# 353
# 1,572.33 -	David V. Miller -	# 353
# 1,000.00 -	Lena Adler (Easement Purchase) -	# 353
	- Key Construction - Deferred (1) Week -	# 345
# 1,514.00 -	Helfrich Insurance Co. -	# 366
# 3,794.00 -	" " " -	# 366
# 173.00 -	Eileen Stanton (A & N Homes) -	# 366
# 9,274.50 -	Key Construction -	# 360
# 36,588.60 -	Deig Bros. -	# 622
# 217,432.00 -	Peyronnin Construction / gages Storm Drainage -	# 627
# 1,620.00 -	Floyd Burroughs & Assoc. (Bridge Impediment) -	# 642
# 288.80 -	Jim Angermeyer -	# 645
	Claims from Assessors' office Questioned -	# 645-646

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Lisa Kirkwood - #153

Paula Riggs - #225

Robert Jochim - #225

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Dept. of Natural Resources re Mearns Terminal - #91
 Data Processing Advisory Board - #119-120
 Data Processing/I. U. & Lilly Foundation Grant - #130
 Dog Pound Design - #141
 Ditch Bill Preparation - #141
 Ditch Maintenance/Annuals Contracts - #222
 Drainage Problems/Upper Mt. Vernon Rd./Dick Weaver - #252-253
 " " Holly Hill & Evergreen Acres - #253
 " " Calf Lane Culvert - #253
 " " Bujoy Drive - #253
 Deeds (Quit claim) for Tax Sale Property - #286
 Drainage Problems/Old Boonville Hwy & Morgan Ave. - #320
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 Drainage Ditch/Burkhart Rd. - #351-352, 362
 Drainage Board Mtgs. Scheduled - #387
 Dept. of Transportation/Hearing on Time Issue - #397-398
 Data Processing Equipment Needs - Superior Ct. - #494
 Dredging of Maiden & Rusher Creek - #511
 Drainage Board Mtgs. Scheduled for
 4th Monday of Each Month - #547
 Drainage Board/Transfer of Funds in Meetings - #592
 Dry Branch Creek (1st Ave.) - #603-604,

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E

Extension of Water Line/Highway #57 - #108

Earthquake Awareness Conference - #108-109, 241-242

Easement re Vogel Rd. (Mr. Harper) Draft - #162

E.U.T.S. - Environmental on Green River Rd. - #164

Easement Agreements - Right-of-Way/Millersburg Rd. Bridge - #220

1) George Young, Jr. ("150.")

2) Audie Lewis Hiche ("1.00 plus other considerations")

3) Robt. L. Ewin ("1.00 plus other considerations")

4) Irma Anna Tappal ("1.00 plus new Driveway Culvert")

5) Lawrence F. & Lucille C. Gitzner ("1.00 plus")

6) Vera Dremstedt ("1.00 plus other considerations")

7) Glen W. Dremstedt ("1.00 plus other considerations")

E.P.A. - Request for Soil Samples/County Garage - #224

Employees (County) re Compensatory Time - #225, 236-237

Polk. - Vanderburgh School Corp - Request to Construct

Free Standing Bldg./West Heights Parking Lot/Agnes School - #349

E.U.T.S. - Intersection Accident Analysis - #361

Election Worker/Compensation - #389-390, 430-431

Election Worker Training/League of Women Voters - #423-425

Election Equipment Mntg. - #435 (6/27/85)

Election Equipment Procedures - Special Series 6/27/85 - #435

" " " " " " 6/24/85 - #438-440

" " " " " " 6/27/85 - #441-452

Election Equipment Report/Larry Layart - #455-458

Election Worker Training - #461-462

Eichoff-Karsell Progress Report - #464

E.U.T.S./Advisory Board Mntg. - #480

Election Tabulation Equipment/Approval of Specs - #637

Edinridge Drive/Flooding Problems - #662-664

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Convention & Visitor's Bureau - #247, 328, 366, 436, 555, 647	
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Knight Township Assessor - #16, 112, 120, 278, 548, 647, 648	
Surveyor's Office - #32 - #78 - #94, 112, 547, 548, 594, 631,	
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Circuit Court - #32, #78, 131, 146, 211, 225, 278, 279, 308, 309, 338, 399,	
420, 421, 475, 495, 517, 547, 548, 593, 594, 605, 606, 612, 647, 667	
Sheriff's Dept. - #32, 112, 278, 279, 399, 517, 593, 594, 666,	
Quartermaster's Office - #50 - 94, 337, 338, 465-466, 474-475, 480	
County Highway - #50, 167, 436, 465, 494, 548, 647,	
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400, 436, 475, 495, 517, 548, 612, 666,	
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Area Plan Comm. - #94, 112, 279, 480, 533, 647, 666,	
Superior Court - #111, 120, 167, 168, 191, 212, 247, 293, 294, 337, 338, 366,	
399, 495, 517, 547, 564, 666, 667,	
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367, 420, 421, 654	
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612, 666,	
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Employment Changes (Continued)

Board of Review - #381

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County Assessor - #593

Prosecutor (Adult Abuse Program) - #594

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Applicability of Fair Labor Standards Act - # 355-

Food & Beverage Tax / Public Hearings - # 381, 420

Flag Raising Ceremony / Flag Chairman (7/3/85) - # 464

Federal Aid on Streets / Calvin Evans, Coordinator for

IDOT / House Assistance Division - # 616 -

F

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G

Green Gate Court Sub-Reg for Sidewalk Variance - #55, 83

Green River Estates (Sec. B-2) Sidewalk Waiver - #149

Green Gate Court Sub - Approved Subject to Inclusion 2
Retention Pond - #305

Greenbriar Ct./Complaint re Holes in Rd. - #416

Germania Maxmarchov/Ltr. of Commendation - #509

G



Н

Holiday Schedule/City & County - 1986 - #419-420
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H

Holiday Closings

Jan. 21st - Martin Luther King Holiday

Feb. 11th - Lincoln's B'day - # 110

Feb. 18th - Washington's B'day - # 119

Apr. 5 - Good Friday

May 27 - Memorial Day - # 350-351

July 4 - Independence Day - # 465



Introduction of Chuck Clark (new Courier Register) #33

Investment Procedures - #37

Installation of New Culvert - Buckharts Division - #45-46

Dr's Sub - Sidewalks Waived - #147

I D O H - Contract Lettings (2 Bridges) - #153

Illinois Central - Gulf RR - Abandonment of Track Behind Co. Garage - #210

Investigation of Intersection / H. Joe Ave. & Allen Rd. - #307-308

Introduction of Sam Humphrey / Deputy Auditor - #337

I. D. O. H. - H. R. #66 re Safety of Joggers - #516

Insurance - \$10,000 Deductible - #523

Introduction of Quete from Indiana Bell - #657

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J

County Jail Work - Release & Retention - #40
Jogger Safety - FDOH H.R. #66 - #516
County Jail - List of Priority Items Needed - #531

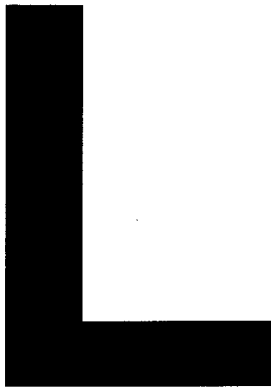
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K

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Leave of Absence (David Guilleum) #78
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 Legislation Proposed re Elections & Election Processes - #111
 Local Option Income Tax - #111
 Local Option Income Tax - Homestead Resolution - #160-
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 Legislation re Food & Beverage Tax Bill/Senate Hearing 3/20 - #190
 Meet Your Legislators Session - 3/23 - #210
 League of Women Voters/Spirit Appear re Election Worker Training - #423-425
 Loomis Armory, Inc. / Monthly Rate Increase - #516, 531
 Leave of Absence Request/Deborah Hunter/Co. Clerk - App'd. - #564
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 Street Construction Plans - #612
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Mark Garrett / False Arrest - #125

Settlement of Payment Between Co. + Southward Engineering (\$5,500.00) #138

Joel Stevenson et al v Vanderburgh Co. Election Board et al #158-160

North American Islamic Trust v Reyming Denial - #235

Dismissal of Complaint Against APC by Castle Acupuncture
Corp. - #273-274

Judith S/ham v Loss of Personal Property - #501

Notice of Claim / False Arrest - #532

Claim / Colonial Investment re Validity of Deed - #532

Schnee / Action / U.S. Bondruptcy - 10 Set Aside Sale of Property - #532, 540-541

Interaction Filed by Ralph Young / Drainage Board - #532-533

Mechanic's Lien re Water Slide - #538, 558, 590

M

Marvin Kiesel Sub-Reg. to Abner S. Schwach, Coker & Suttles (App'd.)	# 83-84
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Moving Media, Inc. (See Auditorium)

Mailing Operation / Survey & Analysis To Be Conducted -	\$ 385
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Warr Rd./Settlement Release Agreement w/Hartman - # 416	
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4	11	4	67	Final Addendum - #431-432
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Merit Bonus Hearing/Approval to use Kevin Winterheimer - #607	
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New Map/Vanderburgh Co./Commissioners Hearing Rm. - #637

MT. Vernon Rd. / Culvert Replacement - # 658-659

Monthly Reports

Alexander Ambulance Service: #15, 77, 130, 218, 365, 435, 547, 605,

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Burdette Park: #42-43, 145, 164, 274, 332, 483-484, 539-540

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Mc

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N

Notice to Proceed - Crease, Co. Modifications - Lynch Rd. - # 188-189

Notice of Claim Against the County - N. Green River Rd.
by Paula Riggs & Robert Johnson - #225

Notice to Bidders / N. Green River Rd. Improvement
App'd. - #301-302

Notice to Bidders re Paving to Cover Pipe Installations - #302

New Conference - #564

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O

Ohio River Bank/Erosion Control - #275-264,

Ohio River Bank/Appraisal Study by Corps of Engineers - #463-464

Oak Hill Rd./Closing East of Hwy. 57 - #516

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Purchasing Procedures for Vandenberg Co. - #488-489
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623-624,
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" " " - Tax Sale Property - #286

" " " - Hugh McGee (Corrected) - #337

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R

Reorganization of the Board of County Commissioners #1
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 & Meeker Park / Bettie Engelbrecht - #5-6
 Request from Hewins & Hewins to Check Wooden Bridges
 (#53 & 54) on West Side - #10-11
 Capella & Palmar Aves. (Accepted by the County?) - #14
 Computer System Changes Request - #15 (Judge O'Connor)
 Request from F.S.U.E. re Letter Concerning Independence - #15
 Capella Drive Drainage Problem - #16-17
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 County (behind Co. Garage) for Future Use by County - #210
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 Burkhardt Rd. (Gas Poles Needed) - #286
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" " " " - Tall Timbers Sub - App'l. - #314

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MINUTES
COUNTY COMMISSIONERS' MEETING
JANUARY 2, 1985

The Board of County Commissioners met on January 2, 1985 at 2:30 p.m. in the Commissioners' Hearing Room, with President Borries presiding.

Since this was the first meeting of the month, the meeting was officially called to order by Sheriff Clarence Shepard as he declared the meeting in session pursuant to adjournment.

The Chair entertained a motion concerning approval of the minutes of the previous meeting held on December 26, 1984. Motion was made by Commissioner Willner that the minutes be approved as engrossed by the County Auditor and the reading of same be waived. A second to the motion was provided by Commissioner Borries. So ordered.

RE: REORGANIZATION OF THE BOARD OF COUNTY COMMISSIONERS

President Borries announced that since this is the beginning of a new year, it is once again time to elect a President and Vice President of the Board.

Motion was made by Commissioner Borries that Commissioner Robert Willner be elected President of the Board of County Commissioners for 1985. A second to the motion was provided by Commissioner Willner. So ordered.

Motion was made by Commissioner Willner that Commissioner Richard J. Borries be elected Vice President of the Board of Commissioners for 1985. A second to the motion was provided by Commissioner Borries. So ordered.

President Willner said that Commissioner Cox will be the member.....and asked if she will return from her Florida vacation in time for next week's meeting? Commissioner Borries commented that Florida weather is so nice this time of year -- who knows when she will return. However, both Commissioners expressed the hope that she will return in time for next week's session.

RE: COUNTY EMPLOYEES FOR 1985

President Willner said the County Employees for 1985 have been submitted by the various offices, as is done the first of every year. He said they are too numerous to mention; therefore, he recommends the employees of all County offices be included in the formal records as submitted and not read at this time. Motion was made by Commissioner Borries that the reading of the list of County Employees be waived and that the employees now submitted on Official Public Record be admitted as employees of Vanderburgh County for 1985. A second to the motion was provided by Commissioner Willner. So ordered. Commissioner Willner requested that the Board be advised concerning any changes during the coming weeks.

The County Employees for 1985, as submitted, are as follows:

CENTER ASSESSOR

Alvin Stucki
Shirley Stucki
Brian Gates
Ramona Plassmeyer
Joyce A. Fields
Rebecca Fulkerson
Janet R. Stucki
Anna Mae Wolf

KNIGHT ASSESSOR

H. Jane Nicholson
Maxine F. Ginger
Jerome R. Zeller
Lillian Tibbals
Rae Oglesby
Shirley J. Reeder
Sheryl Weiss

PERRY ASSESSOR

Harry A. Tornatta
Glen E. Koob
Karen J. Lewis
Nancy L. Scheller

COUNTY AUDITOR

Alice McBride
Gloria Evans
Cindy Mayo
Dolores Gugin
Terri Woodward
Janet Watson
Anne Virgin
Jean Haskins

Jean Wilkey
Peggy Powless
Georgia Benson
Vanessa Adams
Joanne Matthews
Marion Ellsperman
Terri Pace
Tammy Angermeier

Dorothy Wilson
Lena Sherman
Betty Franklin
Michelle Nolan
Martha Calkin
Shirley Ankenbrandt
Dona Reheman
Kathy Lowe
Janice Decker

COUNTY COMMISSIONERS
JANUARY 2, 1985

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AUDITORIUM

Kim P. Bitz
Geraldine Gass
Jessie Byers
Ruby Norris
Bruce L. Cook
Dwight Taylor
Walter J. Weston

BURDETTE PARK

Mark Tuley
Donald Chambliss
Joyce Moers
Charles Newton
Kim Betts
Corey Brunck
William Murphy

George Peaugh, Jr.
Perry Ghostly
Dorothy Lindsey
Gary Weiler
Barbara Martin

COUNTY CLERK

Helen L. Kuebler
Jean Ritter
Linda Withrow
Florence Hess
Nancy Kleiman
Joyce Fields
Dorothy Wolf
Frances Gates
Kris Johnson
Suzanne Demsey
Jean Schaefer
Bertha Greubel
Doris Schroeder
Marie Pickens
Dorothy Cole
Helen Middleton

Mary Rose
Charlene Maveety
Virginia Seybold
Angela Delgman
Martha Brinker
Norma Dickens
Linda Webster
Ann Wilson
Betty Burton
Paula Gallo
Edna Martens
Tina Preske
Linda Oldham
Doretta Fairchild
Deborah Hunter
Jeri Warner

Etta Mae Mueller
Sharon Yunker
Ruth Porter
Dortha Buente
Lorraine Dean
Doris Cato
Jacqueline Head
Rita Ford
Janet Ward
Pamela Higgenbotham
Karen Jo Conley
Lee M. Crow
Judy Bumpus
Deborah Mottley
Sharon Green
Susan Heberer

COUNTY COMMISSIONERS

Richard J. Borries
Robert L. Willner
Shirley Jean Cox
David L. Jones
David V. Miller
Margaret A. Meeks
Rebecca J. Kachanuk
Michael T. Wathen

CONVENTION & VISITOR'S BUREAU

Thomas S. Heaton
Mary A. Schoettlin
Kimberly D. Tepool

CO-OP EXTENSION SERVICE

Jack D. Wade
Betty M. Bumb
Debra E. Etienne
Ella Mae Sheets
Allen E. Boger
Jane E. Heramb
Susan K. Plank
James L. Jordan
Rosalie Mesker
Janice Dougan

CUMULATIVE BRIDGE

Dan Hartman
Tom Goodman
R. Smith
Scott Bensman
J. W. Coleman
J. R. Carrigan
D. Austin
Joe Schapker

J. G. Mitchell
Terry Johnson
William Jeffers
David Guillaum

DRAINAGE BOARD

Richard J. Borries
Robert L. Willner
Shirley Jean Cox
David Jones
David Miller

DRUG & ALCOHOL DEFERRAL

William M. Campbell
Carl A. Miller, Jr.
Deb Ransom
Deloris Koch
Sheila Short
Sherri Page

(continued)

4.

COUNTY COMMISSIONERS
January 2, 1985

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JAIL

Peter Laval Evers
Sandra Funk
Wilma G. Kerner
Kelli Jayne Seddon
James R. Basham
Dale A. Thene

Donala C. Schnabel
James W. Oldham I
Arlitta L. Small
Dan Collins
Paula J. Rodenberg
Robert Lee Vessels, Sr.

Jacqueline L. Trail
David Arnold Weiss
Doris L. Karns
Kent William Walker
Velma Mosley

LEGAL AID

Barton Alan Bates
James Ethridge, Jr.
Karen G. Paulin
Kathleen Ann Powers

COUNTY PROSECUTOR

Earl Edward Chandler
Charlie P. Andrus
Douglas Knight
James E. Rode
Robert E. Zoss, Sr.
William C. Welborn, Jr.
Charlie A. Spaetti
John P. Brinson
Steve L. Bohleber
Richard G. D'Amour
Mark A. Foster
Stanley M. Levco

Dana Schuler
Sandra Millard
Susan D. Johnson
John Gurnsey
Joseph M. Goodrid, Jr.
Debbie Wallace
Susan G. Barrett
Brenda Robbins
Nancy Schmitt
Angela Mitchell
Doloris Savage

PROSECUTOR - IV-D PROGRAM

Bernice M. Roth
Mary Jo Kingon
Sylvia Y. Reutter
Lesa Conkling
Nancy G. Hankins
Benjamin E. Haddox, Jr.
Carla M. Melloy

SHERIFF

Clarence Shepard
James Alan Moers
Michael A. Craddock
Gary O'Risky
Charlie Gibbs
Richard O'Risky
David Ludwig
Clifford Trainer
Jimmie Tucker
Timothy Lennartz
Soney Banks, Jr.
John Reutter, Jr.
Gerald H. Castrup
Peter Swain
Terry Hayes
Gary Kassel
John Lancaster
William E. Roberts
Curtis Sturgeon
Stephen E. Sparks
Steven Ray Schnell
Robert Beckham
Stephen Griggs
Michael Daws
Ronald R. Hartmann

Thomas P. Rademacher
Larry W. Barchet
Joseph Winfield
James D. Fravel
William Coleman
Thomas Brandsasse
John Crosser
William Droll
Stanley Garrett
Phillip Strange
Kenneth Collins
Sandra H. Shuler
Pamela Jean West
Mary Beaven
Roy J. Burris
Timothy W. Heath
Michael A. Hertweck
Jeffery C. Johnson
S. Lee West
Marvin Gary Cooper, Sr.
Michael Lee Mentzel
William C. Roland, Jr.
John Robert Engelbrecht
Eric M. Herrmann
Steven Ray Clark

Richard L. Bennett
Robert M. Carl
Kenneth A. Mitz
Michael K. Jones
John C. Lavanchy
Billy C. Denton
Michael W. Forshee
Stephen L. Bequette
Danny Hope
Kent Bryon Todisco
Randall E. Korff
James Truitt
Gilbert D. Humphrey
Robert L. Miller, Jr.
Stephen F. Moser
James Ervin Neighbors
Ronald W. Newman
Michael D. Austin
Kenneth Patterson
Roy Perkins
William W. Pierce, Sr.
Arella Ray
Thomas D. Wallis
Larry Allen Weatherford
Ronald Aaron Brown

Lois Scruggs
Stuart VanMe
Stephen Wood
Byron C. Klaser
John B. Ellsworth
Michael Taylor
Robt. C. Tribble
Danny Armstrong
David L. Wedding
Paul E. Bice
Michael Duckworth
Michael Kingston
Bruce N. Crider
Larry W. Craddock
Thomas E. Wedding
Richard E. Reed
Mark A. Sloat
Michael A. Higdon
Rodney Buchanan
Dennis E. Daniel
Kevin J. Merritt
Jerry W. Ochsner
James W. Spence
Frank G. Lutz III
Fennes Shoulders
Oliver W. Hank

SUPERINTENDENT/COUNTY BUILDINGS

James E. Lindenschmidt
Bennie Gossar, Jr.

COUNTY SURVEYOR

Robert W. Brenner
William Jeffers
Earl Brown
Linda Freeman

D. V. Gossman
C. E. Davis
Alice L. Williams

(continued)

COUNTY RECORDER

Bob Steele
Elizabeth A. Bennett
June Reuter
Patti Gullatte
Teresa L. Thurman

Debbie Becker
Linda Wilson
Teresa Ritter
Marge Keeney

COUNTY TREASURER

Patrick Tuley
Wayne Pasco
Carmen McAtee
Barbara S. Hedges
Jane Berry

Beatrice M. Freeman
Faith O. Hart
Carol Osman
Mary E. Esparza
Mary E. Frank

Beverly Nance
Georgiana A. Harris
Lisa G. Hart
Thelma Jones
Tomma A. Edwards
Doris M. Whobrey

VETERAN'S SERVICE

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

PIGEON ASSESSOR

Robert T. Dorsey
Joan M. Dorsey
David L. Fox
Judith E. Stricker

Mary Ann Eickhoff
Meraloyd Stansberry
Betty Radcliff

COUNTY COUNCIL

Robert Lutz
Curt Wortman
William Taylor
Harold Elliott

Mark Owen
Betty Hermann
Mildred Ahrens
David Jones

County Employee Lists have not yet been received from the following:

Armstrong Assessor
Center Assessor
County Assessor
Scott Assessor
Union Assessor
Area Plan Commission
Voter's Registration
County Highway
Welfare
Circuit Court
Superior Court
Hillcrest-Washington Home

RE: RESOLUTION CONCERNING COMMISSIONERS' MEETING DATES

Commissioner Borries presented the following Resolution for approval:

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 each 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 Commissioners shall be held on the first, second and fourth Monday of each month at 2:30 p.m. and on the third Monday of each month 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 2nd day of January, 1985.

(continued)

ATTEST:

Alice McBride, Auditor

David L. Jones, County Attorney

THE BOARD OF COMMISSIONERS OF
THE COUNTY OF VANDERBURGH

Robert L. Willner, President
Richard J. Borries, Vice President

Motion was made by Commissioner Borries that the foregoing Resolution be approved and signed. A second to the motion was provided by President Willner. So ordered.

RE: WEST MILL ROAD PROBLEMS (From St. Joe Avenue to Mesker Park)

Mr. Rupert Wetzel and Ms. Bettie Engelbrecht were in attendance at the meeting and were recognized by the Chair. Ms. Engelbrecht approached the podium to explain brief outline of the problems being experienced on West Mill Road (copies of which had been distributed to the Commissioners). The outline read as follows:

January 2, 1985

To: County Commissioners

Re: Information on West Mill Road

We who live along West Mill Road think the road should be double yellow-lined as soon as weather permits....and the dangerous area posted with signs for these reasons:

The road is very narrow.

The amount of traffic is great (15 cars in 2 minutes).....
many cut thru from the Highway to St. Joe.....it's used
heavily both day and night.

Can't see the sides of the road when dark or it is raining.
Have to be guided by the mail boxes (which frequently get
knocked off). Ed Huberly at 3501 W. Mill Road has had his
mail box knocked off four (4) times this year.

Double yellow line would slow down the traffic, which is
much too fast and side-by-side at times. The Sheriff tells
me he can't pick them up unless they are breaking speed limit
or passing illegally.

The speed limit of 35 MPH is posted at each end of the road;
More signs are needed. Some of the curves can't be taken at
35 MPH and these bad places need to be marked. The 2,300 ft.
area has three (3) very bad curves right together and they
aren't marked. Then, as you come over the two hills which
I live between -- it's dangerous to drive out into West Mill
Road. I spent \$3,000 to clear the scrub along the roadside
and put fifteen (15) loads of fill along the side of the roadway.
Two (2) cars have slid over into the soft area of my yard. This
is a dangerous place -- especially when the road is slick -- and
area could use about forty (40) feet of highway barricade.
Rain water across the road lays in ditch -- and sometimes spills
onto the road and cars have to drive thru water. This should
be worked out with the owner building new house.

cc: Gary Mitchell
3018 W. Mill Road

Fred Williams
3500 W. Mill Road

Ed Huberly
3501 W. Mill Road

Bettie Engelbrecht
3020 W. Mill Road
(Ph: 963-9189)

(continued)

Ms. Engelbrecht said there have been several wrecks in the subject area and there is fear among the neighbors. She said they have hotrodders who run side-by-side in the evening; if you don't get yourself off the road into a driveway -- then you're going to get it. She has had two (2) cars come down the bank to the left of her. Mr. Fred Williams at 3500 W. Mill Road has had about four (4) cars wreck on the curve by him which he has helped pull out. There are no markers to indicate a curve or to indicate a "danger" spot. She said while there are 35 MPH speed limit signs at each end of the road, these areas will not take 35 MPH speed. This area needs to be analyzed to determine whether a SLOW sign or 25 MPH speed limit sign needs to be installed. There are three (3) very dangerous curves.....right together. Before the road was resurfaced it did at one time have a double yellow line. At least if a double yellow line were again painted, this might give the sheriff the prerogative to arrest if he sees the side-by-side driving the area experiences around 9:30 p.m. Ms. Engelbrecht said that when she backs out of her driveway, she has to do it as quickly as possible -- because people do not realize that when they're traveling 45 or 50 MPH down that grade that there may be a car there. There was a wreck by Ms. Engelbrecht's house this past weeked, as well as two more over the curve this weekend. Ms. Engelbrecht stressed that she is not the only one concerned; all the neighbors in the area have been talking and there is great fear concerning the existing situation.

Commissioner Willner asked Ms. Engelbrecht just exactly where she lives. She said she lives at 3020 West Mill Road -- .8 miles from St. Joe Avenue. There are several new houses going in there, which will mean more people backing out onto Mill Road. She said the road is so narrow and with no marking.....most of the residents drive or are guided by the mail boxes, especially when it is rainy or foggy. And, most of the mail boxes are being knocked off. Commissioner Willner assured Ms. Engelbrecht that he will turn her letter over to Mr. John Vezzozo of the Traffic Department, since we do not have a traffic director at this time....and ask him to give the Commissioners a report. Continuing, Commissioner Willner said that during 1985 the emphasis is going to be on safety for county roads. We want to completely stay with our pattern of last year in resurfacing as many county roads as possible. We need to get back to the basics of doing the safety as well as the paving program. He said it is his understanding that several of the roads need to be striped.

Commissioner Borries expressed his appreciation to both Mr. Wetzel and Ms. Engelbrecht for coming to today's meeting....and asked if there is a specific time that would be convenient for Mr. Vezzozo to contact her? Ms. Engelbrecht said that she would be available at any time. Commissioner Borries said that Messrs. Vezzozo and Bethel work well together.....and if she will leave both her office and home number with the Board today, they will be certain the numbers are given to Messrs. Vezzozo and Bethel.

Mr. Wetzel stressed that he had accompanied Ms. Engelbrecht to the meeting because he is in complete agreement with the suggestions made by Ms. Engelbrecht and the other neighbors. He also expressed his appreciation to the Commissioners for their interest and concern regarding the problems discussed.

Mr. Bethel of the Highway Department said that they just paved the subject road some three (3) months ago. They tell him that the road cannot be striped until the new surface cures. This is why it has not yet been striped -- but it is on the agenda. In fact, there are several more county roads recently resurfaced -- and all will be striped as soon as the new surface cures sufficiently. He said that there are 35 MPH speed limit signs at each end of the road (which is what is regarded sufficient) -- but he and Mr. Vezzozo will check the area out and make a report to the Commissioners.

RE: COUNTY CORONER - CONTRACT WITH PATHOLOGIST

Mr. Charles Althaus, the newly elected County Coroner, advised that it is necessary at this time for the Coroner's office to sign a contract for the Pathologist to do the post-mortem examinations. He said that fortunately -- or unfortunately -- he was in Deaconess Hospital the last three weeks. In any event, he had the opportunity to sit with the pathologist two or three different times during which he went over the agreement the pathologist previously had with the County Commissioners. He subsequently has met with the Crime Labs of the Police Department, along with Sheriff Shepard and Chief Hammner and the State Police. They are well pleased with the contract we had. The contract is a 30-day contract and can be broken by each party at the end of any one 30-days, with a 30-day notice. The post-mortem examination that is paid to the Pathologist is \$300.00. The use of the morgue is \$100.00. Deaconess Hospital will also do a lot of our laboratory work -- which is a small amount of whatever needs to be done

(continued)

at that particular time. In talking to the Pathologist, Deaconess will now do our X-ray work in cases of death from burn cases for the Fire Department. Heretofore, they did not do that. In other words, rather than going from one hospital to another -- all of the work can now be done at Deaconess. Therefore, he request that the Commissioners accept the contract inasmuch as he and all the law enforcement bodies are in agreement with it. The Commissioners referred it to County Attorney David Jones for his perusal, but Mr. Althaus said there are no changes from last year's version. Motion was made by Commissioner Borries that the Letter of Agreement entered into by the Vanderburgh County Coroner and Deaconess Hospital concerning pathology work be approved for 1985. A second to the motion was provided by President Willner. So ordered. President Willner advised that the Agreement will now need to go to the County Council for their approval when they meet on January 9th. The Agreement read as follows:

LETTER OF AGREEMENT

THIS LETTER OF AGREEMENT, made and entered into by and between the Vanderburgh County Coroner, hereinafter referred to as the "Coroner" and Pramod Carpenter, hereinafter referred to as the "Pathologist".

WHEREAS, Indiana Code Section 17-3-17-4 (C) authorizes Coroner's, in the discharge of their duties, when it is deemed 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 an unlimited license to practice medicine in Indiana acting under the direction of such qualified physicians to perform such autopsy; and

WHEREAS, the Pathologist is a physician possessing the education and training that meet the standards established by the American Board of Pathology for certification; and

NOW THEREFORE, it is agreed by the Coroner and Pathologist as follows:

1. The consideration to be paid to the Pathologist shall be paid on a fee for service basis at the rate of Three Hundred Dollars (\$300.00) per case autopsied.
2. The consideration by the Pathologist shall be as follows:
 - a. The Pathologist shall perform autopsies at the request of the Coroner, subject to the Pathologist's discretion in making arrangements with the Chief Deputy Coroner as to the time of the performance of the autopsy procedure; when practical, the coroner or his deputy shall attend the performance of autopsies.
 - b. Expenses incurred for special examination such as x-rays, analysis of body fluids or tissues, or analysis of miscellaneous items of trace evidence in order to determine the cause and manner of death shall be separately billed to the Coroner by the responsible testing agency.
 - c. The handling and retention of items such as items of evidence and/or specimens saved for analysis shall be the responsibility of the Coroner.
 - d. The Pathologist shall provide adequate coverage of the Pathologist's duties on a mutually agreeable rotation of duty basis with other pathologists under similar contract with the Coroner. The Pathologist herein and other pathologists under similar contracts are to submit, a monthly duty roster providing for such adequate coverage one (1) month in advance.
 - e. The Pathologist agrees to attend pre-trial conferences and provide expert witness testimony at the request of the prosecuting attorney. Fees for these services will be paid by the prosecuting attorney's office.

(continued)

3. The Coroner reserves the right to consult with another Pathologist in a particular instance when the Coroner deems it necessary and appropriate.

4. The Pathologist may, at his discretion, request the special consultative services of a Forensic Pathologist and if the Coroner agrees, such Forensic Pathologist shall be retained. In such cases the Pathologist shall not submit a fee for his services and the Coroner will, instead, pay the costs of the services of Forensic Pathologist.

5. Either party may terminate this contract by giving the other party notice, in writing, Thirty (30) days prior to the date of termination.

6. The effective date of this contract shall be the 2nd day of January, 1985.

DATED this 2nd day of January, 1985.

Coroner

Pathologist

County Council

Auditor

Approved by the Vanderburgh
County Commissioners

Robert L. Willner
Richard J. Borries

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Absentee Report: Mr. Bethel submitted the Weekly Absentee Report for employees at the County Garage for the period December 24th thru December 28threport received and filed.

Weekly Work Report & Work Schedule: The Weekly Work Report for employees at the County Garage for the same period was submittedreport received and filed. Attached to the report was the following Work Schedule:

Gradall: Mill Rd., Old Lower Mt. Vernon Rd., Old Green River Rd.

Tree Crew: Baumgart Rd., Mt. Pleasant Rd., Burkhardt Rd., McCutchan Rd.

Trash: Lynn Rd., Green River Rd., Old River Rd., Pollack Avenue.

Patch: Meier Rd., St. George Rd., Oak Hill Rd., Williams Rd., Hogue Rd., Upper Mt. Vernon Rd., Green River Rd., St. Joe Avenue, Old Hwy. 460, Pollock Ave., and Browning Rd.

Barricades: Union Township Bottoms, S. Weinbach and Old River Rd.

Oil Roads: Old Henderson Rd., and Green River Rd.

Grader: Green River Rd. and Old Henderson Rd.

Commissioner Willner said the foregoing looked like a pretty good work schedule for three (3) days! He then asked Mr. Bethel if their snow equipment is ready to go. Mr. Bethel said that it is -- it is waxed and lined up.

RE: COUNTY ATTORNEY - DAVID JONES

Hartman-Adler Matter: Attorney Jones said the Hartman-Adler matter is being circulated. The delay was not caused by anything that anyone in the County had done. The Agreement

(continued)

had been forwarded and there is a letter in the file with a copy attached where the county had signed it on November 20th. We received a letter from Attorney Shively sometime around December 5th asking for it. We checked it out and we are in good standing. It is Attorney Jones' understanding that the Agreement should be consummated today.

Commissioner Willner asked if the original Agreement was ever found? Attorney Jones said he does not know whether the original was ever found; however, they can establish that it was mailed from the County Attorney's office on November 20th, with the agreement attached to which Mr. Shively was referring. When Attorney Jones confronted him with that information this morning, Mr. Shively said they already had another one circulating. Therefore, as far as Attorney Jones knows there are no problems.

RE: REQUEST FROM HEWINS & HEWINS TO CHECK BRIDGES #53 & #54 (WEST SIDE)

President Willner said he has a request from Hewins & Hewins (attorneys-at-law) to check our files concerning Bridges #53 and #54. Several years ago the Commissioners decided to build two (2) wooden bridges on the west side. The bridges were bought from a company and they had Nally Coal Company to install the two (2) wooden bridges. At that time, Mr. Brenner (county surveyor) did not agree with the wooden construction and decided not to handle those two bridges. They were turned over to County Engineer Louis Stephens and subsequently were installed by Nally Coal Company. Now they say that the county held out \$3,160.27 for their retainage--that was never paid. The County does not know this, but Commissioner Willner said he guesses we will have to put our Auditor and Attorney on the trail to see whether that which is claimed is correct. President Willner said that if his memory serves him correctly, Nally Coal Company did not pay their sub-contractors and there were some problems. This is the reason the County held up that money -- until they at least paid their sub-contractors and they now tell us that that has been taken care of.

Mr. Jones said he thinks they were saying that their attorney called him and at that point he said he would not get involved -- that they should make their own investigation and if they felt they had a claim they should file it. Then if the matter were referred to him he would get involved. However, he does not accept something coming directly from the public. Attorney Jones said he thinks the nature of what they are saying is that Nally Coal Company didn't finish the job; a claim was made on the Bonding Company; the Bonding Company paid off and now the retainage money that was never paid to Nally -- they're subrogated to the retainage money. Since they paid it off they are entitled to get the retainage money. The last word that Attorney Jones had from the county was to the effect that the county incurred additional expenses which were satisfied out of that, plus there was an extra amount that the company didn't pay off. But Attorney Jones has no records and could go no further without having something from the surveyor or the auditor. County Auditor Alice McBride asked what year this was? President Willner said no date is mentioned. Commissioner Borries said that had to be before he came on the Commission.

President Willner queried Mr. Brenner concerning the year the two (2) bridges were constructed? Mr. Brenner said it was probably in 1979. Attorney Jones commented that Hewins and Hewins is filing the claim preparatory to a lawsuit. Mr. Brenner said they want the retainage? If they file suit the county will make money, because the county spent more than the retainage to complete the job. He said this was a highway department job which Mr. Stephens did. The contractor went belly-up and then he took a crew in and finished the job. President Willner said it wasn't the highway -- it was the bridge fund, was it not? Mr. Brenner reminded Mr. Willner that he wouldn't go out there. President Willner said he knows this and had made the fact public. But the money did come from the bridge fund. President Willner said that the Auditor will have to do a little research in the basement and pull pertinent claims. Mr. Easley said the files were mixed up somehow or the other -- and they only found one (1) bridge. Mr. Brenner said that we had enough in that one (1) bridge to tap out the retainage. Therefore, he is convinced that the county is going to win -- whichever way we go. The attorney had contacted him previously and Mr. Brenner had told him all this. He went away saying he thought he'd best not bring it up again....what he was going to recommend to them was that they had a loser. Attorney Jones said he told the attorney to step in and do what he was big enough to do -- he wasn't going to step in and do that company's work. If he thought he had a claim he should go ahead and file it. President Willner said the letter in question was dated December 4th and was received on December 5th. Mr. Brenner said he would suggest that we feel we have a claim against them and if they wish to bring it up, then we should pursue collecting.....Attorney Jones interrupted that if we sat

on it this long it would be barred. President Willner advised Mr. Brenner that, first of all, he wanted him to get the necessary information (everything he has in his office on this) to Attorney Jones. Likewise, he asked that County Auditor Alice McBride provide Attorney Jones with copies of any claims paid to Nally Coal Company. Commissioner Willner said that Hewins & Hewins represents the Bonding Company (American States Insurance Company). Mrs. McBride said that the claims would be under Nally Coal Company. Attorney Jones said that the claims would also be needed for whoever was hired to step in and finish the job -- because that is the proof that it exceeded the original contract -- that's the other piece of evidence needed. Mr. Brenner said he thought it was finished by county work force. Attorney Jones said documentation to this effect should also be provided -- it's a question of dollars and cents. If the county exceeds the specified amount, then there is no case. If it does not, then they are entitled to the difference. President Willner requested that Mrs. McBride get everything together that she has and into David Jones' hands as soon as possible, sometime this week. In the interim he is handing the letter from Hewins & Hewins to David Jones for his files on the matter.

RE: COUNTY SURVEYOR - ROBERT BRENNER

Bujay Avenue Pipe Problems: Mr. Brenner said he had been contacted by Mr. Palmer re a pipe problem in Bujay Drive. Between his house and the house of a Mr. Townsend is a pipe. He said he is certain that Mr. Willner will be familiar with this, as it has come up multiple times. Now there are holes -- some five (5) feet across -- and deep -- in his yard. It was thought to be his yard -- but it is not his yard. They have been put off for years -- because it was private property the county couldn't do it. In investigating the matter, Mr. Brenner now determines that in 1970 a contract was let by the highway department (when Sam Biggerstaff was the highway engineer) to install a 72" pipe, which we did. We have 9-ft. of right-of-way between these two houses. The problem is causing some flooding up on Elmendorf (above it). Mr. Brenner has the case history of what has been done out there since 1970. It is the county's and does need to be fixed and it could be quite expensive. The contract was for some \$30,000 and the pipes are all apart; about every seven (7) feet between these two houses there is a hole -- and they're deep enough that someone could get hurt. He's got them filled in with leaves, but that's blocking the pipe -- which is causing flooding up in the other subdivision. Mr. Brenner said he has done some research and there are no easements for the opposite half of that ditch -- so this just has to be done. Mr. Brenner said he has a packet of information to give to someone, because he isn't going to do this -- but he did tell Mr. Palmer that he would research it and he did. It is the county's property and is deficient and needs to be fixed...and could be very expensive. Mr. Brenner presented the packet to President Willner, indicating it contained copies of the Commissioners' minutes pertaining to the installation of the pipe, etc., (1970) the bids, etc. He said he talked to Mr. Biggerstaff and, with the information from the minutes, was able to jog his memory as to what happened. In response to President Willner's query, Mr. Brenner said the easement is either 9-ft. or 11-ft.

Aluminum Pipe: Mr. Brenner said that the supplier who has the bid on aluminum pipe for the county was running a special for anything purchased in January. Our bid price for last year for 12" aluminum pipe was \$8.24 per ft. The county uses a tremendous amount of aluminum pipe. The reduced price during January was \$7.00 per ft. (\$1.24 less than the bid price). Therefore, he went ahead and ordered enough pipe to last for a year. He ordered fifty (50) 40-ft. sections. He said this is quite permissible because it is from the same company....but he did want to let the Commissioners know.

Bridge & Guardrail Report: Mr. Brenner submitted copies of the Bridge & Guardrail Report for period December 26 thru December 28, 1984.....report received and filed.

Morgan Avenue Bridge (S.R.62): Copies of a plot of Morgan Avenue were presented to members of the Board. Mr. Brenner said the "blue" area shows where the 100 year flood comes. This plot is designed to show that after the State finishes their 4-lane widening, the flooding problems will still exist on the road. Mr. Brenner said he feels that is a mistake. The road carries 27,000 cars per day, which means that during flooding conditions -- these vehicles have to go elsewhere.

Mr. Brenner also submitted copies depicting the size opening required at this location, what currently exists and what the State proposes to install. As can be seen, the State proposes to install three times that which is required. Even with this new opening and a 64½-ft. bridge, we still do not get above the flood. These floods happen

(continued)

quite frequently....1982 being the last time the bridge was under water to its guardrail. Mr. Brenner said he also has photos in his office which show the bridge under water in 1964.....and, of course, it was under water in 1937....but you'd never be able to avoid that. The State said the bridge they were going to put in would cost the county \$165,000. Mr. Brenner said his crew took their material specifications and using the prices we had on the First Avenue Bridgethey agree with the State that it will cost \$165,000 for what is there. But it is still not above the flood. It is their belief that if we repair the existing opening and extend it out -- you're going to need something over 126-ft. in length -- and they believe they can do this for approximately half the cost of the new bridge proposed. It is also going to cost "some" more money to raise the road -- but it has to be done. Mr. Brenner said, "Now how do you convey this message to the State?" President Willner said that we have two possibilities. 1) That Messrs. Brenner and Easley return to Indianapolis for confrontation or, 2) We invite the people from Indianapolis down to Evansville. What is Mr. Brenner's choice? Mr. Brenner said he had no preference. It is to be bid in February and something needs to be done quickly. Commissioner Willner said he agrees. He asked that Messrs. Brenner and Easley return to Indianapolis for another meeting. If the matter cannot be resolved, then ask them to come to Evansville for a meeting with them and the entire Board of County Commissioners.

Commissioner Borries interjected that based on the meeting held today at the bridge site -- Ms. McCool from the Chamber of Commerce attended this meeting as well as the meeting in Indianapolis with Mr. Easley -- he concurs with Surveyor Brenner and agrees that no matter what they build if they're not going to build it out of the flood plain -- then this seems an exercise in futility. And, he believes that the Chamber of Commerce would certainly agree that they want the wisest use of dollars possible. This whole agreement was based on the idea in 1982 that this project was to move ahead. With 27,000 cars per day and the difficulties experienced today -- it just gets worse -- and it is not going to get any better until the Division Street project goes thru. At that time, the state highway planner predicted that there would be some lessening of cars, because more would be utilizing Division. Regardless, it has now been three (3) years and we're under the gun. The project doesn't need to be delayed but, certainly, some common sense here on the part of the state would be in order. He believes that Mr. Brenner needs to show them with figures and documentation that it is going under water again even if they build the bridge. If they insist on building the new bridge and get it out of the water, the cost will go up to around \$200,000 for the county to get it out of the water.

President Willner asked if Messrs. Easley and Brenner could arrange to travel to Indianapolis on Friday of this week? Mr. Easley said it may take longer period of time than we have between now and then to set up the meeting. Mr. Brenner said they kind of blamed everything on the Department of Natural Resources, whom he called. Commissioner Borries said that if the Dept. of Natural Resources has seen this one -- then it would be something new and different if they're going to allow something that is going underneath the flood plain. Mr. Brenner said they said that could happen. It has happened, in fact, where they've built roads where they know they're going to be flooded. That's normal when you have a low traffic count; not something like 27,000 vehicles a day. Commissioner Borries said they weren't so congenial or cooperative on the First Avenue Bridge, as he recalls. If the water ever gets that high -- the bridge will always remain out of the water. But if the water remains that high, then you won't be able to get to the bridge.

Mr. Brenner commented that he is not certain that we're approaching this in the right way. President Willner said he had wondered about this himself. But at this stage of the game, he imagines we could put a dollar limit on it. Mr. Brenner said our agreement didn't put a dollar limit on it; the agreement just said to replace or expand the existing structure. The existing structure is a box culvert; by definition it is less than 20-ft. That is why the State has very few records on when it was modified or what have you.

President Willner asked Mr. Brenner if he has some alternate ways of approaching the matter? Mr. Brenner said he doesn't know if they'd work. When we go up there, these people do not wish to deal with us -- this is their plan and this is the way it is going to be. Until you start at the top and work down -- everytime you go up there you are whistling in the wind. President Willner said we could invite them down and tell them the news media also wants to talk to them.

Mr. Easley said when he was up there he asked them if it would be possible for the county to widen that structure? To remove it from the State contract and we'd widen the structure. They rolled their eyes and groaned about that. They were afraid to lose control of it. Mr. Easley said he thought we could get the work done less expensively by letting the county do it -- but that didn't go over too well. They said they would check to see if it could be done with a double box culvert. Hydraulically, it appears that there is enough opening in a double box to handle the water. Mr. Brenner agrees that very little drift comes from the south side of the highway. Mr. Easley said he feels we should be armed with some firm unit prices and take the double box proposal back up there. If the Department of Natural Resources will approve a double box -- if it will pass the 100 year run-off and if it needs to be raised (and he believes we all agree that it has to be raised) it would probably be less expensive to use a box culvert extension to raise it rather than to get a long bridge. So it looks like we're gathering justification for a box culvert. He said the State would have to eat some crow if they scrub the plans for the 3-span bridge. They said there would be a delay to design the double-box culvert because they had no standard plans on a double-box culvert. Mr. Brenner has plans in his office for a double-box culvert and Mr. Easley also has some (which he brought with him today). It would be easier to keep the road open? Mr. Brenner said he doesn't see that it would make any difference, because they're going to have to put the fill in anyway.

President Willner asked if Mr. Brenner has a file on the bridge -- up to today? Mr. Brenner said he had gotten some information from the newspaper one time -- the object to put in there was missing from the plans reviewed at the public hearing. Now we have the plans of what that object is.

Mr. Easley asked if the Commissioners would insist or request that the bridge be raised? President Willner said he thinks they're going to request it. He'd be willing to go one step further. If it isn't out of the flood plain, the county won't spend any dollars on it. That's how certain he is. In fact, while they're building the highway, there are two places out there that they should take care of (double dips) and he certainly thought they would. It keeps going thru his mind that the State Highway Department could have gotten Federal funds for Morgan Avenue. In fact, it was a Federal request that they do Morgan Avenue before they did anything on Division Street. So, money was available to them and the State chose to turn the Federal money down. Now they come to Vanderburgh County saying we will build the bridge. He is certain that one of the reasons they didn't use Federal funds was because they wouldn't be forthcoming if they built it within the flood plain. But he does not know why the State wants to do this and they're not telling us why; therefore, he thinks we have to ask and insist that they give us a good reason.

Mr. Brenner said the people we're dealing with know that a box would work and they know a pipe would work. They're too smart for that -- they've built too many of them. You can see the State highways where they have boxes like this 30-ft. under the ground and very deep metal pipes on the Interstates. That is why he thinks that if we go back and talk to the gentlemen who have designed the project that they will listen to us and they will be polite -- butPresident Willner said then we have to ask them to come on down and we'll have a meeting. Mr. Brenner said that even if they come down here they can't really change the thing. Mr. Easley said he believes they can change it, but he believes they're convinced that they're right. They were convinced that the structure is old and deteriorated, has a relatively short remaining life left -- and he thinks they want to do an honest job. Mr. Brenner said they could take the existing box out -- but put something similar back in.

Mr. Easley asked President Willner if he'd want to say we wouldn't want to spend more than \$100,000 on it? That's twice what we'd thought we'd need to spend. President Willner said he'd hate to put a dollar figure on it at this time. Mr. Brenner said there must be a figure we'd say we'd be willing to spend. Mr. Brenner said that if they don't take the road above the 100 year flood, he'd recommend we spend nothing. He thinks the bridge is an inept design. We might win. President Willner said he agrees with that. Mr. Easley said that road needs to be widened -- and he'd hate to see the county take a black eye for throwing a wrench into the machinery.

President Willner asked where Messrs. Brenner and Easley thought the most effective meeting could be held? He'd like to try one more meeting. Mr. Easley said he would recommend that he, Mr. Brenner and President Willner go up and present the alternatives.... and give the revisions right there and then. This is what we think will go -- and we've done our share of bridges here and can verify that we've done a fine job with them, too.

(continued)

Mr. Brenner said we should also ask the head of the Department of Natural Resources to be present at the meeting, since he is the one who is getting the blame. Commissioner Borries suggested that Ms. McCool from the Chamber of Commerce also attend.

Mr. Easley left the meeting to try to make telephone contact with parties in Indianapolis to set up the meeting.

Capella Ave.: Commissioner Borries asked whether any information had been obtained on Capella Ave. and Polaris Ave., as to whether these were accepted streets so we'd know whether we could do work on that opening. President Willner said there was no information in the Commissioners' records concerning acceptance of said street.

Survey on Ball Diamond/Burdette Park: In response to President Willner's query, Mr. Brenner said the survey has not been completed because the area has been under water for a considerable period of time.

Updating on Three (3) Bridges per Federal Request: Mr. Brenner said they have done work on the three (3) bridges per request of Federal personnel. In excess of some 300 ft. of guardrail has been installed on Green River Road (just above Hirsch Road over Pigeon Creek). Two of the bridges were Firlick and Green River Road over Pigeon Creek. Those were added to the Federal project that the City is doing to completely revitalize. We will have to do the one over Firlick ourselves. On St. Joe Avenue, Mr. Brenner said they have reached an agreement with the Big Creek Ditch Association to clean out the section of Maidlow Ditch west of the pipes -- and the pipes will be cleaned out and rip-rapped. That should make the State happy. President Willner requested that Mr. Brenner keep the Board up to date on these projects.

RE: APPOINTMENTS

Motion was made by Commissioner Borries that the following appointments be approved. A second to the motion was provided by President Willner. So ordered. The appointments were as follows:

<u>Human Relations Commission</u>	- Earl Roehm 410 Miller Rd.	2 Yr. Term (Reappointed)
<u>Convention & Visitor's Bureau</u>	- Robert Greene 600 Walnut St.	1 Yr. Term (Reappointed)
	- Ira Neal 329 Holly Hill Drive	1 Yr. Term (Reappointed)
<u>Board of Park Commissioners</u>	- Dr. Charles Greif 7731 Newburgh Rd.	2 Yr. Term (Reappointed)
<u>Area Plan Commission</u>	- Richard J. Borries 5112 Graham Ave.	1 Yr. Term
<u>County Welfare Board</u>	- Mrs. Phyllis Ann Kincaid* 7117 E. Cherry St.	4 Yr. Term
	*Replacing Mrs. Corinne Tweedal of 900 S. Meadow Road, who has indicated she did not want to be reappointed to that board.	
<u>County Board of Review</u>	- Fred Stocker Martin Road	1985
	- Casper Hudson 2501 N. Governor	1985

Commissioner Borries said all of the foregoing had been contacted by the Board of Commissioners and had indicated a willingness to serve. A letter will be sent to each, notifying them of the appointment.

(continued)

RE: MONTHLY REPORT - CLERK OF THE CIRCUIT COURT

The monthly report for period ending November 30, 1984 from the Clerk of the Circuit Court was submitted.....report received and filed.

RE: MONTHLY REPORT - ALEXANDER AMBULANCE SERVICE

The monthly report from Alexander Ambulance Service for period ending November 30, 1984 was submitted.....report received and filed.

RE: COMPUTER SYSTEM CHANGE REQUEST

President Willner submitted a computer system change request from Misdemeanor Court. Commissioner Borries explained that this is for Judge O'Connor's area. It is his understanding that this change would enable them to print traffic court minutes as entered, etc. He said there would be a total annual cost involved, which he assumes the courts could absorb. President Willner said the annual cost for this change would be \$638.36 per year. In response to County Auditor Alice McBride's query, President Willner indicated he was uncertain just whose budget this cost would come from. It was subsequently determined that this request should be held for a one (1) week period. He asked that Mr. Lindenschmidt ask the Judges whether they have enough money in their account to handle this or whether the Commissioners' budget will have to pick this up.

RE: OLD BUSINESS

Trip to Indianapolis: Mr. Easley had re-entered the meeting and advised that he was unable to contact the necessary party in Indianapolis to set up the meeting concerning Morgan Avenue. He will call them first thing Thursday morning and asked whether President Willner could travel to Indianapolis on Friday? President Willner said he felt the urgency of the matter was sufficient to warrant his making the trip this week. Mr. Easley suggested a 10:00 a.m. meeting (Evansville time) which would be 11:00 a.m. Indianapolis time. President Willner indicated the meeting could either be held in the morning or in the afternoon -- whichever could be arranged according to the schedule of those parties in Indianapolis. Ms. McCool should also be notified so she can attend.

I.S.U.E./Request for Letter Concerning Independence: Commissioner Borries said that on last week's agenda there was again a request from the students at I.S.U.E. (Robert H. Hahn, Chairman, Independence Committee) to have the County Commission write to the members of the Indiana General Assembly to ask for an independent public university in Southwestern Indiana, specifically I.S.U.E. The Commission did so last year before their first session of the year. Therefore, he moves that the Commission forwards the motion made unaimously last year to the members of the Indiana Legislature asking for I.S.U.E. independence. Therefore, he moves that the Resolution again be passed and forwarded to Mr. Hahn to give to the Indiana General Assembly. A second to the motion was provided by President Willner. So ordered.

RE: CLAIMS

Pulse Systems: A claim in the amount of \$193.65 for 2-4 channel MUX was submitted for approval. By way of explanation, Commissioner Borries said this is a multiplexer. On the Prosecutor's IV-D program across the street, when the great computer switch went into effect a year ago, Pulse Systems took a complete study of what was in use -- they failed to include the items that fit on the phones. They transmit confidential information via phone to the courts and the prosecutor's office. Mr. Fortune and Pulse could never come to an agreement, but the prosecutor has to have them, because without it, much of the information could not be transmitted to the prosecutor's office concerning the IV-D program. They were in use under the prior system and have been in use during 1984. It was noted that the Acct. Number was 130-386 (Commissioner's budget). Mrs. McBride said they had asked for \$3,200, but the Council did not allow it, so they do not have any money for this. Motion was made by Commissioner Borries that the claim be approved as presented. A second to the motion was provided by President Willner. So ordered.

(continued)

COUNTY COMMISSIONERS
January 2, 1985

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RE: EMPLOYMENT CHANGES - RELEASES

Voter's Registration

Mary Ellen Mueller	4912 Conlin	Deputy	\$30.00/Day	Eff: 12/28/
Rose Mary Muensterman	R.R.#1 Mt. Vernon Rd.	"	"	"

County Recorder

Lucille Elliott	3020 New Harmony Rd.	Chief Dep.	\$17,918/Yr.	Eff: 12/31/84
Aline Payne	220 Chandler	UCC Deputy	\$10,760/Yr.	Eff: 12/31/84
Vonna M. Wagner	3208 Folz Lane	Rel. Dep.	\$10,760/Yr.	Eff: 12/31/84
Kimberely J. Ford	708 E. Chandler	Mtg. Deputy	\$10,760/Yr.	Eff: 12/31/84
Virginia Coleman	2009 S.E. Blvd.	Deed Dep.	\$10,760/Yr.	Eff: 12/31/84
Margaret Sue Blaxton	8209 Old State Rd.	Asst. Bkpr.	\$10,760/Yr.	Eff: 12/31/84
Thelma Jones	465 S. Governor	Bookkeeper	\$12,298/Yr.	Eff: 12/31/84
Suzanne M. Wagner	3208 Folz Lane	Misc. Dep.	\$10,760qYr.	Eff: 12/31/84

Clerk of the Circuit & Superior Courts

Ella Mae Sheets	3307 Bayard Park Dr.	Filing Clk.	\$452.30/Pay	Eff: 1/1/85
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Knight Township Assessor

Sheryl Weiss	3120 Edgewood Dr.	Clerical	\$30.00/Day	Eff: 1/2/85
Marjorie Humphrey	2512 Vogel Rd.	"	\$30.00/Day	Eff: 12/29/84
Susan Behme	837 Taylor Ave.	"	\$30.00/Day	Eff: 12/19/84

RE: EMPLOYMENT CHANGES - APPOINTMENTS

Clerk of the Circuit & Superior Courts

Angela Delgman	3000 W. Franklin	Filing Clerk	\$452.30/Pay	Eff: 1/1/85
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Knight Township Assessor

Marjorie Humphrey	2512 Vogel Rd.	Clerical	\$35.00/Day	Eff: 1/2/85
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RE: SCHEDULED MEETINGS

President Willner announced that since the New Year holiday is over, the Board of Commissioners will hold their next meeting on Monday, January 7th, at 2:30 p.m.

In response to Mr. Easley's query, President Willner said that no Drainage Board Meeting will be held today.

RE: CAPELLA DRIVE DRAINAGE PROBLEM

Mr. Easley said that he went out to look at Capella Drive after the hard rain on Monday (New Year's Eve). The homeowners have a real problem. They've had water in their garages -- one man had up to 12 inches of water. Mr. Easley said he thinks we should get together with Warrick County to see if we can find a solution to the problem regardless of the status of the street. If we have a real cloudburst (which the odds say we will have some day) there could be several houses under water simply because that swamp won't drain. Commissioner said that Jim Voorhees contacted him on the phone and the County Surveyor has been out to the area. Part of the problem is that he said the Warrick County Commissioners have put in a culvert at Staser Road and Pollock Avenue in Warrick County to help with the drainage. But there is a ponding area on Angel Mounds ground. He has state approval to try to drain some of this into Warrick County -- the natural flow of water goes into Warrick County. But he wanted the culvert to go underneath Capella. Mr. Borries said he advised Mr. Voorhees that we'd work on that; but we can't find records as to whether that is an accepted street. Commissioner Borries suggested that Messrs. Easley and Bethel go out to make their basic inspection and see if we can get those streets accepted. He thinks that perhaps we've done work on them, assuming the county had accepted those roads at some point -- but we can't find records of that. Mr. Easley said those roads didn't seem to be in that bad a shape. According

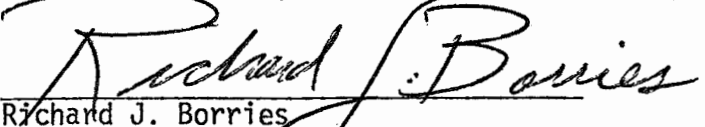
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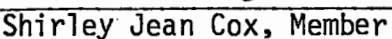
to Mr. Brenner, part of the problem stems from the fact that the culvert is flat or at least lower than the ponding area -- so the water is still not going to flow very easily thru there. Mr. Easley said that Mr. Voorhees said that the culvert under Pollock Avenue is perhaps an inch above the flow line of the culvert under Capella -- so it's dead level. Mr. Easley proposes that someone dig a ditch across the swamp and perhaps lower that culvert -- and if Warrick County would put in a new culvert (larger) and put it six (6) inches lower, then he believes it would drain and not build up if we have a heavy rain. It would probably take \$1,000 to dig a ditch across that swamp. Commissioner Borries said he is willing to pay for that and says he has state approval (which he does not know whether or not he has) -- but there is going to be some ditch work go thru there. Commissioner Borries said that if Mr. Easley can follow thru on this it would be appreciated -- to see if we can get the streets accepted -- and then see if we can do something to clean that culvert. He believes they've had a volunteer fire department run water thru that culvert at some point in time -- if Mr. Easley can write up a proposal, we'll contact the Warrick County people. Mr. Easley said he thinks the project is much too large for two (2) homeowners. But there are probably three or four who could have water in their house if this problem is left unattended.

There being no further business to come before the Board at this time, President Willner declared the meeting adjourned at 3:50 p.m.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	Robert L. Willner Richard J. Borries	Alice McBride	David Jones
	<u>SURVEYOR</u>	<u>ENGINEER</u>	<u>COUNTY HIGHWAY</u>
	Robert Brenner	Andy Easley	Bill Bethel
<u>SECRETARY:</u>	Joanne A. Matthews		


Robert L. Willner, President


Richard J. Borries


Shirley Jean Cox, Member

MINUTES
COUNTY COMMISSIONERS' MEETING
JANUARY 7, 1985

Subject IndexPage No.

APPOINTMENTS

Alcoholic Beverage Commission----Bert Reed -----Approved ----- 11
 County Hospital Building Authority ----John Street---Approved ----- 11
 Indiana Academy/Public Service ----Richard J. Borries --Approved ----- 11

APPROVAL OF MINUTES (January 2, 1985 Meeting) ----- 1

BIDS (Xerographic Paper, Calcium Chloride, Guardrails, etc., & Liquid Asphalt
 Bids referred to Purchasing Department -----2, 6 & 7

BUILDING COMMISSION/CONDEMNATION OF BUILDINGS, ETC. (Roger Lehman)----- 2 - 4

CERTIFICATES OF INSURANCE ----- 11

CITY ENGINEER/DICK EIFLER -----BURKHARDT ROAD PROJECT ----- 4

CLAIMS ----- 12 & 13

Assoc. of Indiana Counties/1985 Dues -----Approved 12
 Helfrich Insurance Agency----Public Official Bonds -----Approved 12
 David L. Jones/County Atty. ----Litigation -----Approved 12
 Helfrich Insurance Agency....18 Claims released for payment----- 12 & 13
 (Helfrich's letter filed in Commissioners' File & Insurance Binders placed
 with Policies in Auditor's Safe)

COUNTY ATTORNEY - NEILS HANSEN

Modification of Coop Agreement w/U.S. Marshals Service----Approved ----- 7

COUNTY ENGINEER - ANDY EASLEY

Morgan Avenue Bridge Project ----- 8 & 9
 Claim/Burkhardt Road Project/State Highway -----Approved ----- 9 & 10
 Lynch Road/Door Modification, etc. ----- 10

COUNTY HIGHWAY - BILL BETHEL

Weekly Absentee Report ----- 5
 Weekly Work Report & Work Schedule

COUNTY SURVEYOR - BILL JEFFERS

Bridge & Guardrail Report ----- 7 & 8
 N. Kentucky Avenue Bridge
 5th Avenue Bridge
 Survey/Burdette Park -----Completed/Awaiting Clarification on Deeds----
 Request for Drainage Board Meeting---- (January 14th) -----
 Bridge Decks

COUNTY TREASURER/REPORT ON INVESTMENTS ----- 4 & 5

EMPLOYMENT CHANGES -----RELEASES & APPOINTMENTS ----- 13 & 14

EUTS - DAVID GERARD

Applications for Federal Funding----Deadline/February 15, 1985 ----- 10
 Meeting Scheduled to Review Lynch Road Extension & Eichoff-Koressel
 Corridor Blueprints-----January 22nd @ 1:00 p.m. ----- 10
 Hearing on Lynch Road Extension & Eichoff-Koressel Corridor to be held
 at Evansville Day School on January 22nd ----- 10

OLD BUSINESS

Nally Coal Company Claims (Wooden Bridges on West Side)-----copies given to 11
 J. Lindenschmidt for County Attorney
 Local County Welfare Board Structure, etc. ----- 11 & 12

POOR RELIEF/PIGEON TOWNSHIP

Mr. & Mrs. Ralph Gubson ----- 1 & 2

SCHEDULED MEETINGS

Jan. 14th - 1:00 p.m. (E.S.T.) - Meeting in Indianapolis to discuss Morgan
 Avenue Bridge Project
 " - 1:30 p.m. - Meeting w/John Wilgis of State Board of
 Accounts to discuss Investments
 " - 2:30 p.m. - Commissioners Meeting
 Drainage Board Meeting

(continued)

COUNTY COMMISSIONERS
January 7, 1985

<u>Subject Index</u>	<u>Page No.</u>
Jan. 22nd - 1:00 p.m. - Meeting w/David Gerard to review blueprints on Lynch Road Extension & Eichoff-Koressel Corridor Projects	
" - 7:30 p.m. - Commissioners' Meeting (Property Owners Can Appeal Condemned Properties, etc.)	
Feb. 7th - 7:30 p.m. - Hearing re Environmental Corridor Study & Lynch Road Extension to be held at the Evansville Day School	
TELEPHONE REQUEST/PIGEON TOWNSHIP ASSESSOR-----Deferred (1) Week -----	10 & 11
TRAVEL REQUEST/WEIGHTS & MEASURES -----Referred to the City -----	10
VANDEBURGH AUDITORIUM - KIM BITZ ----- Utility Useage Report Bookings (1984 vs. 1985) Request re Bids on Resurfacing of Parking Lot	8
PUBLIC OFFICIAL BONDS -----Taken to Recorder's Office -----	15

MINUTES
COUNTY COMMISSIONERS' MEETING
JANUARY 7, 1985

The Board of County Commissioners met in session on January 7, 1985, at 2:30 p.m. in the Commissioners' Hearing Room, with President Robert Willner presiding.

The Chair entertained a motion concerning approval of the minutes of the previous meeting. Motion was made by Commissioner Borries that the minutes of the meeting held on Wednesday, January 2nd, be approved as engrossed by the County Auditor and the reading of same be waived -- with one exception. The year shown on the "Index Page" should read "1985", rather than "1984". With this change noted, the minutes should be approved. A second to the motion was provided by President Willner. So ordered.

President Willner welcomed Commissioner Cox, who has been on vacation in Florida... and had missed the two (2) previous meetings.

RE: POOR RELIEF/PIGEON TOWNSHIP

Ralph Gubson/711 W. Virginia: President Willner asked that Mrs. Gubson approach the podium, since Mr. Gubson was not present and state the nature of the appeal. (Mr. Gubson subsequently entered the meeting, also.) President Willner asked Mrs. Gubson if she is eligible for food stamps and is receiving same. Mrs. Gubson said she does receive stamps. There are two (2) in the family -- she and Mr. Gubson.

President Willner noted that Mrs. Gubson had made application for a non-food order and she was turned down for what reason? Mrs. Gubson said that when she went into the Trustee's office, the "woman" didn't ask her anything except, "What do you want here now?" Mrs. Gubson said she told her she would like to know if she could get a soap order? The woman then asked her what her income is? Mrs. Gubson told her the amount of income and the woman told her she was over income. She then asked Mrs. Gubson if she wanted a denial and Mrs. Gubson told her she would like to have same.

President Willner queried Mrs. Gubson re her income and she said it was \$314.00 per month from her S.S.I.

Commissioner Borries interjected that according to the Pigeon Township Guidelines, the limit is \$300.00 for two people; thus, the Gubsons are over income by \$14.00 per month.

President Willner asked Mrs. Gubson if she had any other request? Mrs. Gubson said that anytime she has been to that office she has been mistreated. She had to go there a year ago. Her husband was ill; he has a blood clot by his heart and is due to go into the hospital on January 14th. In any event, everytime she goes to the Trustee's office, it seems she winds up in the doctor's office getting shots because she is so nervous, etc. She has been in Evansville nine (9) years and loves Evansville -- she thinks it is a beautiful town. During the times she has been in the Pigeon Trustee's office, there has only been one (1) woman who treated her nice -- and she can't recall her name. She is not a caseworker -- she works up front. But she knew about Mrs. Gubson's health problems. She has had a lot of surgery since she has been in Evansville. Continuing, Mrs. Gubson said she likes to be treated like a human being -- just as does anyone else -- she does not like to walk in someplace and be treated as though she is a dog. Everybody should be treated like a human being. President Willner said he certainly concurred. Mrs. Gubson said she had never done anything wrong to the woman in question -- to deserve the treatment she got.

President Willner asked if Mrs. Gubson has had any trouble getting her food stamps? She said she has not. He then asked if the food stamps she is getting are sufficient to sustain her and Mr. Gubson? Mrs. Gubson said she tries to get the right food with the food stamps; both she and Mr. Gubson are on different diets because of health reasons. But she tries to do as best she can -- and they have told her they can't do anymore for her. There are certain foods that both she and Mr. Gubson can and cannot eat; therefore, she has to make two (2) separate meals at mealtime.

Commissioner Willner asked Mrs. Gubson if she and her husband own their home or are they renting? Mrs. Gubson said they rent living facilities. Commissioner Willner then entertained questions from the other two Commissioners.

(continued)

COUNTY COMMISSIONERS
January 7, 1985

Page 2

Commissioner Borries told Mrs. Gubson that he is sorry to learn that she has had problems in the Trustee's office. If there is anyway that Mrs. Gubson can determine which individual has given her problems, then the Board can certainly refer this to the Trustee's office.

Mrs. Gubson said the "woman" seemed as though she cares neither for Mr. or Mrs. Gubson. She treats Mr. Gubson the same way as she treats Mrs. Gubson every time he goes. He is Spanish -- but he should be treated like a human being. (At this point in time, Mr. Gubson entered the meeting.)

President Willner asked if the representative from the Pigeon Trustee's office had any comments? Ms. Becky Hittner responded that she may have been a bit upset when Mrs. Gubson came into the Trustee's office the last time, because she had found out on her own that Mrs. Gubson had been receiving S.S.I. since May and had not reported it to the Trustee's office. She said she was sorry if she seemed to be hurt -- but the Gubson's are obligated to keep the Trustee advised concerning their income.

Mrs. Gubson said she had reported her income to the Trustee's office -- she called Ms. Hittner re the income -- yes she did!

President Willner called for further comments from the other Commissioners. Commissioner Borries asked, "Mr. and Mrs. Gubson, are you aware that the Trustee's Guidelines (of which the Commissioners have a copy and which have been mentioned to them) state that the Gubson's income at this time is over the allowed amount for a family of two? Mrs. Gubson said that she does understand; and she would have understood this in the first place if she had been told this in the right way. She again said that she is not a dog and does not want to be treated like a dog. If Ms. Hittner's "kid" was in Mrs. Gubson's position, she does not believe Ms. Hittner would want anyone to talk to her "kid" like that. Mrs. Gubson said not only is she not a little kid, she is 55 years old and she wishes to God she could work -- but cannot do so because of her health. Were she able to work, she wouldn't ask for anything. Again, Commissioner Borries asked Mrs. Gubson understands that at this time the Gubsons are not eligible? Mrs. Gubson said she does understand this and appreciates the nice way in which Commissioner Borries has advised her concerning her ineligibility.

President Willner advised Mrs. Gubson to let the Board know if there is a change in her income and thanked her for coming down concerning this matter.

RE: AUTHORITY TO OPEN BIDS ON XEROGRAPHIC PAPER, CALCIUM CHLORIDE, LIQUID ASPHALT, GUARDRAILS, ETC.

The meeting resumed with President Willner entertaining a motion that the Attorney be authorized to open the bids received on subject items. Motion was made by Commissioner Cox that Attorney Neils Hansen be authorized to open the bids received on the subject items. A second to the motion was provided by Commissioner Borries. So ordered.

RE: BUILDING COMMISSION/CONDEMNATION OF BUILDINGS, ETC. - ROGER LEHMAN

Mr. Lehman said he has a couple of items requiring the Board's attention. There are some houses, in particular, today that are in serious need of demolition. In the past, the Building Commission has not been too active with these problems. What he wants to do today is present the information to the Commissioners to determine if they want to further act on said properties:

2405 Grove Street: Mr. Lehman said this is in the county's section off Allen Lane. This house has obvious problems (as depicted in photos) -- roof structure, exterior walls, open and unsecure; outdoor plumbing/toilet facilities (they did not go inside to determine if there are indoor toilet facilities). After contacting the owner via letter, they have received no comment one way or the other. Their next action is to obtain bids for the contractors -- and if there is nothing done on the owner's part to let that contract, then to place the amount of the contract as a lien against the property on the county tax records. In reviewing the photos, Commissioner Willner said it looks as though something needs to be done. Commissioner Cox asked if people are living in the house? Mr. Lehman said they are not. Commissioner Willner asked if the owner of said property has other properties which he owns in Vanderburgh County? Mr. Lehman said not to his knowledge. He did not check to determine if they own the property at which their mailing address is listed; he will check this out.

(continued)

Commissioner Willner asked if the owner's mailing address is within the confines of Vanderburgh County? Mr. Lehman replied in the affirmative.

Commissioner Willner asked Mr. Lehman if he will present the timetable followed on subject property? Mr. Lehman said he went thru the Ordinance and issued a written order on the building and stated that there was a 10-day appeal period in the Ordinance; in other words, they had to appeal to the Building Commission in writing with the 10-day period. This written order was issued on December 18, 1984. Commissioner Willner asked if a response was received? Mr. Lehman said that in this particular case there was no response. He said they were given 30-days to move the house (which would put them at January 18th). What he would like to be able to do is to have the bids together by that time, then return to the Commissioners with the bids and move from that point. The owners would be notified of this particular meeting via Certified mail -- so that they would have an opportunity to be at the meeting to make whatever appeal they might make at that time. Commissioner Willner queried Mr. Lehman concerning the size of the lot; he said it was probably a 1/4 acre lot....small. This particular house is the one just before you get to Crowe's Wrecking Yard -- on the east side of the street. There are only about four houses out there with problems; three of them are vacant. One of them is occupied. There are three or four lots out there which really need to be cleaned up -- and then we'd have that particular area in pretty good shape. People in the area are making repairs to their homes -- putting on new roofs, painting, etc. This would give them a little boost in their efforts to get the area cleaned up.

Motion was made by Commissioner Borries that Mr. Lehman ask for bids and notify the property owners that he has done so. The Commissioners' evening meeting will be held on Tuesday, January 22nd, at 7:30 p.m. They should be notified that they would have the right to appeal or tell their side of the story at the January 22nd meeting. A second to the motion was provided by Commissioner Cox. So ordered.

2813 Grove Avenue: The owner was notified on September 11th, when the Building Commission sent an order to repair or raze the property -- to which the owner responded by telephone. They met with the owner around September 28th and he agreed to remove the house, sheds, delapidated vehicles, etc., within sixty (60) days, which would put him to November 28th. At that time, one of the vehicles had been removed and, basically, nothing much else was done. They then notified him that the previous order was in effect (to remove buildings and vehicles).....he had ten (10) days to appeal----and there was no response to that point. Both the subject property and the owner's mailing address is in Vanderburgh County. President Willner asked if Mr. Lehman has any photos of the 2813 Grove Avenue property, saying that a picture is worth a thousand words! Mr. Lehman said that at one time the house contained a dozen cats -- and the owner did remove the cats at the request of the Building Commission. President Willner asked Mr. Lehman if it is his intention to proceed on this property as he is on the 2405 Grove Avenue property, and he replied in the affirmative.

Motion was made by Commissioner Borries that the same motion apply as was made for the 2405 Grove Avenue property. A second to the motion was provided by Commissioner Cox. So ordered.

2407 Grove Avenue (Vacant Lot): This lot is located next to the 2405 Grove Avenue property first mentioned by Mr. Lehman. He submitted photos showing debris on the lot, delapidated autos, etc. Mr. Lehman spoke with the owner who resides in Phoenix, AZ and she stated that she would like to sell the lot. ...Mr. Lehman said it is basically a gully and he doesn't know of anyone who would want to buy it. In any event, he did notify her that she is in violation. She said she would call Crowe Wrecking to obtain a price from them for cleaning the lot at her expense. Mr. Lehman told her that, in conjunction with that, they would obtain some quotes to clean it up at their expense -- or give her the opportunity to pay the bill up front or to have them place tax lien on the property. He strongly suspects that clean-up of this lot would not exceed \$100 - \$150; basically there should be a couple of truckloads of debris, etc. He believes they could get the car towed at no expense. The owner of the lot had no knowledge of the car; she hasn't been in Evansville for something like eight (8) years and said she'd appreciate anything they could do to help her out.

Motion was made by Commissioner Borries that the same motion apply as that made for both the 2405 and 2813 Grove Avenue properties. A second to the motion was provided by Commissioner Cox. So ordered.

Mr. Lehman said they would be interested in the Commissioners' perhaps determining a funding source; in the City, they have a demolition fund; but he does not believe we have such a fund in the county. Perhaps the Commissioners can determine a funding source between now and the January 22nd meeting. President Willner asked that Mr. Lehman give the matter some consideration and get back to him with a dollar figure, so the Board can pursue the funding.

RE: BURKHARDT ROAD - RICHARD EIFLER/CITY ENGINEER

Mr. Eifler said they received a set of plans for the Burkhardt Road project, which was just awarded. There is a pipe structure underneath Division Street that creates a ditch along Burkhardt Road. For many years that particular structure has been a source of problems for both the city and the county, in that when the State built it, it is too high -- and the drainage to the south goes back to the various subdivisions to the south and east of Burkhardt Road and Division Street (Jamestown, Carrolton Court, Plaza Meadow Subdivision, etc.). There has been standing water and very poor drainage in those subdivisions for years and years. What the city is asking is that to be incorporated into this plan, it is really golden opportunity -- is that the Feds would pay for 75% of that project -- to replace that old box culvert with a larger pipe and at a lower grade -- and it will solve problems for both the city and the county in that area. This is what they're requesting. President Willner queried Mr. Eifler as to exactly what he is asking from the county? Mr. Eifler said that when the job gets underway, that a changeorder be issued to replace that box culvert. They talked to the state because they thought perhaps the state was planning to do that. But they have no plans to replace that. And, even if they did, it would be 4-5 years down the road and that would just mean 4-5 more years of problems and troubles. If a changeorder could be issued to this project when it gets under construction, then the Feds would go along with it -- because they have talked to them about it -- and it would help everybody. The funding arrangement would be 75% Federal money and 25% City or County. President Willner asked if the City would pick up the 25%? Mr. Eifler said it is a "county job"! Commissioner Willner said that Mr. Eifler needs more than a changeorder -- he needs some dollars! Commissioner Willner requested that Mr. Eifler give him a dollar figure. He said that Mr. Jeffers could better give an estimate. Mr. Fred Blumenauer said that the county's portion would probably be about \$15,000 (total work would cost about \$60,000). President Willner asked if the city would be amenable to sharing the cost with the county? Commissioner Cox asked if this would qualify as bridge work? Mr. Eifler said he did not know either answer. Commissioner Willner pointed out that this is a state highway -- but Mr. Eifler said that would not make any difference. It was pointed out that Crawford-Brandeis ditch is a legal drain; the lowering of the ditch would have to be paid for out of East Side Urban fund. Mr. Eifler said there is considerable ditch work within the scope of the contract, so there would probably be very little increase of cost for the ditch work. Mr. Eifler said they'd been beating on the State's door for many, many years - but could never get them to open it at all -- they just wouldn't do anything. President Willner requested that Mr. Eifler get with the County Surveyor and the County Engineer and work out the figures and then come back to the Commissioners. Mr. Eifler said he would be glad to do that. The Chair entertained a motion. Commissioner Borries moved that the County Engineer's office continue to work with the City Engineer's office to determine price and source of funding on replacement of the box culvert at Burkhardt and State Rd. #66. A second to the motion was provided by Commissioner Cox. So ordered.

Bill Jeffers of the Surveyor's office said it would help greatly if they could lower that ditch 3-ft. at the point described by Mr. Eifler. All of those subdivisions to the south of there could be drained and it would improve Bonnieview Extension, which is just holding water right now.

RE: COUNTY TREASURER/INVESTMENTS - PAT TULEY

Patrick Tuley, County Treasurer, presented the following record of investments as of today's date:

January 7, 1985

TO: COUNTY COMMISSIONERS

RE: INVESTMENTS

Local Roads and Streets (216) -- Invested \$500,000, January 7, 1985, at 7.8%.
Estimated interest at maturity date \$3,250.00. Maturity date is February 6, 1985.

(continued)

County Revenue - Invested \$3,700,000, January 7, 1985, at 7.8%. Estimated interest at maturity date \$24,050.00. Maturity date is February 6, 1985.

Reassessment (249) Invested \$1,000,000.00, January 7, 1985, at 8.8%. Estimated interest \$86,288.89 at maturity date. Maturity date is December 26, 1985.

Yours truly,

Patrick Tuley, Treasurer
Vanderburgh County

President Willner commented that this looks good. The Board is only interested in the rate and the numbers. He thinks we also list an order each year concerning the "where". Mr. Tuley said he just went ahead and took the initiative to go ahead and invest some of the Roads and Streets money for a short time in order to generate some interest. In response to queries from Commissioner Cox concerning the County General Fund and how much we'll need to be accumulated in interest, Mr. Tuley said it is his understanding that \$700,000 is needed this year and asked that County Auditor Alice McBride correct him if he is in error. Mrs. McBride said that this is correct. Because of their conversation last year, she put down \$700,000. Mr. Tuley said that if he knows at the beginning of the year how much will be needed, he will keep that money invested to generate what is needed before the year is out.

Commissioner Willner requested that Messrs. Lindenschmidt and Hansen notify County Attorney David Jones to prepare an Ordinance on Investments for the Bridge and Roads & Streets funds. Commissioner Cox noted that we do not have a Capital Improvement fund any longer, unless they intend to set up one.

At the request of the Board, Auditor Alice McBride is to make arrangements with Mr. John Wilgis of the State Board of Accounts to meet with the Commissioners at 1:30 p.m. on Monday, January 14th, to discuss investments. President Willner said that Attorney Jones should just have a rough draft of the Ordinance re Investments, as there could be some changes subsequent to the meeting with the State Board of Accounts.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Absentee Report: Mr. Bethel submitted the Weekly Absentee Report for Employees at the County Garage for the period December 31, 1984 thru January 4, 1985.....report received and filed.

Weekly Work Report & Work Schedule: The Weekly Work Report for Employees at the County Garage was submitted for the same periodreport received and filed. Attached to the Work Report was the following Work Schedule:

Gradall: St. Joe Ave., Big Schafer Rd., Lower Mt. Vernon Rd.

Tree Crew: McCutchan Rd.

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

Patch: Upper Mt. Vernon Rd., Old 460, Koring Rd., Hedden Rd., Outer Lincoln, Burkhardt, Colonial Lane, Hitch-Peters Rd.

Grader: Nuebling Rd., Sensmeier, Schissler Rd., Cypress-Dale, Roth Rd., Shore Rd., County Line-East, Young Rd., Ruston Lane, Schmidt Lane, Armstrong Rd., Emge Rd., Buente and Trapp Rd.

Building Barricades: Six (6) men worked Wednesday and Thursday building barricades.

Snow Removal: Friday, January 4, and Saturday, January 5, 1985, the following equipment was involved in Snow Removal:
Two (2) Salt Trucks (salt spread by hand)
Seven (7) Salt Trucks (spreading salt)
Two (2) Graders - (Blading snow)

(continued)

President Willner extended his compliments to Mr. Bethel re the snow removal, saying he had some calls saying that the county roads were the best insofar as snow removal was concerned -- and he appreciates this.

RE: BIDS ON XEROGRAPHIC PAPER, CALCIUM CHLORIDE, LIQUID ASPHALT, GUARDRAILS, ETC.

Mr. Neils Hansen had finished opening the bids on the subject items and indicated he was now ready to present the bids to the Board.

Xerographic Paper: (4 bids received)

Nationalwide Paper: Envelope returned as undeliverable and unable to forward.

McMurtry-Martin Papers, Inc.: Bid in proper order with accompanying Bid Bond.
200 qty. - \$5,150.00
50 qty. - \$1,607.50

Atlas Office Supply & Equipment Co.: Bid appears to be in proper order with the Non-Collusion Affidavit and Bid Bond as required.
200 qty. - \$5,480.00
50 qty. - \$1,845.00

Butler Paper Company: Although the bid contains the Non-Collusion Affidavit signed by John Evans for Butler Paper Co., and it does contain a Bid Bond, unfortunately the proposal is not dated or signed. Therefore, it would not appear to be in proper form. The unsigned proposal contained the following prices:
200 qty. - \$4,150.00
50 qty. - \$1,320.00

Chairman Willner said it is sad that the low bid was not in order. He then entertained a motion concerning subject bids. Motion was made by Commissioner Borries that the bids on the Xerographic Paper be referred to the City Purchasing Department. A second to the motion was provided by Commissioner Cox. So ordered.

Guardrails, Posts, End Sections, etc.: (1 bid received)

M&W Concrete & Supply, Inc.: Bid appears to be in proper order. Non-Collusion Affidavit is included, as well as a Cashier's Check from Citizen's Bank in the amount of \$325.00 (made payable to the County Auditor)-- which appears to be at least 5% of the amount of the bid. Mr. Hansen said the reason he says that is because only unit prices are given and no total dollar amount is given in the bid.
12-gauge guardrail - \$ 4.15 per ft.
Posts 25.96 ea.
Terminal End Section 24.03 ea.
Transition End Section 26.35 ea.

Motion was made by Commissioner Borries that this bid be referred to the Purchasing Department for their expertise and advice. A second to the motion was provided by Commissioner Cox. So ordered.

Calcium Chloride: (1 bid received)

Orbie of Illiana: Bid includes Non-Collusion Affidavit and Bid Bond from Continental Insurance Co.
Item #1 32% Liquid Calcium Chloride - \$17,600
Item #2 35% Liquid Calcium Chloride - \$ 3,680
Item #3 38% Liquid Calcium Chloride - \$ 3,840

Motion was made by Commissioner Borries that this bid be referred to the Purchasing Department for their expertise and advice. A second to the motion was provided by Commissioner Cox. So ordered.

Liquid Asphalt AE-150: (1 bid received)

J. H. Rudolph & Co.: Bid appears to be in proper order, with bond in the amount of \$30,000 from the Hartford Insurance Co. No total aggregate price has been included, just unit price -- so calculation would have to be made to ascertain

(continued)

that the bond covers the 5% requirement.

- #1 - Transport Loads for 5,000 Gal. Minimum/10,000 Maximum 86.5¢ per gallon
- #2 - Tankwagon Loads for 1,000 Gal. Minimum/4,999 Maximum 98¢ per gallon
- #3 - Less than 1,000 Gallon Order \$1.10 per gallon
- #4 - A storage tank will be provided at the County Highway Garage by J. H. Rudolph & Co., Inc. Free of Charge
- #5 - Price adjustment clause in our specifications is acknowledged.
J. H. Rudolph has submitted the "Standard Questionnaire and Financial Statement" as specified by the State Board of Accounts.

Motion was made by Commissioner Borries that this bid also be referred to the Purchasing Department. A second to the motion was provided by Commissioner Cox. So ordered.

RE: COUNTY ATTORNEY - NEILS HANSEN

Modification of Cooperative Agreement with U.S. Marshals Service: Mr. Hansen presented a Modification Form to be executed concerning the County's Agreement with the U. S. Marshals Service. Said form extends the completion date of all projects under Cooperative Agreement No. 05-28-83 to March 1, 1985.

Motion was made by Commissioner Borries that subject form be executed and returned to the County Attorney for whatever action is deemed necessary. A second to the motion was provided by Commissioner Cox. So ordered.

RE: COUNTY SURVEYOR - BILL JEFFERS

Bridge & Guardrail Report: Mr. Jeffers submitted copies of the Bridge & Guardrail Report for period of January 2 thru January 4, 1985.....report received and filed.

5th Avenue Bridge: The bridge engineer is still working with the City concerning the 5th Avenue Bridge over Pigeon Creek.

North Kentucky Avenue Bridge Over Pigeon Creek: The chief draftsman is working on plans for this bridge.

Survey/Ball Diamonds - Burdette Park: The Survey Crew completed the survey at Burdette Park and are awaiting some clarification on the property deeds in order to determine which pieces of property are going to be swapped back and forth to accommodate the ball fields, etc.

Morgan Avenue Bridge (S.R. 62): The meeting in Indianapolis to discuss the pros and cons of the State-proposed bridge on Morgan Avenue has been postponed until next week. The meeting is now scheduled at 12:00 Noon (Evansville time) on Monday, January 14th.

Drainage Board Meeting Requested: Mr. Jeffers requested that a Drainage Board Meeting be held on Monday, January 22nd, so all of the ditch billings can be resolved. However, it was noted that this is the Commissioners' regularly scheduled evening session. It was subsequently determined that the Drainage Board Meeting would be held on Monday, January 14th, immediately following the Commissioners' Meeting.

Bridge Decks: Commissioner Borries said he recalled that a contract had been let re several bridge decks -- has all the resurfacing been done? Mr. Jeffers said that not all of it has been done. The major one would be the one just west of Highway 57 at Baseline, where they were letting the walk settle -- where the County Highway put in a new culvert. This delayed the paving. They have some 4-5 bridges and culverts left; the only one completed in the last group was the St. Joe Avenue Bridge over Pond Flat. They say the weather is holding them up; but they will give us the same price this spring as they gave us last fall for the remainder of that one group. If we want to do it again next year, we'd have to rebid it. Commissioner Willner asked if the structure on Green River Road over Pigeon Creek is one of them? Mr. Jeffers said that one cannot be asphalted -- that has to be concrete -- that's one of the Federal requirements. That is why we have to remove the asphalt from the one on Firlick Creek. They do not want their concrete decks asphalted over. The asphalt has to be removed, the surface reconditioned and about 1½" of concrete added. He originally said this would cost about \$10,000. Commissioner Willner asked if Mr. Jeffers has received a response from the Feds to our letter? Mr. Jeffers said he'd heard nothing from the State, so he will just have to make a telephone call.

(continued)

Commissioner Willner asked if we're going to wait for better weather? Mr. Jeffers said he hopes so -- because it won't do much good to patch them while the concrete is frozen. Commissioner Willner queried Mr. Jeffers re Firlick Creek? Mr. Jeffers said Firlock Creek is halfway between Heckel Rd. and Millersburg Road. Schlensker Creek is the one just before you get to Daylight, Indiana. Commissioner Willner asked if we're fixing the bridge over Schlensker Creek? Mr. Jeffers said that Mr. Gallivan had indicated that all that was needed there was some rip-rap or some type of control to keep the creek from undermining the concrete apron that is there. Mr. Willner said he talked to the gentleman who lives in that area and he said there are rodents living underneath that abutment (muskrats). Mr. Jeffers said those are hard to control. Commissioner Willner said the gentleman in question seemed to think that we should pump some concrete in there and rip-rap it. Commissioner Willner said the man said there were muskrats and ground hogs -- that's what's undermining the wall. Mr. Jeffers said that is where Mr. Gallivan indicated the improvement was needed -- not the bridge, just the embankment.

RE: VANDEBURGH AUDITORIUM - KIM BITZ

The Chair recognized Kim Bitz, Manager/Vanderburgh Auditorium, and asked if he had anything to be presented at this time -- even though he is not on the agenda for today.

Utility Usage Report: Mr. Bitz presented a Utility Usage Report for the first eleven (11) months of the year and a lookback at the past three (3) years for the same corresponding months. Mr. Bitz said that if the Commissioners will look at the cubic feet and kilowatt hours, this will reflect a more accurate picture of the usage. We know that the prices of gas and electric have gone up; so to actually get a picture of what we're using at this point -- it is best to check the cubic feet and kilowatt hours. In 1983, we had an extremely large gas usage during the summer months with the breakdown of the chiller unit. As can be seen from this year's figures, that is now under control. Electric usage has increased slightly, but can be attributed to the increase in bookings at the Auditorium.

Bookings: Mr. Bitz said the bookings for the first three (3) months of 1985 are up as compared to 1984. Last year we had 30 days booked during the first three months. We already have 55 days booked for the same period this year.

Request re Resurfacing of Parking Lot: Mr. Bitz said he is requesting permission to go to the Advisory Board to ask the Purchasing Department to take bids for the resurfacing of the parking lot. They'd like to get a headstart on that so they are prepared when spring arrives to do the resurfacing work. Money has been included in the 1985 budget to do this work.

Motion was made by Commissioner Borries that Mr. Bitz be authorized to go before the Auditorium Advisory Board to request that the Purchasing Department advertise for bids for resurfacing of Auditorium Parking Lot. A second to the motion was provided by Commissioner Cox. So ordered.

RE: COUNTY ENGINEER - ANDY EASLEY

Morgan Avenue Bridge Project: With regard to the State-proposed bridge on Morgan Avenue, Mr. Easley presented the following letter:

January 4, 1985

Mr. Fred Mohid
Engineer of Road Plans
Room 1101, State Office Building
Indiana Department of Highways
100 North Senate Avenue
Indianapolis, Indiana 46204-2249

Re: Structure: 62-82-7049; Project: ST-012-2(D)
Over: Harper Ditch, Vanderburgh County

Dear Mr. Mohid:

This letter is to confirm our telephone conversation on the morning of January 4, 1985, concerning a meeting you have arranged at our request.

(continued)

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COUNTY COMMISSIONERS
January 7, 1985

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The following individuals plan to attend the meeting concerning subject structure:

Robert L. Willner, County Commissioner
Robert W. Brenner, County Surveyor
Andy Easley, County Highway Engineer
Suzanne McCool, Evansville Chamber of Commerce

The meeting will be held on Monday, January 14, 1985, at 1:00 p.m. E.S.T. in Room 1201 in the State Office Building. It is our understanding that Mr. Victor Wenning of the Department of Natural Resources will attend this meeting.

We appreciate your efforts in setting up the meeting we have requested. We are sorry the ice and snow storm on January 4, 1985, caused us to have to cancel our trip to Indianapolis for the meeting you had arranged.

Please call me if you have any questions.

Very sincerely,

R. Andrew Easley, Jr., P.E.
County Highway Engineer

cc: Robert L. Willner
Robert W. Brenner
Suzanne McCool

Claim/Indiana Department of Highways: Mr. Easley said the Commissioners received the following letter from the Indiana Department of Highways re the Burkhardt Road project:

December 28, 1984

Board of County Commissioners
Vanderburgh County Courthouse
Evansville, Indiana 47708

Re: Invoice No. 7575

Dear Sir:

Enclosed is a tabulation of the proposals opened at the Indiana Department of Highways' letting in Indianapolis at 10:00 a.m., December 18, 1984, for the construction of Project MAM-M-E100(1), Contract R-15023. This contract has been awarded to Gohmann Asphalt & Construction Co. for \$1,682,021.55.

According to the agreement between the State of Indiana and Vanderburgh County, the county shall contribute ninety percent (90%) of their portion of the bid price before work is commenced on said contract.

The required initial payment is described on the attached claim form.

Please make your check payable to the Indiana Department of Highways and mail to:

Indiana Department of Highways
Attention: Agent Cashier
100 N. Senate Avenue, Room 1104
Indianapolis, Indiana 46204

It is to be understood that your payment of the submitted initial claim constitutes your concurrence in the award of Contract R-15023, to the low bidder, for \$1,682,021.55, in accordance with the laws governing the Indiana Department of Highways.

Sincerely,

E. Louis Thomas
Accounts Receivable Supervisor

(continued)

Mr. Easley said the tabulation is as follows:

Total bid price of construction	\$1,682,021.55
Less 75% FHWA participation	1,261,516.16
County's portion of bid price	420,505.39
90% of County's portion	\$ 378,454.85

The claim being presented for approval today is for the County's 90% portion for a total amount of \$378,454.85. The claim has been signed by the State and Mr. Gerard checked the extensions and concurs that we should get this started as soon as possible. Even though the weather is against starting this project, we need to get the money sent to Indianapolis to get the project underway. In response to President Willner's query, Mr. Easley said that as of the computer printout(which he receives from downstairs) -- as of November 30th we had \$380,442.64 in the account. This would leave us around \$2,000 balance in the account.

It was noted that there will be some \$60,000 construction engineering cost (this is 15%) on top of the \$420,505.39. Mr. Easley said we will need to transfer some additional money into the Burkhardt Road project account. In response to queries from Commissioner Borries re out-of-town bidder, Mr. Easley said the contractor is located in Clarksville, Indiana (in the Louisville, Ky. proximity).

Motion was made by Commissioner Borries that the claim representing 90% of the County's portion of the Burkhardt Road project be approved as submitted and forwarded to the State. A second to the motion was provided by Commissioner Cox. So ordered.

Lynch Road/Door Modification Project: President Willner asked if Mr. Easley had any further report on the Door Modification Project on Lynch Road? Mr. Easley said he hand-carried the agreement signed to Indianapolis on December 19, 1984, and Mr. Dilk said it would take a couple of weeks for him to have it signed, etc. When it has been signed by the Feds, they will at least send us a Notice to Proceed. He did say not to do anything until such time as said notice was received. Mr. Easley said that since this has been two weeks, we should be receiving the notice soon. He said he would alert the people whom he lined up to do the work. Seaboard is aware that it is eminent and he asked their engineer 1½ months ago to put it on the schedule -- so we don't have to wait. The Hearing is to be held at Evansville Day School on February 7th -- from 3:30 - 5:00 p.m. meeting, with Hearing at 7:30 p.m. re the Environmental Corridors, etc. Mr. Willner asked when those blueprints will be available for perusal. Mr. Gerard said he has them now. President Willner said they will take a look at subject blueprints at 1:00 p.m. on Tuesday, January 22nd (Monday, January 21st, is a holiday).

Application for Funds for Federal Projects: Mr. Gerard said he wished to remind the Board of Commissioners that applications for Federal Funds for Road Projects have to be submitted by no later than February 15th. A meeting should be scheduled at which decisions should be made regarding same. (To be discussed at 1:00 p.m. on January 22nd.)

RE: TRAVEL REQUEST/WEIGHTS & MEASURES

This item had been included on today's agenda, but the matter has been referred to the City.

RE: TELEPHONE REQUEST/ROBERT T. DORSEY

President Willner said he had a request from Mr. Robert Dorsey, Pigeon Township Assessor, for installation of one (1) additional telephone with long distance service for one of his deputies in Room 225. Further, he requests that another extension have long distance service. Commissioner Willner asked why the Pigeon Township Assessor needs long distance service -- and what is the cost? Mr. Lindenschmidt said that any phone can have long distance service. When they originally went in there, they restricted that particular extension from long distance service. But it has been stressed that this individual needs the service because he does most of the long distance calling. There are no problems; this is just a simple software change at no cost. President Willner said the question is, "why?" Mr. Lindenschmidt said that apparently they call re properties owned in their jurisdiction. They have two telephones which already have this capability (Bob Dorsey's and the chief deputy's).....but they also need this service on another extension. Insofar as the request for the additional phones -- this is for one of the girls in the office. During the original survey made, she talked to them and they understood the need. Then there were the court trials, etc. When we came back

(continued)

with the new telephone supplier, she was on vacation and nobody put that request in for her. The cost will be \$241.54 one-time charge for phone installation.

President Willner requested that Mr. Lindenschmidt see if Mr. Dorsey has any extra funds in his budget. Also, check the Commissioners' budget to see if they have any extra funds and advise the Board at the January 14th meeting. In the interim, the request will be put on hold.

RE: APPOINTMENTS

Commissioner Borries said he had two (2) additional appointments to be approved, as follows:

Alcoholic Beverage Commission - Bert Reed
1200 Burdette Avenue 1 Yr.

(Commissioner Borries noted that there has been a change thru State requirement in order to get uniformity for all of these appointments. The appointment of Mr. Bert Reed will be moved up to January 1, 1985 and will expire on 12/1/85. Mr. Reed has indicated he would continue to serve. Therefore, he moves that Mr. Reed be appointed to serve on the Alcoholic Beverage Commission. A second to the motion was provided by Commissioner Cox. So ordered.

County Hospital Building Authority - John Street
2001 N. Heidelberg Ave. 4 Yrs.

Mr. Street has been contacted and has indicated his willingness to serve on that board. His 4-year appointment will expire 12/31/88. Motion was made by Commissioner Borries that Mr. Street be appointed to serve a 4-year term on the County Hospital Building Authority Board. A second to the motion was provided by Commissioner Cox. So ordered.

Indiana Academy/Public Service - Richard J. Borries 1 Yr.
5112 Graham Avenue

Commissioner Borries said the Indiana Academy puts on seminars; they communicate with the Commissioners' office on a wide variety of issues and they need an individual to be a liaison person.

Motion was made by Commissioner Willner that Commissioner Borries be appointed as the Liaison individual with the Indiana Academy/Public Service for the coming year. A second to the motion was provided by Commissioner Cox. So ordered.

RE: CERTIFICATES OF INSURANCE

Vanderburgh County Democratic Central Committee: "Victory 84 Dance" to be held in the Gold Room at the Vanderburgh Auditorium on January 11, 1985.

RE: OLD BUSINESS

Nally Coal Company claims: Auditor Alice McBride said that last week the Board requested copies of the claims paid to Nally Coal Company concerning the wooden bridges on the west side. President Willner asked that she give the copies of subject claims to Mr. Lindenschmidt, who is collecting the requested data on these bridges to give to the County Attorney. Mrs. McBride said there were only two (2) claims paid to Nally, and she has made copies, retaining the original claims in the Auditor's files.

Local County Welfare Boards: Commissioner Willner said that each of the Commissioners had received a communication from the Indiana Association of Counties this past week regarding a major study that has been conducted at the State level regarding the changes and perhaps restructuring of the local County Welfare Boards. Since he has not completed a thorough study of said communication, he is not prepared to render an opinion. However, one item of caution was contained in the Indiana Association of Counties' report saying that they felt that some counties could be hit by some artificially high levels of local funding since part of this report does indicate that although there would apparently be some

(continued)

COUNTY COMMISSIONERS
January 7, 1985

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changes where the State would gain authority, quite a bit of funding at the local level would remain at the local level. Therefore, Mr. Borries said he did just want to read into the record that that report has been received and perhaps the Commissioners really need to study this since it might be considered in the Legislature this year. After a thorough study, the State senators and representatives should be contacted concerning the Board's feelings.

RE: SCHEDULED MEETINGS:

- 1:00 p.m. (E.S.T.) - January 14th - Meeting in Indianapolis to discuss Morgan Agenue Bridge.
- 1:30 p.m. - January 14th - Meeting with John Wilgis of State Board of Accounts to discuss Investments.
- 2:30 p.m. - January 14th - Commissioners' Meeting
- ? - January 14th - Drainage Board Meeting (immediately subsequent to Commissioners' Meeting)
- 1:00 p.m. - January 22nd - Meeting with David Gerard to look at blueprints on Lynch Road Project & Eichoff-Koressel Corridor Project, as well as to discuss 1985 Federal Funding Applications, due by February 15th.
- 7:30 p.m. - January 22nd - Commissioners' Meeting (Property owners to appeal re Condemned Properties, etc.)
- 7:30 p.m. - February 7th - Hearing at Evansville Day School re Environmental Corridor Study & Lynch Road Extension.

RE: CLAIMS

Association of Indiana Counties: A claim in the amount of \$3,500.00 for 1985 Annual Dues was presented. Motion to approve claim was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Helfrich Insurance Agency: A claim in the amount of \$330.00 for Public Official Bonds for the following was presented: Robert L. Willner, Richard J. Borries, Shirley Jean Cox, Robert Lutz, William Taylor, Curt Wortman, Harold Elliott, Mildren Ahrens, Betty Hermann, Mark Owen and Robert T. Dorsey. Motion to approve claim for payment was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

David L. Jones/County Attorney: A claim in the amount of \$2,076.90, together with itemized statement for total of 33.20 hours, covering numerous litigation matters, was presented for approval. Motion to approve claim for payment was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Helfrich Insurance Agency: A total of eighteen (18) insurance claims (which had been approved by the Commissioners at their December 26, 1984 meeting -- but held for double-checking -- and stamped by the Commissioners' secretary -- were released for payment, as follows, with instructions that Auditor Alice McBride check with insurance representative John Hodge re number of deputies in Sheriff's department, since there had been some question as to whether there was a discrepancy. Following Auditor's approval, claims are to be processed by the Bookkeeping Department. The nature of the claims and amounts follow:

Business Auto Policy (General Fund)	\$ 47,621.00
Police Professional Liability (General Fund)	24,233.00
Public Professional Liability (General Fund)	18,000.00
Comprehensive Business Policy (General Fund)	26,822.00
Workers' Comp Policy (General Fund)	32,414.00
Workers' Comp Policy (Welfare)	16,162.00
Workers' Comp Policy (Work Release)	479.00
Workers' Comp Policy (Homes Fund)	3,644.00
Business Auto Policy (Welfare Fund)	1,697.00
Institutional Policy (General Fund)	27,088.00

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COUNTY COMMISSIONERS
January 7, 1985

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Institutional Policy (Welfare Fund)	\$ 13,548.00
Institutional Policy (Homes Fund)	3,250.00
Institutional Policy (Work Release)	542.00
Excess Liability Policy (General Fund)	21,379.00
Excess Liability Policy (Welfare Fund)	5,604.00
Excess Liability Policy (Homes Fund)	1,251.00
Excess Liability Policy (Work Release)	208.00
Umbrella Liability Policy (General Fund)	20,850.00

(Note: Helfrich's Letter put in Commissioners' File & Insurance Binders w/Policies in Safe)

RE: EMPLOYMENT CHANGES - RELEASES

COUNTY SURVEYOR'S OFFICE

Robert Smith	6021 Short Selzer	Operator	\$16,618/Yr.	Eff: 1/7/85
James Carrigan	118 S. Ruston	Labor	15,192/Yr.	Eff: 1/14/85

PIGEON TOWNSHIP TRUSTEE

Lula Cova Morris	1419 Adams	Clerk	\$11,500/Yr.	Eff: 12/28/84
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CLERK OF CIRCUIT COURT

Angela Delgman	3000 W. Franklin	File Clerk	\$6.00/Hr.	Eff: 1/2/85
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CIRCUIT COURT

Robert L. Aaunders	1319 Ravenswood	ACPO	\$20,262/Yr.	Eff: 12/31/84
Larry G. McDowell	1101 S. Lombard	Prob. Off.	17,179/Yr.	Eff: 12/31/84
Lucille Smith	600 Cullen Ave.	R. Baliff	13,400/Yr.	Eff: 12/31/84
Karen Destache	3109 E. Blackford	Prob. Clk.	11,241/Yr.	Eff: 12/31/84
Michael Peeler	1251 Crossgate	Tr. Off.	14,074/Yr.	Eff: 12/31/84
Norman G. Hoskinson	922 Bellemeade	Bail Bond	5.00/Hr.	Eff: 12/31/84
John W. Voight	1117 2nd Ave.	Bail Bond	4.50/Hr.	Eff: 12/31/84
Dennis Heathcott	2831-A Washington	CSO	17,179/Yr.	Eff: 12/31/84
Steve Lockyear	721 Normandy	Bail Bond	4.50/Hr.	Eff: 12/31/84
Michael Bonnell	964 Varsity Dr.	CSO	17,179/Yr.	Eff: 12/31/84
Kevin Gibson	809 E. Hunter	Intern	3.35/Hr.	Eff: 12/31/84
Daniel E. Hall	718 Thornberry	Bailiff	200/Wk.	Eff: 12/31/84

SHERIFF'S DEPARTMENT

David Weiss		Jailer	\$12,308/Yr.	Eff: 1/1/85
Kevin J. Merritt		Pro. Patrol	15,743/Yr.	Eff: 1/1/85
Frank Lutz		Pro. Patrol	15,743/Yr.	Eff: 1/1/84
Pam West		Secretary	11,966/Yr.	Eff: 1/1/85
Jeffrey Johnson		Pro. Patrol	15,743/Yr.	Eff: 1/1/85
Jim Spence		"	"	Eff: 1/1/85
Mike Hertweck		"	"	"
Mary Beaven		"	"	"
Tim Heath		"	"	"
Roy Burris		"	"	"
Jerry Oschner		"	"	"

RE: EMPLOYMENT CHANGES - APPOINTMENTS

COUNTY SURVEYOR'S OFFICE

James Carrigan	118 S. Ruston	Operator	\$16,618/Yr.	Eff: 1/14/85
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CLERK OF THE CIRCUIT COURT

Jo Ann Page	2919 Broadway	File Clk.	\$6.00/Hr.	Eff: 1/2/85
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(continued)

COUNTY COMMISSIONERS
January 7, 1985

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CIRCUIT COURT

Larry G. McDowell	1101 S. Lombard	ACPO	\$21,000/Yr.	Eff: 1/1/85
Robert L. Saunders	1319 Ravenswood	Prob. Off.	18,179/Yr.	Eff: 1/1/85
Lucille Smith	600 Cullen Ave.	Ct. Reporter	17,702/Yr.	Eff: 1/1/85
Karen Destache	3109 E. Blackford	R. Blf.	14,490/Yr.	Eff: 1/1/85
Michael Peeler	1251 Crossgate	CSO	17,179/Yr.	Eff: 1/1/85
Norman G. Hoskinson	922 Bellemeade	Trans. Off.	15,074/Yr.	Eff: 1/1/85
John W. Voight	1117 2nd Ave.	Bail Bond	5.00/Hr.	Eff: 1/1/85
Dennis Heathcott	2831 Washington Ave.	CSO	18,179/Yr.	Eff: 1/1/85
Daniel E. Hall	718 Thornberry	Bailiff	200/Wk.	Eff: 1/1/85
Betty Craig	514 S. Grand	Intern	4.50/Hr.	Eff: 1/1/85
Katherine Baird	1115 E. Powell	Recept.	4.50/Hr.	Eff: 1/1/85

SHERIFF'S DEPARTMENT

Steve Lockyear	Jailer	\$ 13,308/Yr.	Eff: 1/1/85
Kenneth Taylor	Jailer	13,308/Yr.	Eff: 1/1/85
Pam West	Jailer	13,308/Yr.	Eff: 1/1/85
David A. Weiss	Pro. Patrol	17,243/Yr.	Eff: 1/1/85
Kevin J. Merritt	Patrolman	18,243/Yr.	Eff: 1/1/85
Jeffrey Johnson	Patrolman	18,243/Yr.	Eff: 1/1/85
Frank Lutz	Patrolman	18,243/Yr.	Eff: 1/1/85
Jim Spence	Patrolman	18,243/Yr.	Eff: 1/1/85
Mike Hertweck	Patrolman	18,243/Yr.	Eff: 1/1/85
Mary Beaven	Patrolman	18,243/Yr.	Eff: 1/1/85
Tim Heath	Patrolman	18,243/Yr.	Eff: 1/1/85
Roy Burris	Patrolman	18,243/Yr.	Eff: 1/1/85
Jerry Oschner	Patrolman	18,243/Yr.	Eff: 1/1/85
Scott Hurt	Jailer	13,308/Yr.	Eff: 1/1/85
Brian Korn	Jailer	13,308/Yr.	Eff: 1/1/85

RE: INTRODUCTION OF COURIER REPORTER

President Willner introduced Chuck Clark, new Courier Reporter, who will be covering County government meetings. He also expressed his appreciation to Neils Hansen, who was representing the County Attorney's office today.

There being no further business to come before the Board at this time, President Willner declared the meeting adjourned at 4:00 p.m.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	Robert L. Willner	Alice McBride	Neils Hansen
	Richard J. Borries		
	Shirley Jean Cox		
	<u>SURVEYOR</u>	<u>COUNTY ENGINEER</u>	<u>COUNTY HIGHWAY</u>
	Bill Jeffers	Andy Easley	Bill Bethel
	<u>PIGEON TOWNSHIP</u>	<u>BUILDING COMMISSION</u>	<u>COUNTY TREASURER</u>
	Becky Hittner	Roger Lehman	Pat Tuley
	<u>CITY ENGINEER</u>	<u>AUDITORIUM</u>	<u>EUTS</u>
	Richard Eifler	Kim Bitz	David Gerard

(continued)

OTHER

Mr. & Mrs. Ralph Gubson (Poor Relief Applicants)
M & W Concrete Supply, Inc. (Representative)
J. H. Rudolph & Co. (Representative)
News Media

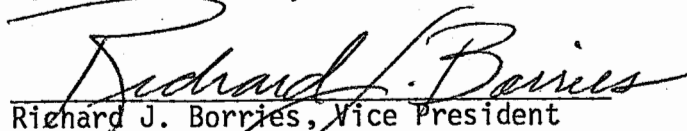
SECRETARY: Joanne A. Matthews

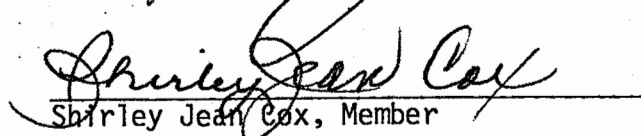
Distribution of Minutes:

Commissioners' Office (5)	Becky Hittner/Pigeon Township
County Attorney (1)	Dorothea MacGregor (Pigeon Township)
Surveyor's Office (2)	Purchasing Department
Area Plan Commission (1)	Roger Lehman/Building Commission
County Auditor	Richard Eifler/City Engineer
Bookkeeping (DoLores Gugin)	David Gerard/EUTS
Bookkeeping (Gloria Evans)	Mark Owen/County Council
County Highway/Bill Bethel	Harold Elliott/County Council
Vanderburgh Auditorium/Kim Bitz	Betty Hermann/County Council
County Treasurer	J. H. Rudolph Co., Inc.
	John Koch

Note: Public Official Bonds taken to the Recorder's Office on 1/3/85
for: Mark Owen, Betty Hermann, Shirley Jean Cox, Richard J. Borries
and Mildren Ahrens.

Robert L. Willner, President


Richard J. Borries, Vice President


Shirley Jean Cox, Member

35.

MINUTES
COUNTY COMMISSIONERS' MEETING
JANUARY 14, 1985

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MINUTES
COUNTY COMMISSIONERS' MEETING
JANUARY 14, 1985

The Board of County Commissioners met in session on January 14, 1985, at 2:30 p.m. in the Commissioners' Hearing Room, with Vice President Richard Borries presiding. Commissioner Borries said that President Willner is in Indianapolis today, along with County Surveyor Robert Brenner and County Engineer Andy Easley, meeting with State Highway officials concerning the Morgan Avenue Project. The County had made some agreements concerning a bridge structure over Harper Ditch. In his absence, Commissioner Borries will conduct the meeting.

RE: APPROVAL OF MINUTES

The Chair entertained a motion concerning approval of the minutes of the previous meeting. Commissioner Cox said that with one minor correction on the Index Page (Bert "Reid" should be changed to Bert "Reed") she moves that the minutes of the meeting held on Monday, January 7th, be approved as engrossed by the County Auditor. A second to the motion was provided by Vice President Borries. So ordered.

RE: BOARD OF FINANCE

Commissioner Borries said there will be one addition to today's agenda. Pursuant to law, the Board of Finance of the County of Vanderburgh will meet in order to organize for 1985. This will take place following Item #13 on the agenda.

RE: MEETING WITH STATE BOARD OF ACCOUNTS

While no decisions were made, Commissioner Borries said that prior to the Commissioners' Meeting today, a meeting was held with Messrs. John Wilgus and Arnold Hargis of the State Board of Accounts. The purpose of the meeting was to receive a briefing regarding investment procedures in 1985 in order for the Board of Commissioners to request the County Attorney to draft an Ordinance for 1985 concerning investments. The meeting was for information purposes.

RE: INTRODUCTION OF NEW CHIEF DEPUTY COUNTY AUDITOR

The meeting proceeded with Commissioner Borries introducing Mr. Larry L. Lazart, the new Chief Deputy County Auditor, and extending his congratulations.

RE: AWARDING OF CONTRACTS FOR XEROGRAPHIC PAPER, CALCIUM CHLORIDE, LIQUID ASPHALT AND GUARDRAIL, ETC .

Mr. Tom Dorsey of the Purchasing Department approached the podium to present information concerning the bids received on subject items.

Xerographic Paper: Three (3) bids were received from McMurtry-Martin, Atlas Office Supplies & Equipment, Inc., and Butler Paper Company. The bid from Butler Paper Company was tossed out at last week's meeting; because it was not signed, it was felt it did not meet the proper form. The second lowest bid was received from McMurtry-Martin. Mr. Dorsey recommends that the County accept the bid from McMurtry-Martin, in the amount of \$6,757.50. This was based on our estimated quantities of 200 cartons of 8½ x 11 and 50 cartons of 8½ x 14 paper, or a \$5.15/M cost on the letter-size paper and \$6.43/M on the legal-size paper.

Calcium Chloride: Only one (1) bid was received -- from Orbie of Illiana, Inc., in Crawfordsville, Indiana. They were the vendor last year. It is the recommendation of Purchasing that the County accept this bid.

Liquid Asphalt: Only one (1) bid was received -- from J. H. Rudolph & Co., who was also the vendor last year. It is the recommendation of Purchasing that this bid be accepted.

Guard Rails, etc.: Only one (1) bid was received -- from M&W Concrete Pipe & Supply, Inc. Bauer Brothers is our current vendor, but they did not bid this time. It is the recommendation of Purchasing that the bid from M & W be accepted.

Motion was made by Commissioner Cox that the contracts be awarded, as recommended; McMurtry-Martin (Xerographic Paper), Orbie of Illiana, Inc. (Calcium Chloride), J. H. Rudolph & Co. (Liquid Asphalt) and M & W Concrete Pipe & Supply, Inc. (Guard Rails, etc.). A second to the motion was provided by Commissioner Borries. So ordered.

(continued)

Commissioner Borries asked Mr. Dorsey if he communicates with those vendors who did not get the bid -- such as Butler Paper Co.? Mr. Dorsey said that he does. He said he spoke with Butler previously and they were not aware there was a problem until this last time. He will be sending them a letter of explanation.

RE: COUNTY CORONER - CHARLES ALTHAUS

Claims to Comaier Services, Inc. Mr. Althaus indicated he has sixteen (16) claims to Comaier Services for services rendered between January 1, 1982 and December 16, 1984 -- covering removal of remains from one location to another. He had invited Messrs. Comaier, Meier and Sandefur (the latter was a deputy at that time) to appear at today's meeting. Mr. Alan Byers was also invited; unfortunately, he is having a training class at St. Joseph Catholic School today. These claims were all before January 1, 1985, when Mr. Althaus took office. Therefore, if there are any questions to be answered, Mr. Sandefur would be able to answer those. These claims are for calls that Comaier Services made -- when it is a situation where there is a death and, for several reasons, if a family has not been contacted then a funeral home has not been contacted -- so the remains must be removed to some hospital or some place. Under forensic science today, they must remove the remains to a lockup in refrigeration at Welborn Hospital and then transport remains from hospital to Deaconess Hospital for post-mortem examinations. Mr. Althaus said he is hoping that Deaconess will put in a refrigeration for us under the new contract with the County -- and we won't have to have the double removal. Basically, that is what these charges are for. \$500.00 has been included in the 1985 budget to cover such removals. The total of the claims for 1982 - 1984 is \$1,190.00.

Commissioner Borries asked if Mr. Sandefur has anything to add? Mr. Sandefur said that basically what Mr. Althaus said is correct. He noted that when seven (7) people were killed on the east side of town that they had to have all the bodies removed from the house. Of course, one car would not do it, so they had to use extra vehicles.

Commissioner Borries said it is his understanding that no money was allowed by the County Council for such removals -- is that correct? Mr. Sandefur said they requested it in the budget previously, but it was not approved. Commissioner Borries said it is his understanding that all of the claims have been verified and are accurate? Mr. Sandefur said that is correct. Commissioner Borries extended his apologies to Comaier at this time, if monies have not been budgeted in the past. However, the Commissioners will have to request monies from the County Council to pay for this. If monies have been budgeted for 1985 for this purpose, we will proceed then with trying to use said monies whenever the Coroner feels it is necessary. (Mr. Althaus emphasized that they will only do this when it is necessary to do so.) Commissioner Borries requested that Mr. Althaus attend the next County Council meeting, so he can explain this continuing problem.

Commissioner Cox interrupted by stating that the Commissioners checked the 1985 budget prior to today's meeting and determined that County Council did allow \$500.00 for removals during the 1985 fiscal year. Does Mr. Althaus foresee needing subject funds for this purpose in 1985? Mr. Althaus said, "Yes, and, of course, whatever is left at the end of the year would go back into the General Fund. Commissioner Cox said then that what we're talking about is that Mr. Althaus agrees to appear before the County Council and request payment for these old bills? Mr. Althaus said that is correct. Commissioner Cox moved that the Board grant permission to the Coroner to appear before Council to request funds to pay these outstanding bills. A second to the motion was provided by Commissioner Borries. So ordered. Commissioner Borries requested that subject claims be deferred until the Commissioners/Coroner go before County Council.

Commissioner Cox asked if Mr. Althaus has already given request to appear before Council to the Council Secretary, Jean Wilke. He said he has not; he only told her he wanted to appear on the agenda. Mrs. McBride said that the request must be submitted prior to January 15th, so it can be advertised. In response to queries, it was noted that the amount needed to cover subject claims is \$1,190.00.

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Claim for Rental of Van: Mr. Althaus said he also had a claim for van rental, with which he is sure the Commissioners are familiar. Commissioner Cox asked if there is no money appropriated in the budget to cover this? Mr. Althaus said there is for January 1985. Commissioner Borries said this will not cover the whole year. Mr. Althaus said that is correct. Commissioner Cox said that two or perhaps three years ago the Council cut out the funds for leasing the van and then they reinstated same. Is it in the 1985 budget? Mr. Althaus said it is. Mrs. McBride confirmed that Council approved \$3,840.00 for van rental for 1985. Commissioner Borries noted that Mr. Althaus needs to sign the claim. In order to expedite the claim, Mr. Althaus can sign it and turn it in to the County Auditor. Since money is budgeted for this item, Mr. Althaus can sign the claims and turn them over to the County Auditor. It will not be necessary for him to come before the Commissioners on a monthly basis to handle these specific claims. Mr. Althaus said the procedures have changed since he was last here. Commissioner Cox asked Mr. Althaus if the claim in question is for one (1) or two (2) months? He said it is for two (2) months and the amount is \$241.42 per month or a total of \$482.84. Commissioner Cox said there should be enough money in the budget to pay this.

Letter to Commissioners re Autopsies, etc.: Mr. Althaus distributed copies of the following letter:

County Commissioners' Office
Room 305
Civic Center Complex

In 1984, Vanderburgh County conducted twenty-eight (28) autopsies, with the same number of laboratory fees. The reports are then sent to the Coroner's office or County Clerk of said County, to be used in Court Cases.

I have been unable to learn if the Vanderburgh County Coroner was requested or had to appear in Court of other Counties.

All of the twenty-eight (28) cases in 1984 were persons who were brought by some means to Evansville hospitals for medical care and died in said hospital. How can Vanderburgh County send statements to County Clerks and be reinstated for our cost.

28 Autopsies @ \$300.00 -----	\$ 8,400.00
28 Morgue & Laboratory Fees @ \$150.00 -----	4,200.00

Vanderburgh County Total Cost for 1984 \$ 12,600.00

Mr. Althaus said he'd made a check on post-mortem examinations, due to patients who have been in accidents in counties other than Vanderburgh. This may be something that has been brought before the Commissioners previously. But Lifeline (helicopter service), other accidents in Posey and Warrick counties -- all throughout the tri-state area -- if there are traffic fatalities, they are often brought to the hospitals in Vanderburgh County. At which time they pass away, this automatically makes this a Vanderburgh County Coroner death. Any criminal charges that are made are made back in the county where the accident or homicide happened. Last year, the Coroner's office had twenty-eight autopsies at \$300.00 each, for a total of \$8,400.00 and 28 morgue and laboratory fees @ \$150.00, for a total of \$4,200.00 for a grand total of \$12,600.00. Mr. Althaus said that with reference to the second paragraph of the aforementioned letter, he has subsequently talked with Dr. Wilson and learned that he was subpoenaed twice to appear in Court in other counties, but the subpoenas were dropped. All twenty-eight (28) cases were then handled without the Vanderburgh County Coroner or anyone from Vanderburgh County appearing at the trial. Mr. Althaus said his question is this, "Is there some way that we can file claims against the County Clerks of the various counties where the accidents happened or to the Coroner's office of the counties, where the individual case is being handled in that particular area. Why should Vanderburgh County pay \$12,600 for services for other counties? Mr. Althaus said this cost is going to increase because Lifeline will be coming in with more and more patients -- burn victims and accident victims, etc. This takes a big cut out of our Coroner's post-mortem examination money for our own County. Mr. Althaus said he thinks we ran short last year on monies for post-mortem exams. Commissioner Cox said she is certain they did. Mr. Althaus said this is one thing he has looked into -- and he doesn't know whether we can get together with the County Attorney, State Legislature or what -- but insofar as he can find, there is no law that states that we

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can file with these counties. Mr. Althaus said he does not know whether this has been discussed previously. Commissioner Cox said that it has. Mr. Althaus said that it seems to him that somewhere along the line -- via legal action we should be able to save the county this type of money.

County Attorney David Miller suggested that Mr. Althaus put this in writing -- breaking it down into the various counties served, etc. (Mr. Althaus said he can easily do that -- he has information on the 28 in his hands) and he will write a letter to the various County Commissioners, suggesting that we performed services on their behalf in these amounts and see if they will take steps to reimburse Vanderburgh County. If they won't, then we can get into the question of whether or not it is worth our while to pursue the matter.....and see what we can come up with. Mr. Althaus suggested that the Attorney send along a copy of the inquest with his letter. Mr. Althaus agreed to provide the requested information to Attorney Miller's office. Attorney Miller said that if nothing happens in about a month -- and if they refuse -- he presumes these are nearby counties? Mr. Althaus said that most of them are. Attorney Miller said that maybe we can get something done.

Commissioner Borries said he wishes to direct some comments to Attorney Miller. There may be some similarity here. If a trial is venued out of this county to another county -- and we've been hit with plenty of those bills -- there is some precedent is there not to the point that the home county pays for its legal expenses? Is that correct? Attorney Miller said that Commissioner Borries is correct in that regard. But those are statutory duties that are placed on you by specific statute. Attorney Miller has never looked into this but suspects that Mr. Althaus is right -- there is no specific statute on this. It's in fact a matter of one county performing a service essentially on behalf of another county. It just may be something that should be addressed by the legislature; if so, maybe we can justify having the Coroner address it at some time and maybe they can make it apply to the whole state.

Mr. Althaus said that basically what we're doing is performing a post-mortem examination for the cause of death for that county for \$430.00 per case.

Attorney Miller said that if Mr. Althaus will provide him with the pertinent information, he will write the various County Clerks.

Commissioner Cox indicated she wishes to comment on this request. It is not new -- Dr. Wilson made this same request some four to five years ago -- and even more recently -- and David Jones did a lot of research on it as to what could be done legally. We were never able to garner any money because of some agreement like the Sheriff's Departments have in reciprocity for serving papers for one another or something like that. But it doesn't hurt to look at this again. Attorney Miller said that if David Jones did some research, he will take a look at that material.

Mr. Althaus said that perhaps we can go toward the legislative part of the State of Indiana -- because if Vanderburgh County is having this problem, then every large city in the state of Indiana (Marion, etc.) would have to have the same situation. So maybe we can meet with our legislators. Commissioner Cox said this \$12,600 for fiscal year 1984 could make a very good downpayment on a morgue of our own here in Vanderburgh County. Mr. Althaus said, "absolutely".

RE: COUNTY ATTORNEY - DAVID MILLER

Request for Executive Session: Attorney Miller said we have some lawsuits pending and an Executive Session is needed with the Commissioners and the Sheriff regarding Mary Evans. Therefore, he would like to set up the Executive Session next Monday, just prior to the Commissioners' Meeting. Commissioner Borries said the Board of Commissioners will not meet on Monday of next week, because this is a County-observed holiday for Martin Luther King. However, an evening meeting will be held on Tuesday, January 22nd. The Board has a meeting with David Gerard at 1:30 p.m. next Tuesday and will meet with Sheriff Shepard and the County Attorney at 2:30 p.m. on Tuesday for the Executive Session. Commissioner Borries said he is announcing this today for the benefit of the media, but another notification will be sent out concerning said meeting.

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Attorney Miller said that in connection with the civil action filed by Mary Evans against Clarence Shepard, the County Council, the County Commissioners, Merit Board and certain individuals, there has arisen a necessity to bring the Board of Commissioners' attention to the fact that his law firm has entered its appearance on behalf of everyone (all of the parties) except the Vanderburgh County Merit Board. They were excluded because from time to time the Sheriff's Department is represented -- or the Commissioners are represented -- before the Merit Board by David Jones (in most cases) and he was reticent to enter his appearance for a quasi-judicial body that he sometimes appears before as an advocate for one party or the other. In the interim, Glenn Grampp (a member of that Merit Board) has entered his appearance since he is an attorney as well as a member of the Merit Board. Attorney Jones requested that Attorney Miller determine whether the Board of Commissioners is comfortable with a member of the Merit Board representing the Merit Board himself -- or whether they want to select some other counsel to represent the Merit Board. There is no doubt in Attorney Miller's mind that the Merit Board is entitled to a defense from the County. He assumes that Mr. Grampp will send the County a statement for his services rendered on behalf of the Merit Board. Attorney Miller said that is, of course, all right with his firm. But they did want to run this by the Commissioners and let them determine who they wished to employ -- Mr. Grampp, or select someone else. The reason he brings this up now is because there is a time clock running on the filing dates -- and a decision is necessary. Commissioner Cox asked if the time clock will still be running next Tuesday? Attorney Miller said it will. Their answer is due on February 11th -- so the decision could be deferred for one (1) week.

Final Documents/Vanderburgh County Jail Work: Attorney Miller said he has the final documents approving the release of the retainage for the jail work (new exercise facilities, etc.). The "Certificates of Substantial Completion" have been signed by the contractor, the architect and the Building Authority. Copies are also provided for the record. The originals, however, should be returned to him for transmittal to the U.S. Marshals Service.

Claim/Deig Bros. Lumber & Construction: Also in connection with the jail project is a claim to Deig Bros. in the amount of \$12,990.10 for the retainage. Motion to approve claim for payment and execute release was made by Commissioner Cox, with a second being provided by Commissioner Borries. So ordered.

Acquisition of Land on Burkhardt Road: With regard to the 15-ft. strip of land on Burkhardt Road to be purchased by the County at the earliest possible date -- in order not to delay the Burkhardt Road Project, Attorney Miller said he'd made a stab at getting the property at a good price -- but that didn't work. Preparatory to the filing of a condemnation action/eminent domain action -- we made some new inquiries of the owners and, pursuant to the Commissioners' directions, Mr. Funky went out to look at the property. He has advised that in his opinion the value of the ground is \$10,000 per acre (which is exactly the price paid to all of the other landowners on the west side of Burkhardt Road). Since the initial 15-ft. came to our attention, Attorney Miller has been advised by Mr. Morley that there is an additional 10-ft. strip that both he and the Surveyor's office have concluded should be acquired. In lieu of describing his explanation via the use of a blackboard (since none was available) Attorney Miller asked that the Board visualize that the center of Burkhardt Road is the section dividing line. The county owns 15-ft. on each side (they own that as part of the right-of-way). In response to a query from Commissioner Cox, Attorney Miller said the right-of-way on Burkhardt is a total of 30-ft. The county owns 15-ft. on each side (but we're not going to worry about the west side). There is another 15-ft. that is not owned by the County (it is owned by Hirsch) and then there is 20-ft. which is the ditch (which we do own) and both the Surveyor's office and Mr. Morley have determined that east of the ditch we need ten (10) more feet. Commissioner Cox asked Mr. Jeffers if the 15-ft. we are in the process of purchasing abuts directly on the ditch? Mr. Jeffers said it does. But we want the additional 10-ft. on the other side. Attorney Miller said the legal descriptions of these two strips of ground are identical in length and they total almost a mile in length -- not quite. He is advised by Messrs. Funky and Morley that between Division on the south and the north property line (which is not quite to the highway) there are two (2) separate 15-ft. strips (one on the north and one on the south) and there are two (2) separate 10-ft. strips (one on the north and one on the south). The total on the north of these two is .3 acres and .89 acres and on the south it is .9 acres and .3 acres. At \$10,000 per acre, the two south parcels are \$12,000.00 and the two north parcels are \$11,900.00.

Attorney Miller would like authority from the Board of Commissioners to offer the Hirsches and their Trust the sum of \$23,900.00 to purchase all four (4) parcels in order to avoid the condemnation proceeding. That is exactly the same amount and value as paid to the people on the other side of the road. Mr. Funky said that is his recommendation and he will have that reduced to writing by tomorrow (January 15th) and into the Commissioners' hands via mail. Attorney Miller said this is also his recommendation. Motion was made by Commissioner Cox that Attorney Miller be authorized to make the offer as stated. A second to the motion was provided by Commissioner Borries. So ordered.

RE: BURDETTE PARK - MARK TULEY

Fencing Plans & Specs/Bids: Mr. Tuley, Manager/Burdette Park, approached the podium and presented plans and specifications for fencing at Burdette Park for softball field. He is seeking the Board's approval in today's meeting to advertise for bids; to be advertised on January 16th and 23rd, with bid opening on February 4th. Following perusal of plans and specs, motion was made by Commissioner Borries that Purchasing advertise for bids, with bid opening to take place on February 4th. A second to the motion was provided by Commissioner Cox. So ordered.

Commissioner Borries said our plan for 1985 (as the Board has looked at various parts of Burdette Park's offerings) has been to ask Council to construct two (2) ASA (American Softball Association) approved diamonds that would fit into the summer softball program with the City of Evansville's park system. There has been a continual need for these kinds of diamonds on the west side. With the land we had across on Nurrenbern Road, we felt that with the softball batting cages that were installed and will be in use this year, this would be an ideal time to do it. There was also some concern that if we went with these dimensions, would other kinds of baseball activities be able to use this. What we have intended to do here is to ask for bids according to these specs; and if we need to adopt a changeorder in the future, we will do so. We also have some concern here that we would have maybe enough usable space near the one creek located near the one ball diamond. Mr. Tuley said this will be checked out and he will get back to the Board before the bids are opened. Commissioner Borries said the purpose today is to ask for the bids -- as we hope these will be operational this year -- that is our intention. Hopefully, this will help the west side teams who will use these diamonds.

Schedule of Boat, Sport, Travel & Recreation Shows: Mr. Tuley presented copies of a schedule of boat, sport, travel and recreation shows he'll be working this year -- and hopes this will bring in new business. The schedule was as follows:

<u>January 24 - 27</u>	- Eastland Mall (Boat & Sport Show) 8 x 8 Booth
<u>February 1 - 4</u>	- Louisville, Kentucky (Boat & Sport Show)
<u>February 8 - 10</u>	- Roberts Stadium (Tri-State Boat & Sport Show)
<u>March 1 - 4</u>	- Indianapolis, IN (Boat & Sport Show)
<u>March 22 - 24</u>	- Green Convention Center/Evansville (Evansville Travel & Recreation Show)

Financial Report: The following Financial Report was submitted for December, 1984:

1984 STARTING BUDGET

1984 Budgeted	\$ 396,037.00
1983 Encumbered by P.O.	6,301.54
1983 Encumbered by Contract	70,547.44
1984 Additional Appropriation	<u>12,000.00</u>
Total 1984 Budget	\$ 484,885.98

EXPENDITURES & BALANCE 1/1/84 to 12/31/84

Total Expenditures	\$ 460,190.79
Total Balance	24,695.19

(continued)

INCOME 1/1/84 to 12/31/84

Pool	\$ 70,209.00
Rink	38,694.27
Rentals	62,906.17
Misc.	<u>10,050.47</u>
Total	\$ 181,859.91

12/31/84

Total Expenditures	\$ 460,190.79
Total Income	<u>181,859.91</u>
Total Deficit	\$ 278,330.88

Mr. Tuley pointed out that they had trimmed all the fat out of the budget and now it is time to bring in more revenue.

Commissioner Cox asked who would be representing Burdette Park at the booths for the various boat and sports shows, etc. Mr. Tuley responded that he would. He said that basically the local shows would come from his advertising budget. The two shows out of town (Louisville and Indianapolis) -- the travel and hotel expense will be paid for by the Evansville Convention & Visitor's Bureau. Mr. Tuley said he is still going to try to book one more show -- the Home Show -- scheduled in April. He is waiting to hear from them.

Continuing, Mr. Tuley said the deficit is \$278,330.88 as compared to \$427,000 in 1982 and \$471,000 in 1981. He said the deficit is coming down and he hopes to continue the downward trend. He is now at a crossroads -- there basically is no more fat to be trimmed. If he is to progress to the point of breaking even or eventually making a profit, everything from here on in has to be revenue-producing. He said maybe we'd get some money or a private party would come in and we'd wind up with the water slide -- or other attractions.

Commissioner Borries said you can see the effects right away of the weather on the pool. We had a cooler summer and somewhat a dip in the revenue from the pool. The rentals are up considerably. And the deficit is really fantastic now. We're at a point -- the chief revenue producer is obviously the swimming pool. When you have cooler weather or a lot of rainy weather, that could affect the income -- so we're going to have to look at other forms of revenue. It went down this year, but it is steady. The Board does have some decisions ahead as to how we can increase the revenue; of course, when you do that you're also opening yourself up to other problems -- increased maintenance needs, etc. But more activity and more people is what the park is for and what we have tried to encourage....and Mr. Tuley is to be commended on the job he has done to date.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Absentee Report: Mr. Bethel submitted the Weekly Absentee Report for the employees at the County Garage for period January 7 thru January 11, 1985.....report received and filed.

Weekly Work Report & Work Schedule: Also submitted was the Weekly Work Report for employees at the County Garage for the same period.....report received and filed. Attached to the Work Report was the following Work Schedule:

Gradall: Upper Mt. Vernon Rd., Fisher Rd.

Grader: Lyle, Wallenmeyer, Maasberg, Mann Rd., Armstrong, Darmstadt, North West and North East St. Joe., Industrial Park.

Tree Crew: Broadway, Peerless, Boonville-New Harmony, Middle Mt. Vernon and Schraeder

Patch: Volkman, Nisbet, Station, Colonial Gardens, Booker Rd., Old Hwy. 460., Hillside-Terrace, Broadway, Burkhardt, Barton, Orchard and Everglades.

(continued)

Washed Trucks:

On Monday thru Thursday and Friday, the garage had seven (7) snow plows two (2) graders and three (3) hand-trucks and one (1) gradall out on the roads; salted intersections and built barricades.

Acceptance of Streets & Storm Drainage Improvements in Green River Estates Subdivision - Section B - Phase I: Mr. Bethel said that he and Andy Easley checked out the streets, etc., in Green River Estates Subdivision, and submitted the following memorandum:

January 9, 1985

Mr. Robert L. Willner, President
Vanderburgh County Board of Commissioners
305 Civic Center Complex
Evansville, IN 47708

Re: Acceptance of Streets and Storm Drainage Improvements
in Green River Estates Subdivision - Section B - Phase I

Dear Mr. Willner:

Mr. Bill Bethel and the undersigned have made an inspection of subject street and storm drainage improvements that were constructed in 1984.

All streets are paved with 6 inches of concrete and have been constructed in accordance with the approved plans. All joints in the pavement have been sealed and the curbs have been properly backfilled. All storm drainage inlets and storm sewers have been constructed in accordance with the approved plans.

The following is a summary of the length of the completed streets in subject subdivision:

Newbury Road -----	1,035 feet
Wilton Way -----	325 feet
Norwich Place -----	300 feet

Total 1,660 feet = 0.31 miles

Enclosed are copies of compaction tests made on the subgrade soils and a copy of the core tests made to determine the thickness of the concrete in the street pavement. We are also enclosing a sketch of the subdivision showing the completed streets in Phase I of this subdivision.

It is recommended that the streets and storm drainage improvements in this subdivision be accepted for maintenance.

If you have any questions, please contact the undersigned.

Sincerely,

R. Andrew Easley, Jr.
County Highway Engineer

cc: Bill Bethel, County Highway Superintendent
Phil Heston, Heston Insurance Agency

On the basis of Messrs. Easley and Bethel's recommendation, motion was made by Commissioner Cox that the foregoing streets be accepted, as presented, for County maintenance. Motion was seconded by Commissioner Borries. So ordered. Commissioner Borries noted that Newbury Road, Wilton Way and Norwich Place will be entered on our list of approved list of streets immediately; therefore, we would be eligible immediately for increased funding.

Polaris & Capella Avenues: Commissioner Borries said we're still looking into whether or not Messrs. Bethel and Easley will have to look at Polaris and Capella Avenues. It still has not been determined as to whether they are on the accepted list.

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Due to requests from that area, we will be looking into that.

RE: COUNTY SURVEYOR'S OFFICE - BILL JEFFERS

Bridge & Guardrail Report: Mr. Jeffers submitted the Weekly Bridge & Guardrail Report for period of January 7 - January 11, 1985.....report received and filed.

Mr. Jeffers said they worked every day, regardless of the snow. They removed more of the headwalls they considered to be hazardous on Old State Road and Old Boonville Highway. A 12" metal corrugated pipe was installed across Upper Mt. Vernon Road (west of Diefenbach Rd.). There was also emergency repair on Koressel Rd. (where the road was failing due to separation of a pipe). A new guardrail was installed at the intersection of Darmstadt & Old Princeton Roads... this is north of the city limits of Darmstadt. There was a hazardous curve and deep ditch which, reportedly, was a traffic hazard. New guardrail was installed and existing guardrail extended on Petersburg Rd. Bridge.

Morgan Avenue Bridge: Mr. Jeffers said that as previously mentioned, Messrs. Willner, Brenner and Easley are in Indianapolis today for meeting with State Highway and Department of Natural Resources concerning the proposed new bridge on Morgan Avenue over Harper Ditch. Was Ms. McCool from the Chamber of Commerce with them? Commissioner Borries said he thought she was going to be in Indianapolis today and perhaps planned to attend subject meeting. Continuing, Mr. Jeffers said his department would like to extend their thanks to the City Engineer's department for their assistance on the drainage calculations for the portion of Harper Ditch which is in the city. They helped extensively in coming up with the computations -- which it is hoped will prove the lack of necessity for such a large, expensive structure. Thanks were also extended to Jim Morley, who put together a summary of calculations he had previously made in that area -- which he forwarded to the Department of Natural Resources, which helped us in our communication with them. We were having a communications problem with that department and Mr. Morley cured that for us when he made a telephone call on Friday.

North Kentucky Avenue Bridge Over Pigeon Creek: The Chief Draftsman in the Surveyor's office is still working on this proposed bridge.

5th Avenue Bridge (Connecting Fulton & Diamond Avenues: The Bridge Engineer is still working with the City on this proposed structure.

Survey at Burdette Park/Ball Diamonds: The survey crew completed their survey of the ball diamond area at Burdette Park. Mr. Jeffers said this is a type of no-man's land; that particular section is very hard to survey -- because it is much wider at the top than it is at the bottom -- but he thinks they have those problems solved.

Mr. Jeffers said he would ask the Board that a representative from the City Engineer's office be allowed to present an estimate of the Burkhardt Road project -- which will lower the Crawford-Brandeis Ditch approximately 3 ft. in elevation and install a new culvert underneath Division Street/Slaughter Avenue. The Surveyor's Department completely agrees with the necessity to do this work at this time -- and not wait until the Division Street project takes it. It is believed that this work will cause an immediate benefit to all people owning property south of Division which is drained by Crawford-Brandeis and Bonnieview Extension. The report prepared by the City Engineer's office appears to be very close to what the Surveyor's office thinks it should cost and their preparation of same is appreciated.

RE: BURKHARDT ROAD PROJECT ESTIMATE - DICK EIFLER

Mr. Eifler expressed his appreciation to the Board for allowing him to make his presentation concerning this project. He said the total estimated cost for changing out the box culvert (based on costs they obtained from Gohmann Asphalt & Construction Co., to whom the Burkhardt Road project was awarded) would be \$59,975.00. The county's 25% share would be \$14,993.75. In talking with Mr. Brenner, he said that of that portion of the money, \$4,013.50 could come from the East Side Urban drainage funds and the remaining \$2,980.25 could come from the bridge fund. This would get the entire project paid for, which includes installing a new pipe structure under Division Street and the repairing of the roadway, as well as the cleaning of the ditch -- which is necessary to achieve better drainage for the entire system. Mr. Eifler said this project would be well worth the expenditure of the \$14,993.75.

(continued)

Commissioner Cox asked if Mr. Eifler would again tell her what type of pipe they are recommending? Mr. Eifler said that presently there is a concrete box culvert-- this would have to be wrecked out and replaced with a concrete pipe structure measuring 68" x 106". This is the same size as the other structures on that ditch on that project.

Commissioner Borries asked if this would be a change order? Mr. Eifler said it would have to be done as a change order -- after the contract was started. The project is already bid and the price established by the State. After the contractor starts his project construction, then this could be the first change order to the project. Commissioner Cox asked if the contractor wouldn't have to submit the change order? Mr. Eifler said he doesn't know that the contractor will accept these figures totally; these figures have come out of the bid items. He may not agree, but I think he would have to accept. The county would, however, initiate the change order and then it would have to be approved by the State. Mr. Jim Morley is going to do the construction engineering -- and he would initiate the change order. Mr. Eifler said he doesn't believe there is much that would be subject to negotiation -- because they are already established prices. Commissioner Cox moved that the proposed changes to the Burkhardt Road project, as submitted with a cost estimate, be approved. A second to the motion was provided by Commissioner Borries. So ordered.

Mr. Eifler said he knows that both the city and the county have been fighting a losing battle for years. This problem has stymied a lot of construction in that area. The Commissioners expressed their appreciation to Mr. Eifler for his work on this project.

RE: SURPLUS LAW BOOKS

Commissioner Borries read the following letter from Judge William Stephens re surplus law books:

January 9, 1985

Commissioners of Vanderburgh County
Room 305
Administration Building
Civic Center Complex
Evansville, Indiana 47708

Commissioners:

My office has surplus property which consists of Volumes One thru Two Hundred Seventy-Five of the Indiana Reports, and Volumes One thru One Hundred Eighty-Two of the Indiana Appellate Court Reports, as the same books are available for my use in the Law Library in the Courts Building.

I have been approached by representatives of the library in the Vanderburgh County Jail with requests that if I did not wish to continue to maintain these books in my office that they would be happy to have them transported to the County Jail for use by the county jail inmates.

Please advise me if you have any objection to my disposition of the books to the Vanderburgh County Jail. Additionally, at this time, it is uncertain as to whether or not the above series of books will continue to be maintained by the State of Indiana inasmuch as the office of the Indiana Court Reporter has been abolished, who was responsible for the publication and distribution of such books.

Very truly yours,

William D. Stephens
Judge

Motion was made by Commissioner Cox that the request for transfer of these surplus law books to Vanderburgh County Jail be approved. A second to the motion was provided by Commissioner Borries. So ordered.

(continued)

COUNTY COMMISSIONERS
January 14, 1985

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RE: OFFICIAL BONDS

Official Bonds from American States Insurance Company as Surety for the following were presented:

William M. Campbell (Alcohol & Deferral Services/Superior Court)
Carl A. Miller (Coordinator/Clinical Services/Superior Court)

Commissioner Borries requested that receipt of these bonds be included in the minutes of this meeting and the bonds subsequently forwarded to the County Recorder's office.

RE: NOTIFICATION OF 1985 TRAINING SESSIONS - COOPERATIVE EXTENSION SERVICE

The following letter was submitted from Mr. Jack Wade of the Cooperative Extension Service:

January 9, 1985

TO: Vanderburgh County Commissioners
FROM: Jack D. Wade, Extension Agent/Cooperative Extension Service
SUBJECT: Notification of 1985 Training Sessions for Staff

The funds will come from our Travel Account.

Agent	Session	Date	Place
Ag & Hort. Agents	Nat. Ass'n. of Co. Ag. Agts.	9/29-10/3	Hershey, PA
Hom Ec Agent	Nat. Ass'n. of Home Economics	9/23-27	San Diego/CA
Youth Agents	Nat. Ass'n./Co. Youth Agents	11/3-7	Ft. Worth, TX
Hort. Agent	Grape Growers Annual Mtg.	3/8-10	Nashville, TN
Hort. Agent	Midwest Fruit Specialists Mtg.	11/6-8	Vincennes, IN
Hom Ec Agent	Minnesota Ext. Summer School	6/17-21	Minnesota

If you have any questions, please call.

Sincerely,

Jack D. Wade
Extension Agent, C.E.C.

RE: TRAVEL REQUEST/CENTER TOWNSHIP ASSESSOR

The following Travel Request was submitted:

January 8, 1985

Honorable County Commissioners:

In accordance with your ruling on Travel Expense, I am requesting permission for myself and two (2) deputies to attend the annual Assessor's Conference.

The conference this year is to be held in Indianapolis on January 22, 23, 24 & 25.

I am requesting you pay Assessor and the two (2) deputies per diem of \$22.00, actual lodging expense for each night preceding the date of attendance (not to exceed \$42.00 per night) and a mileage allowance of .24¢ per mile, necessarily traveled in going to and from the meetings.

Attached you will find a copy of the letter from the State Tax Board. Thank you.

Sincerely,

Alvin E. Stucki/Center Township Assessor

(continued)

Motion was made by Commissioner Cox that the request be approved, with a second being provided by Commissioner Borries. Do ordered.

RE: REQUEST TO GO ON COUNCIL CALL/COUNTY COMMISSIONERS

Commissioner Borries said the item for Council Call concerns our insurance for 1985 in the amount of \$60,000 (130-300 account). Council had asked us to appropriate money. \$200,000 was requested for 1985 (for liability insurance in various county offices). The bills amount to \$227,122.00 at this point and we will be billed \$397.00 per month for services rendered to the Clerk of the Circuit Court and County Surveyor by Loomis Armored, Inc. This is the reason the request for February Council Call is being initiated.

Motion was made by Commissioner Cox that the County Commissioners appear on Council Call in February, with a second being provided by Commissioner Borries. So ordered.

In response to query from Commissioner Borries as to whether monies should be requested for Coroner's claims (discussed previously in the meeting), it was noted that the Coroner will also appear on the February Council Call to request the funds necessary to pay the outstanding bills.

RE: SPRINKLER SYSTEM/VANDEBURGH AUDITORIUM

Commissioner Borries said that the Vanderburgh Auditorium had been notified by the State Fire Marshal's office that a check of the sprinkler system is necessary and needs to be done every year. The Auditorium had asked the local Fire Department for the names of two (2) companies who would provide that service. The lowest estimate to perform that service came from Shambaugh & Son, Inc.

Motion was made by Commissioner Cox that the contract to perform subject service be awarded to Shambaugh & Sons, Inc. in the amount of \$300.00 per year, which covers inspection and testing of wet system four (4) times per year. A second to the motion was provided by Commissioner Borries. So ordered. The contract executed by the Board of Commissioners read as follows:

INSPECTION CONTRACT

THIS AGREEMENT made between Shambaugh & Son, Inc., hereinafter called Shambaugh, and Vanderburgh Auditorium, hereinafter called SUBSCRIBER.

WITNESSETH, THAT:

1) Whereas Subscriber owns or occupies the buildings located on the premises known as VANDERBURGH AUDITORIUM in the city of EVANSVILLE, County of VANDERBURGH, State of INDIANA, wherein there is now installed a certain automatic fire extinguishing equipment to wit:

(1) one Wet System

2) Shambaugh shall inspect and test said installation 4 times per year and shall report to the Subscriber promptly all needed items of maintenance, repairs and replacements, which in the judgment of Shambaugh may be necessary.

3) This agreement is limited to an inspection service only and does not include maintenance, alterations, repairs or replacements. Such alterations, repairs and replacements shall only be made by Shambaugh upon Subscriber's order and shall be paid for by Subscriber at Shambaugh's prevailing charges therefor.

4) Shambaugh may at all reasonable times enter any part of the said premises for the purposes thereof.

5) Any additional automatic fire extinguishing equipment or adjuncts, added to the above premises after the date hereof shall be inspected by Shambaugh and Subscriber shall pay therefor an additional price commensurate with the usual charges made by Shambaugh for inspecting such equipment, and a new contract to be then executed incorporating such additional equipment and/or adjuncts at a price to be agreed upon between Shambaugh and Subscriber

(continued)

6) The term of this agreement shall be for a period of one (1) year, effective from its date and thereafter until terminated by sixty (60) days written notice by either party to the other.

7) Subscriber shall pay to Shambaugh after first inspection has been made and annually thereafter, the sum of SEVENTY-FIVE DOLLARS QUARTERLY (\$300.00) per year for said inspection and test service. The price herein set forth contemplates all inspections to be done during regular working hours of regular working days. If overtime becomes necessary, the company's usual overtime rates shall be paid in addition to said price.

8) No changes in the terms hereof shall be binding upon either party unless approved in writing by an executive officer of each.

9) Shambaugh does not guarantee or warrant the condition or operation of any system or part of same and the liability, if any, of Shambaugh to the Subscriber by reason of breach of this Contract by Shambaugh or any other reason shall in no event exceed One Hundred Dollars (\$100.00).

10) All notices by either party to the other shall be in writing and served by mail, in securely sealed envelope, postage prepaid, directed to the party at its principal office. Shambaugh reserves the right to discontinue the service at any time, without notice, if Subscriber is delinquent in payments required hereunder.

11) Shambaugh will furnish written report after each inspection to the Subscriber and to other interested parties as required and/or desired by Subscriber.

12) When this contract is accepted and signed by Subscriber and Shambaugh, a contract will exist between the parties.

IN WITNESS WHEREOF, the parties have hereunto set their respective hands and seals this 11th day of January, 1985.

Subscriber's Billing Address:

SUBSCRIBER

Vanderburgh Auditorium
715 Locust Street.
Evansville, IN 47714
Attn: Kim Bitz

Richard J. Borries
Shirley Jean Cox

By James A. McCune
Shambaugh & Son, Inc.

RE: ORDINANCE RE BOARD OF FINANCE/VANDEBURGH COUNTY

Commissioner Borries said he has the Ordinance regarding the Board of Finance for Vanderburgh County. At this time, nominations will be taken for President of that Board -- whenever they meet. Motion was made by Commissioner Cox that Richard J. Borries serve as President of the Board of Finance for Vanderburgh County. A second to the motion was provided by Commissioner Borries. So ordered.

RE: CLAIMS

David V. Miller, County Attorney: A claim was submitted in the amount of \$1,684.76 for months of October thru December, 1984 for professional services rendered. A motion to approve claim for payment was made by Commissioner Cox, with a second being provided by Commissioner Borries. So ordered.

Judith Becking/Veteran's Service: A claim in the amount of \$53.65 was submitted covering Notary Public expenses for Veteran's Service secretary. Motion to approve claim for payment was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

(continued)

RE: COUNTY OFFICES TO BE CLOSED ON MONDAY, JANUARY 21ST

Commissioner Borries announced that both City and County offices will be closed on Monday, January 21st, in observance of Martin Luther King's birthday. Therefore, the Board of County Commissioners will meet on Tuesday, January 22nd, of next week at 7:30 p.m. Rezonings will be heard at that meeting.

RE: SCHEDULED MEETINGS

<u>Tuesday</u>	<u>Jan. 22nd.</u>	- 1:30 p.m.	Meeting with David Gerard of EUTS re priorities and projects on roads and streets for 1985 funding year.
		- 2:30 p.m.	Executive Session re Pending Litigation
		- 7:30 p.m.	Commissioners' Meeting

RE: EMPLOYMENT CHANGES - APPOINTMENTSAuditor's Office

Larry L. Lazart	508-B Lodge Ave.	Chief Deputy	\$20,393/Yr.	Eff: 1/14/85
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County Highway Department

Robert Smith	6021 Short Selzer	Laborer	\$7.20/Hr.	Eff: 1/7/85
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Surveyor/Bridge Crew

Danny Gatewood	4408 St. Joseph	Labor	\$14,192/Yr.	Eff: 1/14/85
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RE: ACCEPTANCE OF COUNTY EMPLOYEES - 1985

Commissioner Borries submitted County Employee Lists for 1985 for acceptance as follows:

Armstrong Assessor

William C. Hepler
Marian L. Hepler

German Assessor

Gary W. Wagner
Margaret Effinger
Karen A. Wagner

Scott Trustee/Assessor

Bob F. Harris

Union Assessor

Aleen J. Carroll Basham
J. Robert Bernard

Circuit Court

William H. Miller
Linda Sumner
Lucille Smith
Richard Young
Terry White
Barry Standley
Peggy Kisse
John Harl, Jr.
Larry G. McDowell
John R. Mueller
Robert L. Saunders

Kenneth A. Henson
Harris R. Howerton
Norman G. Hoskinson
Stephen Fuchs
Karen Destache
Connie Gard
Shirley Roll
Beverly K. Corn
Dan Hall
James Moffitt
Thomas Montgomery

John Markham
Mark Sebree
Ben Evans
Gilbert Schiff
Michael Mattingly
William Martin
Dennis Heathcott
Roy Weightman
Vernon Solomon
Robt. L. Hart, Jr.
Michael K. Peeler

John Voight
Christine Arnold
Robert Rafferty
Betty Craig
Jeffery Howerton
Katherine Baird
Karen Sue Miller
Paul Aarstad
Karen Memmer
Patricia Coy
Connie Gwaltney
Michael Seger

(continued)

County Highway

William Bethel
Jerry Linzy
Cletus Muensterman
Milton Hayden
Susan Kirk
Lillian Young
Lee Stuckey
Ralph Andrew Easley
Donald Gartner
Jacke Crawford
Thomas Waterman
Cecil Sills
Dennis Merideth
Fred Blair
James Triplett
Gary Page

Kirk Humphrey
Harold Stuckey
William Boring
Darryl Chamberlain
Albert Gartner
Larry Phillips
Alfred Lindsey
Harold Steckler
Harry Woods
John Keown
Tracy Jones
James Smith
Billy Downing
Ronald Martin
James Howell
Raymond Cook

Steven Craig
Roy Tuley
Robert Smith
Charles Sumner
Alan Groves
Clayton Jenkins
Mark Montgomery
Sidney Brown
Donald Williams
George Cummings
Sam Robinson
Larry Babbs
Delbert Deig
Thomas Schmitz
Andrew Wade

Hillcrest-Washington Home

Fred A. Haton
Bernice L. Gerbig
Carolyn Kirby
John Herak, Jr.
Kenneth Fellwock
Orval Sanford
Lois VanWay
Ruth Patrick
Kendrick Lockett
Mary F. Arvin
Versie M. Burgdorf
Mable L. Carroll
Norma L. Carroll
Charlotte L. Cole
Ollie E. Cullison
Nancy Woolsey

Sylvia A. Edwards
Dorothy L. Furgerson
Raymond Hale
Marjorie L. Ham
Annie E. Hawkins
Christine Howard
Jo Ann Moseley
Mary Sweet
Edna DeTalente
Diane Reheman
Bertie L. Slaton
Edwin H. Zenthoefer
Jeanetta Bacon
Caroline Herak
Dorothy M. Kramer
Myrna Krizek
Mary Jo Richardson

Voters Registration

Paul Bitz
Susan K. Kirk
Virginia Massey
Travis Rayburn

Amelia Tornatta
Cathleen M. Gorman
Barbara Bogan
Pamela Bailey

Welfare Department

Mary Louise Ahles
Gayle A. Angle
Maury Anthony
Coradella Baker
Gary C. Barnett
Tracy Barnhill
Sherry G. Barth
Ruth A. Baumgartner
Wayne Baumgartner
James Baxter
Peggy S. Blume
Clenda M. Bott
Ronald R. Boultinghouse
Shirley A. Boyd
Nan E. Britton
Mary N. Carroll
Susan B. Carson

Veronica J. Chittenden
Elizabeth Colline
Virginia L. Comba
Helen Cook
Virginia C. Cox
Mary Daniels
Elizabeth M. Dick
Beverly A. Dicks
Phyllis A. Donahue
Sue S. Duvall
Ethel A. Elkins
Denise A. Elvestrom
Sharon J. Erksitz
Robert W. Fenwick
Gerald L. Flick
Irene M. Frakes
John A. Fyffe

Carol S. Gainey
Dionna L. Garrison
Jane H. Gerard
Jon K. Golding
Amy M. Harbison
August J. Harris-Blaxton
Robert A. Hay
Michael R. Hazen
Phoebe E. Head
Kurt M. Heise
Phyllis A. Heise
Laurel A. Hess
Alan D. Hert
Clifford E. Higgason
Anna A. Hood
Shirley S. Hopple
Genia A. Horn

(continued)

Welfare Department (continued)

Leanne Hudson
 Susan J. Hudson
 Mary L. Hudspeth
 Kathleen M. Hunt
 Frances Hyatt
 William M. Igleheart
 Edna L. Jarvis
 Walter A. Julian
 Zola M. Kramer
 Fonetta A. Lander
 Jo Ann Lang
 Terry A. Lindsey
 Debra F. Lively
 Phyllis J. Lloyd
 Rubylee Lowe
 Jane A. Luttrull
 Elbert A. Lynch
 Marilyn McClain
 D. Sue McCool
 Betty L. McGlone
 Bettye R. McLean
 Beth A. Melton
 Ruth A. Metz
 Cora A. Miller
 Robert C. Mills
 Carolyn W. Nation
 Marie A. Nelson
 Jean Newman
 Cynthia L. Ohl
 Robert C. O'Tain
 Victoria L. Ours
 Louisa F. Paris
 Carol S. Parmenter
 Carolyn A. Platts
 Shirley A. Tyree
 Susan L. Watson
 Mary E. Werner
 Peggy L. White
 Kathi L. Willis
 Samuel G. Wilson, Jr.
 Timothy B. Wirtz
 R. Dale Work
 John Yuschak, Jr.

Jean M. Puertzer
 Patricia A. Rager
 Mary A. Reitz
 Janice F. Reutter
 Nancy C. Rhoades
 Elissa B. Rice
 Gerri A. Rice
 Rene H. Riegle
 Daniel L. Riordan
 C. Dawn Ritz
 Teresa A. Rizen
 Donald R. Roberts
 Joan M. Roberts
 Dale E. Robertson
 Mildred C. Ross
 Hilda M. Schatz
 Vicky L. Schirmer
 John M. Schroder
 Donald A. Schuldt
 Thomas E. Sergesketter
 Bonnie J. Sexton
 Beverly A. Sherman
 Jeffrey W. Smith
 Susan E. Smith
 Joyce M. Spayd
 Theodore E. Specht
 Patsy A. Sproatt
 Anthony J. Starks
 Frank L. Staton
 P. Michael Stofleth
 Phyllis E. Stokes
 Donalynn Strine
 Elizabeth Sutton
 Inez K. Thew
 Dorothy J. Thomas
 Mary E. Welch
 Shirley M. Wesner
 Thelma M. Williams
 Faye A. Wilson
 Karen S. Winterheimer
 Willie M. Word
 Juanita Working
 Phillip L. Kiely

It was noted by Commissioner Borries that Employee Lists for 1985 were not yet in from the following departments, and he advised that he would have Margie Meeks send a reminder letter, so they could get these in:

County Assessor
 Superior Court
 Area Plan Commission

RE: VOTING SYSTEMS

Larry L. Lazart, newly appointed Deputy Auditor, said he needed the guidance of the Commissioners due to an employment change.....as to whether the Commissioners wanted him to proceed with the investigation/inquiries re various voting systems.

Commissioner Borries said that Mr. Lazart had initially prepared a letter re survey of several local officials, etc. Mr. Lazart said that as of today he had received letters from the following:

Illinois Election Board
 Secretary of State/Ohio
 Secretary of State/Indiana
 Secretary of State/California
 Secretary/Election Board - Kentucky
 National Council of County Councils
 Indiana Association of County Commissioners

(continued)

Mr. Lazart said he has also sent a letter to the Federal Election Board re information. With the help of Ruth Kahn and the ISUE Library, a national data search was instigated at his request and that data needs to be checked. Other than that, it is a question of collating the materials for the Commissioners for their distribution. Since he is now on the County payroll rather than the City payroll, Mr. Lazart said he did not know whether the Commissioners wished him to proceed.....or whether that would constitute a conflict of interest, etc.

Commissioner Cox said she did not think he was appointed on the basis of his position, but rather requested to this on the basis of his qualifications -- and, personally, she feels more comfortable with his being on the county payroll as Deputy Auditor than she did in the Department of Metropolitan Development which, as she understands it, receives Federal Funds. Thus, she has no objection to Mr. Lazart's continuing to do the research on this matter.

Commissioner Borries said that he would certainly agree -- and hopes that Mr. Lazart will collate all the data. Once we reach that phase, we would then probably schedule meetings with various State-approved vendors to see what.....Mr. Lazart interrupted that he has list of State-approved vendors, other vendors approved by the State of Illinois and several other states. What he thought he might do would be to contact a few of them to determine what their specific services are. But he did not wish to be presumptuous -- he wanted some clarification from the Commissioners.

Again, it was the consensus of opinion among the Board that Mr. Lazart continue with the project.

There being no further business to come before the Board at this time, Commissioner Borries declared the meeting adjourned at 4:15 p.m., with the announcement that a Drainage Board Meeting would be held subsequent to the adjournment of the Commissioners' meeting.

PRESENT:

COMMISSIONERS

AUDITOR

COUNTY ATTORNEY

Richard J. Borries

Alice McBride

David V. Miller

Shirley Jean Cox

OTHER

Bill Jeffers
Dick Eifler
Mark Tuley
Tom Dorsey
Larry L. Lazart

Charles Althaus
Comaier Services Representatives
Clarence Shepard
Bill Bethel
News Media

SECRETARY:

Joanne A. Matthews

Robert L. Willner
Robert L. Willner, President

Richard J. Borries
Richard J. Borries, Vice President

Shirley Jean Cox
Shirley Jean Cox, Member

#54

MINUTES
COUNTY COMMISSIONERS' MEETING
JANUARY 22, 1985

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MINUTES
COUNTY COMMISSIONERS' MEETING
JANUARY 22, 1985

#55

The Board of County Commissioners met in session on January 22, 1985, at 7:30 p.m. in the Council Chambers, with President Robert Willner presiding.

The meeting was called to order at 7:40 p.m., having been delayed due to the overflow crowd in attendance, with President Willner entertaining a motion concerning approval of the minutes of the previous meeting. Motion to approve minutes of meeting held on Monday, January 14th, as engrossed by the County Auditor and reading of same be waived was made by Commissioner Cox. A second to the motion was provided by Commissioner Borries, with one addition. Under the list of attendees at last week's meeting (Page 17), the name of Commissioner Cox has been inadvertently omitted. As reported in the local newspaper, Commissioner Cox was also present at that meeting. Commissioner Borries said he just wanted to assure tonight's audience that he did not elect himself as President of the Board of Finance (see Page 13)! Minutes were ordered approved, with this correction.

RE: GREEN GATE COURT SUBDIVISION - JIM McCARTY

Having been recognized by the Chair, Mr. McCarty said his presentation will be brief. He believes everyone is familiar with the subdivision. Approval was granted by the Area Plan Commission on December 5, 1984, on the Subdivision Docket 3-45-84. He said he is here to request a sidewalk variance. If the Board will recall, the reason for not requiring the sidewalk was that this subdivision is in the midst of several other subdivisions. It is a narrow piece of real estate (330 ft. wide and 2,600 ft. long) and has been a nursery since the 1930's and they are proposing to subdivide the rear acreage of it. It is a cul-de-sac with no thru traffic. The requirement was not imposed on adjoining developers who have thru streets -- and, to his knowledge, there are no sidewalks. Mr. McCarty was raised in the east side of Evansville, and any of the subdivisions from Burkhardt Road east -- he could be wrong, but he does not think there are any in the county. Carrolton Court and several of the others have none. Since they originally applied for this subdivision, there was a new ordinance passed with which they are familiar. The cross thru streets and utility easement cooperation were not required of adjoining property developers. This property must seek a long street access for that reason, making development marginally economically feasible. So, any additional costs they are very, very conscious of. This is a small development and if it is feasible will add approximately \$3,000,000 in quality houses to the Vanderburgh Knight Township tax rolls within the next twenty-four (24) months. The bonding requirement is another reason. Completion requirements were intended for streets and sewers in the county, but certain considerations were overlooked in regard to sidewalks. As the logistics of construction takes place if the sidewalks are put in initially, construction equipment would destroy them and the locations of the drives are unknown. For those reasons, the developers respectfully request that the Board of Commissioners grant a variance not requiring sidewalks in this small subdivision.

The Chair entertained questions from the Board.

Commissioner Borries asked if there are going to be rolled curbs and gutters? Mr. McCarty said, "Yes, that is our proposal". He asked if Commissioner Borries would like to again look at the plan to refresh his memory, and Commissioner Borries responded in the affirmative. The meeting proceeded with Mr. McCarty sharing the plan with the Commissioners and explaining the developer's plans..together with Mrs. Barbara Cunningham of the Area Plan Commission.

After brief discussion among the Commissioners, President Willner requested that the record reflect that Green Gate Court Subdivision sidewalks will be taken under advisement and a decision rendered at next week's meeting. He expressed the Board's appreciation to Mr. McCarty for his presentation.

RE: REZONING PETITIONS

VC-1-85/Petitioners; K. Alexander & G. Miller (First Reading): Property is located on west side of St. Joe Avenue and Allen's Lane. The common address is 3100 N. St. Joseph Avenue. Current zoning is Agricultural and requested change is to C-4. Existing land use is vacant agricultural. Proposed land use is office/warehouse and parking garage for four (4) vehicles. The Chair entertained questions from the Commissioners; if none, then he requests a motion to forward Petition to the APC. Motion was made by Commissioner Borries that 1st Reading VC-1-85 be approved and forwarded to the APC. A second to the motion was provided by Commissioner Cox. So ordered.

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VC-2-85/Petitioner, Gary Edwards (First Reading): Property is located on Highway 57 North and Ruston Lane. The common address is 13500 Highway 57 North. Current zoning is Agricultural with a change requested to M-1. Existing land use is Residential/Farm. Proposed land use is for billboards and woodworking shop. The Chair entertained questions from the Commissioners; if none, then a motion is requested to forward subject petition to the APC. Motion was made by Commissioner Cox that the Board approve VC-2-85 on First Reading and forward to Area Plan Commission. A second to the motion was provided by Commissioner Borries. So ordered.

VC 16-84/Petitioner, Arthur Happe (Third Reading): The matter of the Third Reading of this Petition has been continued to February 19th meeting.

VC-15-84/Petitioner, Clem Frank (Third Reading): Property located at 10521 Darmstadt Rd. Current zoning is Agricultural (property utilized as Clearcrest Country Club & Golf Course) and requested change is to PUD (Planned Unit Development). Having been recognized by the Chair, Mr. Frank approached the podium to speak concerning his petition. He said he assumed that the APC and the Board were in possession of copies of the revised plat. Changes required by the Area Plan Commission have been incorporated on this revised plat. These changes consisted of the road, limiting the structures to two (2) stories and also an additional lake, which would be used to retain the surplus drainage water. Mr. Frank said he knows there are remonstrators here, and he respects their right to remonstrate -- as he supposes they respect his right to present this rezoning. He'd like to bring to the Commissioners' attention that under the Zoning Code of Vanderburgh County (which recommended the PUD zoning to him as the proper zoning for this property) that after the plans were presented to the APC Review Committee, there were several suggestions made to which he has adhered..and the changes are on the plat. Since that time there have been a lot of different stories about the density, the drainage, the water, etc., and he'd like to read the Vanderburgh County Zoning Code with regard to the PUD:

"Procedure for Approval of a Detailed Site Plan"(if the Commission approves this tonight, here is what is required of the developers, which is Clearcrest Developing Co.). "Prior to any development out of a PUD district from a preliminary plan, a detailed site plan must be submitted for consideration by the Area Plan Commission, including the exact locations, composition and engineering features of all the following: Lots and buildings, drainage facilities, sewage facilities, recreational areas, and any other pertinent features the Area Plan Commission may require. The APC may approve or deny the detailed site plan but may not approve the detailed site plan if it is not consistent with the preliminary plan. A denial does not impair future approval of the plan after modification. The detailed site plan must be received by the Area Plan Commission within one (1) year after approval by the County Commissioners. (..which would be one year from tonight if approved) "Detailed site plans may be submitted for only certain portions of the development when the Area Plan Commission has approved the development in phases. The APC may modify the detailed site plans when circumstances unforeseen at the time of approval arise."

Mr. Frank said he thinks a lot of people here tonight are under the impression that they are going to develop this piece of property overnight -- and that just isn't true. Number 1: They figure that if they can sell thirty (30) units a year it will be a successful venture. So that would be -- with the proposed number of units which can be changed because it is in two phases -- about ten (10) years. The first phase consists of approximately 110 units, and with changes which he will suggest, they could make a minimum 100 ft. lots on the single family homes. There were approximately thirty (30) lots on the southeast corner of that property which varied from 65 -ft. frontage up to 200-ft. frontage. However, under the terms of this zoning, that wouldn't be determined until they submitted the final plan to the APC. It was not the developers' intention to have any 65-ft. lots in the area to start with, so they would be willing to make a concession of 100-ft. minimum lots in there which would reduce the size of those lots.

They talk about density. Phase No. 1 consists of 50 acres. They could have developed or submitted a proposed subdivision of 50 acres with minimum size lots and put 300 units on that piece of property, which would have been a density of about six (6) houses per acre. Now under the first phase, the density of that property would be just a little bit over two (2) units per acre, which is a very low density. There are not too many areas in Evansville with a density lower than that.

There was talk that the neighbors in Cedar Hill Subdivision made statement at APC meeting that they all had \$200,000 and up homes. In that subdivision there are only eight (8) homes now. Mr. Frank said he realizes that every man's home is his castle, but the price he puts on it is not necessarily what anyone would pay for it or determine the value to someone else. In that subdivision they do have larger lots (about 2 acres). However, that was necessitated because of the terrain -- there are a lot of hills and gullies there. All of the houses are built up high; they do not have a drainage problem. The reason for the large lots was to accommodate the sewage system, which is a tile-filled septic tank. In the proposed subdivision, the developers propose to have city sewers of one form or another, which will have to naturally be approved by the proper authorities, along with the drainage. Fire Department approval (probably have to be done according to the Fire Marshall) will be required. Mr. Frank just received a copy this evening of the Scott Township Fire Department's requirements; he has not yet had an opportunity to review them -- but will do so.

In getting back to the "homes", Mr. Frank said he has in front of him a report put out by the Evansville Realtor's Association at year's end. In 1984, there were 1,307 homes sold in Vanderburgh County. Now, \$70,000 up (of which they intend to have some condos for about \$70,000) -- the homes will probably have a minimum of approximately 2,000 sq. ft., so the homes will probably sell from \$100,000 up (possibly a few at \$90,000). He said when he says from \$100,000 up, it is all according to what the purchaser wants; if he wants a \$250,000 home with an acre of ground, they'll build it for him. In 1984, from \$70,000 up, there were approximately 200 homes built out of the 1,307. In the \$70,000 - \$85,000 bracket, there were 101 homes sold, which was 7.7% of the total sales. There were sixty-four (64) homes sold in the \$85,000 - \$100,000 bracket accounting for 4.8% of the total sales. In the \$100,000 - \$125,000 bracket, there were 32 homes sold, or 2.4% of the total sales. Of the \$125,000 - \$150,000 bracket, 29 homes sold, or 2.2% of the total sales. From \$150,000 up, there were 10 homes sold in Vanderburgh County...for a total of .3 of 1%. So, these people in Cedar Hill who are talking about their \$200,000 to \$250,000 homes are few of the very fortunate people....only one (1) out of 333 people can afford to buy a home in that price range. You could say that if a man went in there and tried to build homes in the price range of \$150,000 up, he would have a market of less than 2% of the sales -- so he'd be out of business before he got started.

Mr. Frank said one reason that the developers wanted to go with the condos was that it seems to be the coming thing. There have been few complexes built around the perimeter of a golf course that did not succeed. The price range from sports interest and income taken from the Sporting Goods Dealers (in the paper in October 1984). People with incomes from \$25,000 to \$35,000 -- their sports interest -- 26% of them were golfers. In the \$35,000 up income bracket, 44½% of those people had an interest in golf. Tennis was second with about 25%. What the developers are shooting for is an income price range of \$25,000 up.

The only thing that Mr. Frank knows about what the remonstrators are going to present this evening is what he has read in the newspaper. The commercial development; the way they had the rumors flying, it was all going to be commercial development. Actually, the only commercial development will be the existing club house and parking area. There was a small piece of property on the southwest corner that was put in there for commercial development; however, that's been deleted because the 60-ft. thoroughfare right-of-way line thru there -- it would hardly have been large enough to put an outhouse on it. Thus, that's been deleted.

With regard to the traffic, Mr. Frank said that actually Darmstadt Rd. has the third lowest traffic count of any secondary road in Vanderburgh County. It has a traffic count at Cedar Lane Drive --down to Mt. Pleasant -- of 2,184 cars per day. In comparison to the other secondary roads of equivalent size, Newburgh Road has a traffic count of 10,500 cars per day. Darmstadt-Kratzville Rd. has a traffic count of 7,900 cars per day. Stringtown Road has a traffic count of 16,500 cars near Cardinal Drive, then it drops down to 10,500 after you get north of Cardinal Drive. And that road is the same size as Darmstadt Road. Boonville Highway (a 2-lane highway which is equivalent) -- a major highway, not a secondary road -- has a traffic count of 13,206 cars east of Green River Road. Mr. Frank said you could see that with the number of condos and homes that would be built there over a period of five (5) years, would actually affect the traffic count very little.

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With regard to the schools, Mr. Frank said they have always had the problem of enrollment, etc., but they have always managed to accommodate the students. With bussing the way it is today, who knows where your children are going to school anyway? You may live next door to one school and they bus you to a school in another district. But, as the Assistant Superintendent of School stated in the newspaper this morning, --the schools would be no problem -- there was room at Stringtown School and room could be made for other students.....and Mr. Frank searched for article extracted from paper and read,

"Robert Morgan, Deputy Superintendent of the Evansville-Vanderburgh School Corporation agreed with residents that Highland School easily could become overcrowded by the development -- but it is something we would have to assess and handle just as we would any other similar problem".

Mr. Frank said he thinks the residents were assuming that the developers were going in there with 500 residents immediately. With the first phase (if the first phase were approved) there would only be some 50-100 students involved over a period of 3-4 years. This should be no problem at all.

With regard to employment, Mr. Frank said that Ohio Valley Homes will do the major portion of the construction. This firm has been in existence in Vanderburgh County since 1948. In 1979, they had approximately 120 employees; today, they have about 22-25 employees. They're always talking about bringing new industry into Evansville; but there is very little done to retain the industries that we have here. The developers intend to develop this without the benefit of government grants, Economic Development Bonds, tax abatement deals. This will be done with private capital. Mr. Frank has a list of approximately 34 local suppliers that Ohio Valley Homes uses on their projects. There are 28 sub-contractors who, by their own figures if this complex is approved, will add a total of 106 employees (not full-time, but employees they have that they could keep busy full time with this project). Ohio Valley Homes would probably have to add between 25-35 employees if this is approved. Vanderburgh County and the City of Evansville is always looking for additional revenue. Just like everyone else, they have the "shorts". Within the last couple of years they added the Wheel Tax; they added the Local Option Income Tax and now they are contemplating adding the 1% food and beverage tax at the restaurants and taverns for the airport expansion. This project will produce a lot of immediate income in the form of sewer taps, water taps, building permits, and in a year -- additional county taxes -- plus heating, electrical, plumbing, etc., permits.

There was also a statement in the newspaper about the crime situation. Mr. Frank said he is certain the Vanderburgh County Sheriff's Department will patrol that area just as they do other areas. Everybody has to live somewhere -- and everybody has to be someplace -- that's what they say. They're not all going to be at the same place at the same time; nor are the people who commit the crimes or the people who patrol the areas.

Mr. Frank said he had talked to everyone who called or stopped to see him concerning this development. He had three or four people who called to whom he talked. He was not aware of the extent of the remonstrators and still is not. He understands there are some remonstrators from the William B. Dress Subdivision, the Kahre Lake Subdivision, and the Cedar Hills Subdivision. They were talking about the small homes that Mr. Frank and his partners are intending to build. In the William B. Dress Subdivision, their restrictions are for 900 sq. ft. in the case of a 1½ - 2 story building. A single family residence not to exceed 2-stories in height, having porch and breezeways, not less than 1,200 sq. ft. In Kahre Lake Sub, they also have a 1,200 sq. ft. restriction on the ground floor. On the 1½ story, they have a 800 sq. ft. of inside floor space on the ground floor of the home. In Cedar Hill Sub, their restrictions are 1,800 sq. of living area. The restrictions in the proposed project which will be presented to the Area Plan Commission will show a minimum square footage of 2,000 sq. ft. The condos would have a minimum square footage of 1,400 sq. ft. for 2-bedroom condo; on the 1-bedroom unit, it will probably about 900 - 950 sq. ft., if they build any 1-bedroom units in there. Mr. Frank said he believes this concludes his presentation at this time.

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PUD ZONING: President Willner asked Barbara Cunningham, Director/Area Plan Commission, if she would explain PUD zoning; he said he had had many requests and asked that she explain it in detail.

Mrs. Cunningham said it is a very complicated issue and she will try to explain it as clearly and as quickly as she can. PUD (Planned Unit Development) is a separate zoning classification under the County Code, much the same as residential is a zoning classification, commercial is a zoning classification, and industrial is a zoning classification. PUDs are different in the fact that they are not broken down into 1, 2 and 3, as are R1, R2 and R3, to allow certain things. So, the purpose of a PUD classification is to match the creative approach of the building industry with unique land and housing demands of the county. The classification allow more flexibility in the use of property, while maintaining strict oversight and regulatory controls afforded by the zoning controls. A PUD may have residential, commercial, or industrial uses in it, so long as it is part of the plan approved by the County Commissioners. Thus, the PUD has some characteristics of subdivision approval in that unlike normal rezonings the actual proposed use of the property and the actual layout of the property is relevant and must be approved as part of the PUD zoning. A PUD zoning is commenced--the way you do it is you file a preliminary plan with the Area Plan Commission and among the items that a preliminary plan must show are the proposed layout of the streets, buildings, open space and lots, proposed location of uses, proposed plan for handling traffic flow, parking, sewage, drainage, existing zoning, boundary lines of adjacent property, proposed covenants, and proposed time and order of completion. A preliminary plan (and this is from the code) may be an approximate drawing, so long as it adequately states the information required. The plan is forwarded to the Subdivision Review Committee (which it was) and then the Area Plan Commission may approve, disapprove, or amend the plan and may include provisions for ownership and maintenance of areas held in common (lot area, floor area, ratio of floor space to land area, area in which buildings may be built, opening space, height of building, signs, off-street parking, phases of development, streets, right-of-way and traffic control. After the preliminary plan is approved by the Area Plan Commission, it is forwarded to the Commissioners in the same manner much as is a rezoning. The County Commissioners may require financial assurances from banks or Savings & Loan requirements, and if these assurances cannot be obtained, they may require performance bonds, etc., to be sure that the streets, curbs, gutters, etc., are put in. After approval by the County Commissioners, the preliminary plan is returned to the Area Plan Commission, which then has jurisdiction over the development. Once the plan is returned to the APC, the direct involvement of the County Commissioners is terminated, except for Drainage Board approval, and the County Commissioners would be checking the drainage plans when they are presented with the detailed site development plan. Prior to the implementation of the preliminary plan, a detailed site plan is submitted for approval by the APC; so, if this is approved--PUD is approved as the zoning--the controls are still there. The detailed site plan must be consistent with the preliminary plan which was approved by the County Commissioners. The site plan is to be received by the Area Plan Commission within one (1) year from approval of the preliminary plan by the County Commissioners.

Mrs. Cunningham said that Mr. Frank read part of his presentation from the code, and this is part of what he was telling us from the code. The detailed site plan must be received within one (1) year from approval by the County Commissioners of the preliminary plan (or Provisions of 154.070 regarding abandonment will be invoked.) The APC may extend this time limit for a good cause; but that has to go to public meeting to have any extension of time limit. If no improvements or construction pursuant to the approved site plan have been made for 24 consecutive months, the Plan Commission must initiate an amendment to rezone the property. Thus, the APC at this time not only has input into the development of the site, but also in the time in which the development must take place. Another control that would be on a PUD is that if there is a subdivision as part of it -- as there is in Mr. Frank's plans tonight -- then that must go for subdivision approval; it must also go to two (2) public meetings thru APC and the street layout, drainage, sewer, etc., are addressed at that time. In conclusion, Mrs. Cunningham asked President Willner if there is anything else he wants her to address, and he responded in the negative. He then entertained questions from the Board.

Commissioner Cox said she had a question for Mr. Frank, and President Willner asked that Mr. Frank again approach the podium. Commissioner Cox said she was just wondering --she received numerous telephone calls and letters and met with him late last week -- he had some concerns that he was considering which were voiced by the residents in the area -- and she notes that changes have been made on the plan -- and these changes

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say "Revised 1/22/85"; it does address quite a few of the concerns of the neighbors. Have the "people" had an opportunity to see the changes he is proposing as of 1/22/85?

Mr. Frank said he does not know whether they have or not, because he doesn't know who the remonstrators are. As indicated, he talked with those who called him. But these revised changes did come from discussions with some of the people in the neighborhood and plans were revised to appease some of the neighbors. Mrs. Cox said she understands that and thinks it shows good cooperation on Mr. Frank's part. But she just wonders if they have had the advantage of viewing these changes. The big advantage she sees here is the moving of the patio homes from the one area -- way back -- and it looks like he has at least 1-2 acre lots planned down along the golf course, rather than the small acreage. Mr. Frank said it has been revised to include ten (10) lots rather than thirty (30)....all approximately 1½ acre lots. Mr. Frank said he might add that he had discussed that with Mr. Easley, the County Engineer, because he's had several discussions with people in the Cedar Heights subdivision -- at which they wanted to reach an agreement that if he would make those approximately 1½ acre lots they'd give the right to use that private road, they would extend that water main down to along Cedar Hill Drive -- they don't have a water main along there now. They have one water meter on Darmstadt Road and all eight (8) of those houses are tied into about a 1-inch line and they do have a water pressure problem there. So they're going to have to install a larger line to take care of their water main problem. Mr. Frank said that discussion was last Friday and they were supposed to have gotten back to him. He was not aware that Mr. Easley went ahead and made those changes. They were supposed to have gotten back to him yesterday; they didn't, but called him today and said they wanted to go thru with that if the wording was right -- but they wanted to wait and see how the meeting came out. So, there's been a lot of deception on this -- and he doesn't mind telling the Board and the Audience that he's been approached by some of the people in Cedar Hill wanting to buy back part of that property -- which he doesn't want to sell. He and his partners did not buy the property to sell it; they wanted to develop it. He was not aware that Mr. Easley made those changes and he thought it was still the way it was previously platted -- with a minimum of 100-ft. lots. But he did tell Mr. Easley that he would discuss it with him further -- that he and his partners would change it if they wanted to go thru with the idea that they had. But, he didn't hear from him yesterday; thus, if Mr. Easley has the other plat with him, Mr. Frank thinks we should go back to the other plat we had and change that to 100-ft. lots, because if it doesn't materialize with those people, that's the way they would have to plat it. Because they maintain that that is a private road; Mr. Frank didn't want to particularly use that road to start with, because it is only about a 12-ft. blacktop road. Commissioner Cox thanked Mr. Frank for his response to her queries and comments.

President Willner entertained further questions from the Board members. There being none, he asked if there were any remonstrators represented by counsel?

Mr. Mike Mitchell approached the podium and stated that he was representing a group of adjacent concerned property owners, as well as acting as coordinator for other concerned neighboring groups -- trying to succinctly present to the Commissioners their concerns -- so there will not be any overlap and a waste of the Board's time. Mr. Mitchell said we are dealing with a Planned Unit Development (PUD) which is fairly unique in Vanderburgh County. Thru the zoning ordinance, it is the Commissioners' duty to promote public health, safety and general welfare of Vanderburgh County, to enhance the use and enjoyment of property and to provide for the regulation of land use in the community, while preserving the right of the property owner to use and enjoy his property. Therefore, these concerned property owners would submit to the Board (they are not trying to deny Mr. Frank the proper use of his property) that his ever-changing preliminary plan (as brought out by Mrs. Cox tonight -- his latest edition is as of today) they have not had an opportunity to have an indepth review of that. Mr. Mitchell did see it in Mrs. Cunningham's office this afternoon, but his clients have not seen it and their professional advisers have not had an opportunity to examine it. That plan, as well as the earlier renditions, are not compatible with the surrounding use of the land -- especially as to the density and the infusion of the proposed commercial uses. As the Board will see from the various presentations, this project is a total departure from the use that is currently existing in the area. Mr. Mitchell and his clients feel the plan in its present format will have a serious negative impact on the entire area from Darmstadt south to Highland School. Obviously, the developer wishes to maximize the potential profit of such a project. While it is true that the County Zoning Ordinance provides for some control over the development of the project thru the preliminary plan and later thru the detailed site plan, there are possible loopholes which may allow the developer to change or attempt to change the detailed site plan.

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The Plan Commission has the authority to modify a previously-approved detailed site plan when circumstances unforeseen at the time of the approval arise. Both Mrs. Cunningham and Mr. Frank read from the code those exact words. This means that once the preliminary plan leaves the jurisdiction and requirements and amendments that the Commissioners may make, they will no longer have any control over the development of the project save the review of the drainage plan later in their capacity as the Vanderburgh County Drainage Board. With the proposed high density and unknown commercial activity, the Board may be creating a transient type of environment which may eventually lead to the deterioration of the area...within the project, which may spill over into the community as a whole. There are many additional burdens which may arise. There will be financial burdens on the County government if the County needs to step in and furnish the necessities of communal living, which the developer may not adequately furnish. They would submit to the Board that such important areas of concern, such as the drainage facilities and a commitment to a proper sewage system with a definite plan for sewage that has been approved by the Utility Board, has not been obtained. While the developer is working and negotiating on a new sewer system and plan, the only such plan that he has submitted to the Utility Board previous to tonight has been turned down. There are a lot of unanswered questions and many concerns to be addressed this evening. The bottom line of all the area residents' concern is the potential diminishing quality of life if such a high density project is inserted into this low density area. They feel that there are enough unanswered questions and possible areas for change that the preliminary plan, in its present form, should not be approved at this time. They would ask that the Commissioners either vote against it or ask that the developers sit down with representatives of the area residents to see if a mutually viable and acceptable plan can be agreed upon. They would also like to have the opportunity to study in detail this modified preliminary plan, as presented tonight. Mr. Mitchell said he just recently had the opportunity to look at the revised plan furnished to the APC late this afternoon. Therefore, they have not had an opportunity to review it. This plan will also impact some of the technical statements made by some of the following people, who will speak tonight. These people will also need to study the new revised preliminary plan. Mr. Mitchell said he makes specific reference to the detail and excellent study that the Board had mailed to them by the Chief, Scott Volunteer Fire Department. The following individuals who will speak in the areas of certain specific concerns in the proposed order would be:

David Trapp, Chief/Scott Township Volunteer Fire Department
James Morley, Civil Engineer/James Morley & Associates
Mrs. Cheryl Krystoseck, President/Highland School P.T.A.
Jeff Deis, Resident of Kahre Lake Subdivision
Mike Mitchell (to address additional issues)

Mr. Mitchell said that at this point he would like to present to the Commissioners signed petitions of over 240 area residents. (Same were handed to President Willner.) The present plan, as amended, as to the scope of density and as to the commercial nature that has been proposed, he said he believes Mrs. Cox alluded to one part that has been deleted, but there is still another commercial part -- and Mr. Frank brought that out when he was addressing the Commissioners. Mr. Mitchell and his clients feel that Mr. Frank has not met the requirements of the APC with his latest revision and those will be specifically addressed during subsequent presentations. Mr. Mitchell called on Mr. Trapp, Chief/Scott Township Volunteer Fire Department for his presentation.

President Willner asked that the record reflect that a petition was received and he will ask that the secretary count those names and enter the number at a later date.

Mr. David Trapp approached the podium and stated that he is present to point out a few of the problems that the Scott Township Volunteer Fire Department will encounter if this plan -- as it is presented tonight -- goes thru. In speaking with Mr. Frank, he was told by Mr. Frank the units would be approximately 1,400 - 1,600 sq. ft. per unit. Taking 1,600 sq. ft. per unit in a 12-unit building, that gives the Fire Department 19,200 sq. ft. of building to protect. In a sustained attack for 30 minutes if it were made out of fire-resisting material, that would require 1,250 gallon per minute water flow. If it was made out of wood frame material, it would require 3,750 per minute water flow. On the 1,250 gallon per minute, two (2) engines could handle it. On the 3,750, it would take four (4) engines to handle this. This does not include any areial equipment or rescue equipment in the area. To give some idea of the manpower required on two (2) engines to fight 1,250 gallon per minute, it would be five (5) 2½-inch hoses. This would require fifteen (15) men on the hoses alone. On the wood frame at 3,750 gallon per minute, that would be fifty (50) 2½-inch hoses, or forty-five (45) men on hoses alone. That does manpower for search or rescue procedures. Mr. Trapp said he is just trying to give the Commissioners an idea of the number of pieces of equipment that

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would have to be in the area, the manpower, etc. On the plan submitted by Mr. Frank tonight, he has one main access road into and out of the area. In peak traffic hours, what kind of traffic congestion is the Fire Department going to handle? Can they get into the area without any problems? Insofar as water mains, Mr. Frank shows that water mains will be in the area, but he does not show the location or size of the hydrants. In the area of the patio housing and two (2) cul-de-sac areas, the water mains deadend. As everyone knows, the City of Evansville had complaints from the Holiday Inn re water pressure on a deadend hydrant. Mr. Frank does not show whether any of the condos or apartment areas will have access roads behind these buildings to even get fire apparatus into and behind the buildings to protect the structures and the people. Are the buildings going to have firewalls that extend above the roof line? Are there going to be any large openings thru the firewalls? None of this has been explained in anything he has seen. The Fire Department is not trying to stop this development, but it is concerned that it is developed properly and the Commissioners know what kind of traffic flow and equipment they would have should there be a large structural fire.

Commissioner Willner entertained questions from the members of the Board.

Commissioner Cox said there have been reports of low water pressure in the area now by some of the residents. Would the water pressure of the existing 12-inch water main be adequate? Mr. Trapp said it would be in a 12-inch water main, if it is under normal operating pressure. (The 4-H Center is under approximately 90-110 pounds of pressure -- and he believes a 10-12-inch main goes past the 4-H Center.) Mrs. Cox asked if Mr. Trapp did a study on the existing water main of how much water would be available? Mr. Trapp said he did not do a study on the existing water main; he just took it from manuals that the Fire Departments have to rely on as to what size main, what pressure to give the gallons per minute, etc. Mrs. Cox said this was one of her concerns, because of the low water pressure in the area. Mr. Trapp says he needs 1,250 gallons per minute or 3,750 gallons per minute, but would that water actually be there? That is what he needs. Her question is, what would be there now with the low water pressure that some people are experiencing in the area. Mr. Trapp said that it would not be there right now unless he could call the Water Department and ask them to boost the pumps to boost the pressure.

Mr. James Morley of Morley & Associates was recognized and approached the podium. He said he has performed an engineering review of the project area and will contain his remarks to a review of the data provided on the drawings presented. He said he was sorry he could not provide any update on the latest revision today, but he thinks several things are pertinent to this. In the area of drainage, a revised plan as requested by the APC, was presented back on January 10th. It shows the construction of a new retention lake in the southwest corner of the property (the extreme southwest). That serves to provide what was requested in that portion of the project for alleviating possible problems of an existing 40-inch culvert in the Cedar Hill Subdivision. There are still additional problems that have not been addressed. A couple of the lakes that exist on the property currently are located near the top of the hill and are not located in an area where they will actually serve the function of storm water retention that would be desired when you increase the run-off significantly. These matters can be solved; what needs to be provided on this development -- if it is to properly protect adjoining homeowners and landowners from problems of additional drainage -- is that an additional retention lake needs to be constructed in the northeast corner of the property where they have approximately 21 acres and that particular 21 acres is pretty heavily developed will go off on the Flittner property at the northeast corner. The second area relating to drainage -- now naturally there are increases in flow. If you didn't hold the retention lakes and use that, in some areas you would see an 87% increase in the flow down those particular watersheds. But with the retention lakes and the addition of one more in this specific area, that would solve the primary portion of the additional flow problems. There's another concern that happens during construction and that is the build-up of silt. There needs to be at the ravine in the southeast corner of the property a sediment basin constructed during the time that the work is going on in the development of that area. There also need to be two (2) in addition to the lake -- or a total of four (4) of these basins. These basins need not be permanent in nature; they could be temporary and once construction in that area was completed, then they could be leveled off and grassed over and returned to the natural surroundings. But they should be provided during construction.

In the area of roads, the only thing that Mr. Morley has to go by is the drawings that were presented to the APC the last time and a revised drawing dated January 10; there have been no revisions on the roads. The original presentation was for private roads within the area. Said roads were to be 22-ft. wide on the main entrance coming in and

18-ft. throughout the rest of the project. That's what he sees on the drawing dated January 10th. During the APC meeting, an approval vote was made with the stipulation that those roads would be made to County standards. It is the Commissioners who establish the standards for the County and Mr. Morley is certain that after a review of what is a reasonable mix between what can be afforded and the minimum safety requirements -- the Commissioners have come up with this. They have reduced this on a 1-sheet blueprint that is available in the Surveyor's and Engineer's offices -- and the standards are that if you have a roadway without curb and gutter, that 24-ft. is the minimum width. If you have a low traffic road, you can have 6-ft. shoulder. If it is higher traffic, an 8-ft. shoulder; and if it is a major collector, then a 10-ft. shoulder. Or, if you decide to go to curb and gutter, the roadway widths would be 29-ft., 36-ft., and 41-ft., respectively, based on traffic flows. Those traffic flows that the Commissioners establish for any other developer with a traffic count of 1-100 (that's the lowest category) with a traffic count of 100-400, they drop into the second local collector category, and in excess of 400-1,000, you go up into the major collector. This project has a traffic count in excess of 2,000 on the estimate by EUTS. Mr. Morley said he believes that the PUD provides enough traffic here to justify a street that is designed in accordance with that amount of traffic. If the standards or the plan have shown that 18-ft. and 22-ft. are satisfactory for the safety of the people, then we certainly need to get some revisions on these. Whether that road is publicly or privately owned doesn't have anything to do with what is needed for safety.

In the area of sewer service, again the plans were presented showing a 6,650-ft. forced main from the project area south to Mt. Pleasant Rd. at the Autumn Winds Subdivision. Mr. Morley had occasion to work on a project in Newburgh that involved a forced main 6,000-ft. long. It was the drainage from Green Springs Valley where it dumped into Newburgh and for years they have had tremendous odor problems. 6,600 ft. of forced main will cause septic conditions in the line; when it is exposed to the atmosphere you will have quite a stench in the area. For that reason, and perhaps other reasons, the Sewer Board rejected this on December 18th. Mr. Morley would assume that the developer intends to go along with something from the Sewer Board; but we have two revisions since the date of the December 18th meeting -- and yet, there is no change on the plans. All we still see is just a forced main. If the intent is to follow the recommendation of the Sewer Board and work out something insofar as a gravity sewer extended to Highway 41, fine. That will work; that's the way to do it -- the Sewer Board agreed to pay a portion of those costs. But if the answer is that this forced main is still a possibility, Mr. Morley thinks there are some bad effects going to happen because of it.

In conclusion, the last item to be discussed is water lines. There is nobody that actually requires a specific water line size. If the developer decides that three or four (3"-4") inch line is adequate in order to service just the domestic water supply of his development, he is free to put that in. Mr. Morley has gone to the State Fire Marshal on this previously. There is no such requirement. If he chooses not to provide the size of water line that is necessary for fire protection, that is his right. He may do that. There is no law that says "you shall run an 8" or 10" just because the local fire chief says that's what he needs.....no one is required to do that. Therefore, if nothing is stated on this plan, then you have no guarantee. As he said, each of those things can be added to this plan. Mr. Morley said he understands the difference between a preliminary plan and a final plan. Of course, he doesn't think we should expect any developer to come here with all his grades, his cut-and-fill quantities, slopes, and exact details of the dams and all the rest of the stuff -- but the basic entities ought to be shown. Are they getting water line sufficient for fire protection or aren't they? Are they getting a road that can be accepted by the public so the school busses can come in and people can freely traverse a road that fifty years from now they know there is a public body of the county to maintain it, and do we have provisions to control the erosion and the drainage on the site?

President Willner entertained questions from the Board. There being none, he recognized Mr. Mitchell who, in turn, called on Mrs. Krystoseck, President of the Highland School P.T.A.

Mrs. Kristoseck approached the podium and said she would like to address the impact that this proposed high density project would have on Highland School. The school is located south of the project on Darmstadt Road, but it does encompass the entire projected project area within its school boundaries. She is of the opinion that the type of project being proposed would be attractive to families that have young, elementary age school children and therein would lie the problem for Highland School.

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As a result of the recent redistricting, Highland is now a Kindergarten thru 5th Grade school. They presently have an enrollment population of 681 students, which makes Highland the largest elementary school in the city; in fact, if you look at recent figures, it is even bigger than some of the Middle Schools. Mrs. Krystoseck said she has the following breakdown, by grade, as it stands now insofar as enrollment goes. This will give some idea of the population distribution within the school:

Three (3) Kindergartens	- 122 students enrolled
Six (6) First Grades	- 100 students enrolled
Five (5) Second Grades	- 105 students enrolled
Five (5) Third Grades	- 129 students enrolled
Four (4) Fourth Grades	- 104 students enrolled
Four (4) Fifth Grades	- 121 students enrolled

These children are attending classes in a school that has not had renovation for years and one in which all available classrooms are being utilized, including the auditorium and stage area. An extra problem that Highland was faced with this year is the state-mandated implementation of the prime time program. Within this program class size is limited to 18 children per class in the first grade for the school year 1984-1985. During the next two school years (1985-1986 and 1986-1987) this program will be increased to include Grades 1, 2 and 3, which means that in those three years the class size will be limited to eighteen (18) children per class. For this current school, Highland has been able to comply with the prime time guidelines. However, the implementation of this mandated program for next year in all 1st and 2nd Grades has caused them to scramble a bit for classroom space. As a result, money that for sometime has been earmarked for cosmetic renovations of the current building is now earmarked for building three (3) classrooms to implement the prime time program. And these rooms are to be built in time for the beginning of the 1985-1986 school year. However, they feel that these three new rooms, added to the existing classrooms at Highland, would be adequate to meet the projected enrollment figures for 1985-1986. Mrs. Krystoseck said she would like to point out, however, that these projected enrollment figures do not reflect an enrollment increase that this high density project would generate, were it to be approved. If this project becomes a reality, she can foresee two (2) solutions to the Highland School problem. One would be to increase the funding to Highland School, both for renovation of the current building and to build more needed classrooms to house the increase in the enrollment. Or, redistricting. She said she does not believe that increased funding is a viable solution in view of the School Corporation's current building program. And, she -- for one -- wouldn't want to be the person to be responsible for forcing redistricting in the near future, taking into consideration the significant changes that were imposed in the schools this year. In light of the aforementioned, she urges a defeat of this Clearcrest proposal as it stands now.

President Willner entertained questions from the Board. There being none, he called on Mr. Mitchell who, in turn, asked that Mr. Deis (resident of Kahre Lake Subdivision) approach the podium to give his presentation.

Mr. Jeff Deis said he resides on Hillsdale Rd. in the Kahre Subdivision, which is approximately one half mile north of Clearcrest property. He said he'd been asked to represent some of the Kahre Subdivision property owners, voicing objections to the Clearcrest development as it is presented before the Commissioners this evening. They feel that this proposal would create an area drastically different from the existing community in two major areas: first, the density (which is continually being referred to this evening) and, secondly, the commercial development. Mr. Frank talked earlier about this being a rather low density project in that it is going to be phased in. He does, however, have the total plan in front of the Commissioners tonight for approval. Since they are looking at the total plan they must, therefore, look at the total effect of the density of the whole project. If you look at the town of Darmstadt in comparison (which is immediately north of Clearcrest) you're looking at approximately 1,300 people in over 3,000 acres. The Clearcrest project, depending upon which set of plans you're reviewing, has anywhere from 1,000 to 1,300 people in probably fifty (50) acres of land. That is not in comparison with existing density. When you look at this density there are some immediate problems going to come forward. The traffic has been mentioned. Mr. Frank talked about the traffic count of Darmstadt Rd. But Mr. Deis believes that is simply a reflection of the low density of the area that is now existent. With regard to schools, the student load is going to increase. We've heard from Highland. Thompkins is somewhat in the same situation. We've heard about the Fire Department's concerns and are also looking at Police Department concerns from the Town of Darmstadt. You're going to see that the Darmstadt-Scott Township Fire Department and the Darmstadt Police Service are going to be the first responders to any emergency in the project -- and that is going to leave the rest of the area without

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these services -- and that is a concern. Insofar as commercial development, to be honest -- Mr. Deis said he is not certain what commercial development is within this project at this point; based on the last plans they saw there were office buildings and commercial development. This is essentially a rural residential area. They have no idea what commercial development might go in there -- and that's a real concern. They do not support the development as it is proposed. They do support appropriate development of this piece of property. To them, appropriate means a density that is compatible with the existing area. It means no commercial development in there at all. In conclusion, representing their constituents, Mr. Deis urges the Commissioners not to vote for this plan as it is before them tonight. To the contrary, he urges them to vote against it.

President Willner entertained questions from the Board. There being none, he again recognized Mr. Mitchell, who said he would endeavor to wrap up the matter of concerns.

Mr. Mitchell said he'd first like to say that, "What you see is what you're going to get, and you're going to lose control unless you put in specific and detailed requirements that have been mentioned tonight regarding safety, traffic and the whole nine yards". That's either done by covenant, as proposed in the Ordinance; or it's done in Section 4 of the Ordinance. Mr. Mitchell said he doesn't think the Commissioners hearing a plan dated tonight, the Third Revision, with the same forced sewer mains, the same private road (50-ft. right-of-way, 22-ft. entrance) when the Plan Commission required County standards with 24-ft. to 30-ft. (and you heard Mr. Morley say what the minimums would be) -- still 18-ft. pavement as we go around into the "secondary inner roads". To him, none of these changes are what Mr. Frank said he complied with are shown on this revision of today. Mr. Mitchell thinks there are enough questions and concerns that this plan as it is presented tonight should be defeated or postponed and have it done properly so that the Commissioners know what they're going to get. They've heard about density; everyone is talking about high and low density. In pointing to visual aid, Mr. Mitchell said that outlined in red is the proposed project. The units, as related to residential acres -- he cited ratios for total units of acreage -- there may not be density in 111 acres if you put it in downtown Evansville, but out here in this area, you're talking about a lot of density crammed into 111 acres. Until you go out there and see it (and he knows these people have) -- you won't know what he is talking about. Mr. Mitchell said one of the Commissioners had mentioned trees. He then presented an aerial view -- showing the property before and after the proposed development. After the development of this project, there will be very few trees left. Mr. Mitchell said he understands that with tonight's revised plan the commercial comes out -- but whether some of those trees would be saved he is not certain. He also pointed out the retention basins----and the sediment basin that will be needed. Mr. Mitchell said these are some of the concerns the residents in the area have, based on what has been presented thus far. He said he knows that Mr. Frank has been making adjustments, but there has been no concerted effort where all concerned parties sit down and try to work it out to see if they can come to a common agreement. If they can't, to see how close they can come. He thinks that Mr. Frank, in dealing with some of the members of the Cedar Hill area -- they may be very close to coming to an agreement of using the revised plan. He is not certain and does not have the authority to address this. But he thinks Mr. Frank was surprised when Mr. Easley incorporated certain changes -- but Mr. Easley probably wanted to show what the effect would be if they did come to an agreement with some of the Cedar Hill residents. That is why Mr. Mitchell is concerned about labeling the roads "private" roads. If they could still be private roads if they're county standards (and that was posed by the APC, whether you can accept or don't have to accept a recommendation from the APC of having the roads county standard). But if they are private, how will school busses go back there? School busses won't go back on private roads in a big subdivision like that. You don't get mail delivery. You go into any subdivision where they have private roads, you'll see the mail boxes all lined up at the entrance and the kids all walk up to the main road. So there's a problem with that. Unless there is detailed covenants of record, the people aren't going to know who is going to maintain those roads. How many times have the County Commissioners had people come to them and say, "Hey, our roads are deteriorating." The Commissioners would look at them and say, "Wait a minute; they weren't built to county standards." With regard to the golf course; Mr. Frank said the golf course is a sure-fire bet -- everybody likes to be around the golf course. The way this is chopped up -- he does not know whether or not the golf course would go. It hasn't gone with all the other types of events trying to make it a going concern -- and if it doesn't go, how are they going to maintain a golf course that cost \$7,000 - \$10,000 per hole to maintain? That's a lot of money. Are they going to assess the condo owners? Or, how are they

going to raise that money if they haven't been able to do it before?

Mr. Elvis Douglas of the U.S. Soil & Conservation Service has some great concerns about the erosion out there. Mr. Mitchell said he won't address the septic problem, because obviously we're talking about sanitary sewers. But there'd really be some problems if the septic system went in. Therefore, the Commissioners really need to take a hard look at Mr. Douglas' report.

With regard to condominiums, we've flipped from apartments (the night he saw the first plans) to condominiums.....from the original preliminary plan to the first revision. He understands they can still be 1,200 sq. ft. or 1,400 sq. ft. But, are they really going to be owner-occupied? Or, are they going to be condominiums where some will be sold; the developers will own them and lease them out and then we're right back into really an apartment situation. Mr. Mitchell said he would submit that the APC has no ultimate control over pure condominium development -- and that falls under the Indiana Horizontal Property Act, and that involves a lot of paperwork, developing, recording, etc. down the road. Whether or not the uses, the conditions, the covenant, restrictions for the condominium owners will develop or not remains to be seen. What would prevent later on the re-labeling of the preliminary plan when you get to the detailed site plan flipflopping back to apartments, as long as the buildings are still in the same locations, the square footage is still the same, they are still 2-stories high, you have the same thing -- except we're talking about the use and the ownership... the type of ownership -- and that makes a big difference. According to our ordinance, that would be consistent with the preliminary plan. So, the ordinance (and he thinks it's an excellent way of zoning certain properties) -- but when they say the preliminary plan must be consistent with the detailed site plan, then we get into semantics. Mrs. Cunningham says that "consistent" means "the concept". If it's the concept and the Commissioners pass it as a preliminary conceptual plan, after tonight (as Mrs. Cunningham said) the Commissioners' jurisdiction "terminates" -- that's the word she uses. It's over with. Unless those protections are built in as Mr. Mitchell has highlighted in the PUD code, as to covenants, specific requirements that the Board words to put into Section 4 of the zoning ordinance (if they do decide to pass this in the form it is in) -- then if they don't do that, they're going to have a real problem, a serious problem. He thinks the Commissioners need a lot more detail and the plans have to be brought back to them. The proposed entrance on Briar Lane (commercial) -- it's on a blind curve -- drive it. Drive down Darmstadt and double the traffic during peak hours on Darmstadt and see where you can pass -- where the double and single yellow lines are. Mr. Mitchell said he's had to drive his partner home when his diesel freezes up. That's a hairy road. Mr. Mitchell said he goes home via Stringtown every night. At Cardinal Drive it's 40-ft. wide. When you get to the bridge it narrows, but not near as much as the secondary road. They call the Newburgh Road "secondary". If Mr. Mitchell is not mistaken, that's an old state highway. Darmstadt Road isn't. Mr. Mitchell said he believes the Commissioners need to review the zoning code in light of what they have before them and he would only say that he thinks that Mr. Frank is trying to get closer. He doesn't think he's close enough yet, by any stretch of the imagination. The latest revision shows that the developer either does not intend to comply with what the APC asked and required, or he is not going to do anything unless it is mandatory. The Commissioners are the ones to make it mandatory. If they don't require all the protection that is needed in advance on the preliminary plan -- they won't see it, he guarantees it. He said he is not saying this as anything against Mr. Frank. But if were a developer and is not mandated to put that on there and he gets it by and has the concept and then he goes thru all the other boards and around the mulberry bush and gets things done -- he's going to do it in the least expensive way he can -- and still have what he wants. And he believes that is a genuine concern. If you get 3-inch water lines in the area of the dotted lines on the plan presented, you won't have any fire safety.

In conclusion, Mr. Mitchell said he would ask that all of the remonstrators present stand at this time.....and they complied.

President Willner asked if there were any other remonstrators present who wished to address the Commissioners at this time? He subsequently recognized Bill Jeffers, who approached the podium.

Mr. Bill Jeffers, said he comes to the Commissioners as a resident of Center Township in the county. The reason he is here is because no one else seems to be here to speak for the project. We saw a show of hands of all those who are against the project. He asked for a show of hands of those against the project who live in Center Township (the majority raised their hands). Mr. Jeffers said he is not going to say that he

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is totally for the project. However, he would like to point out a few things. All the remonstrators (including their representatives) say basically that the bottom line is the scope of density, the commercial use, and the integrity of the surrounding area. Historically, this entire county at one time was populated by Indians. He doesn't want to get too far off the subject; but he's sure when the mound builders came along that those people who lived on mussel shoals (and there were plenty of them because there was a mussel bank six feet deep down the side of the hill up at Newburgh) would probably throw a fit and say that their integrity was being upset by these people who threw up big mounds of dirt. Then came the French, who held this particular piece of real estate for about 200 years (and he's sure that the Miamis, Piankashaws, Weas, Ojibwas and Shawnees.....didn't like that too much). Then the English took it from the French. The Virginians took it from the English, etc., etc., right down to the point of the Northwest Ordinance, which set up an organized method of dividing up the property to be deeded to legal landowners. The Congress said that prior to 1836 (from 1787 to 1836) you could buy one section of land (640 acres). Most of the people who bought it were speculators. Then Congress saw a need to lower that to 160 acres or 1/4 sections after 1836. People still couldn't afford it, so they came in after 1842 and lowered it to one half a quarter section which was 80 acres. Congress still saw that more people wanted land. Prior to 1836, the majority were English, Scotch, Irish. After 1836, they started having German immigrants, who were primarily farmers who couldn't afford eighty (80) acres, so they began buying forty (40) acres. For approximately the next one hundred years, the area we're talking about was agricultural. Now we're getting to the point where you really do need creative use of land. We've seen it on the east side, we're beginning to see it on the west side; and I believe the time has come that we need to begin to see creative land useage on the north side. Mr. Jeffers said he's not one hundred percent for this particular development. He is for it if the Commissioners and the APC can control it and can make certain that the integrity of the surrounding community is preserved, along at the same time realizing that the need for this creative land useage is there. One of the main things that people here tonight are complaining about is commercial development when, in fact, from the city limits of Darmstadt south there is at least one greenhouse left that commercially grows vegetables for sale to supermarkets. There is a machine shop (I believe there are several people here from Kahre Sub and Mr. Kahre, himself, has a commercial establishment at the entrance of Kahre Sub) and there is a small gas station and grocery store south of Wortman Road. Mr. Jeffers hasn't been out there to really check all the commercial establishments -- there may be more. The density, according to EUTS, would create an additional 2,000 cars per day added to the current 2,184 or 2,200 -- for a total of 4,200 cars per day. As Mr. Frank (whom he's never met) pointed out, this is much less than several of the roads. He mentioned Newburgh Road, which the counselor for the remonstrators says was an old state highway. That's true. Mr. Jeffers said he believed that Darmstadt Rd. was previously called the Old Evansville-Owensville Rd., which was an old state highway, as was Old State Road, which was the state road to Princeton which originally began at the head of Main Street and went to Princeton, Indiana -- that's an old state highway. Whether this commercial establishment, which he believes will be a golf pro-shop will really hurt the integrity of that community he can't say. The same thing happened out at Oak Meadow Country Club, where they developed a creative form of land use. The only complaint that he has about Oak Meadow is that it is not in Center Township -- it's in Scott Township; therefore, it did not affect his taxes by lowering the tax base. This particular development proposed will affect his taxes, which will raise \$17.00 by the parks department and so much for the airport, etc., etc. He would like to see development in Center Township that would lower his tax base. Mr. Jeffers' daughter goes to Highland School. She's in the third grade -- and that's the largest grade at the school, with 129 students. Her schoolroom is in the basement next to the boiler room and, therefore, he assumes that is one of the classrooms created to handle the overload, with no windows, etc. He agrees with Mrs. Krystoseck of the Highland School P.T.A. in that they would have to have an increase in funding. Insofar as redistricting goes, that may become a necessity. He does not disagree with the redistricting which occurred this year. As a matter of fact, he believes that the influx of Thompkins' children into Highland created a broader base cross-section of economic groups and will help his daughter understand types of people other than those who just live north of Campground Road. However, he would not like to see another disruptive redistricting in the next two years, so he would support increased funding if necessary. Mr. Jeffers said he cannot argue with Mr. Morley at all; he's a well-known engineer in town and he would urge the Commission to take into account every suggestion he made. Further, to look at these roads as county-acceptable roads, because all of our offices up here receive many complaints from residents who are not aware that they bought a piece of property on an unaccepted road.....and there's nothing we can do for them. But he does urge the Commissioners to look at this as a creative form of land use and work with the developer

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to help the county create jobs and lower the tax rates.

President Willner entertained questions from the Board concerning Mr. Jeffers' presentation. He then proceeded to ask if anyone else present wished to speak in favor of the project?

Mr. Earl Woodall of Andy Easley Engineering, Inc. approached the podium. He said he is getting just a little confused. He thinks that if he is not mistaken that the main purpose of this meeting tonight is to either approve or disapprove the zoning. That's the reason for the preliminary plans. As pointed out by Mrs. Cunningham, the preliminary plan can be rather rough and it seems that several people apparently want the developer to spend money for finalized, detailed planning of various aspects when he doesn't even know if he's going to get the desired zoning. Mr. Woodall said that in some cases here, he thinks we're tending to get the horse perhaps a little ahead of the cart.

Mr. Trapp is bringing up things here other than water lines that are handled by the state and local building codes, insofar as firewalls, types of construction, etc. This has to be addressed at the time the final construction residential plans are drawn. There is no way they're going to do it at a meeting like this. As to Mr. Morley -- basically, he is saying that silt retention basins, road standards (he'll let Mr. Frank talk about the road standards)-- but, obviously, the final development plans have to address themselves to all of the requirements that are required by law period. This has to be done on the final development plans -- not on the preliminary.

As to Mrs. Krystoseck and the schools, he cannot address this at all except to say that apparently the Vanderburgh School Corporation has for the past few years witnessed a reduction and drop in total enrollment, if he is not mistaken.

We talk about density; true, this is more dense than some areas around it. But with 331 proposed dwellings in it, it is not a high density project in 111 acres. It is not high density by many people's reckoning. Again, he thinks we are here for a zoning, basically. He is certain that the Commissioners can, if they choose, attach conditions to it and they should if they see a need to. Mr. Woodall said that is basically all he has to say. Mr. Frank may want to address the roads. There is no intention here, as he understands it, on the final road design to deviate from the quality standards of the Vanderburgh County requirements. They're simply talking about width -- not the right-of-way, but the width of the finished pavement. If he intends to maintain the roads as a privately-maintained road, that is one thing. If something would happen that the county would be forced to take them over, if they're built to the quality standard which they would require, if you'd have a narrow width you may have less maintenance costs than you would if they were made wider. We're talking about width; Green River Road north of Morgan Avenue is 18-ft. wide. Mr. Woodall drives it a lot and it carries a tremendous amount of traffic. Mr. Frank is proposing an internal street of a width equal to the width of the current Green River Road area north of Morgan Avenue. Forty-five (45) miles per hour is the current speed limit on that road; it is seldom obeyed. Most people are pushing fifty (50) MPH or perhaps higher.....unless traffic is backed up to the stoplight at Morgan. So we're talking about width of the road -- not quality.

President Willner queried whether any other remonstrators wished to speak; he thought he saw someone indicate that they wished to do so.

Mr. Mike Burgdorf, General Manager/Ohio Valley Homes, approached the podium and said he wants to say a couple of things that Mr. Frank might be reluctant to say. Over the past thirty (30) years there has been no one in Evansville anymore successful in residential development than Mr. Frank. He has invested millions upon millions of dollars in this local economy, providing countless jobs. This is a case of local men investing local money in our local economy. Clem does not ask for Economic Development Bonds, Federal subsidies or other non-local assistance. He has faith in Evansville and he shows it. He maintains in his employ professional engineers, draftsmen and other trade-related professionals. In addition, on this project he has enlisted the services of Andy Easley & Associates to further insure the workability of this project. Mr. Burgdorf said he has to agree that these homes will not be private monuments, but they will exceed by far the last PUD approved by this county. Ohio Valley Homes could develop this land into a highly-exclusive subdivision to satisfy the surrounding landowners; but who'd buy? Evansville has always been a labor town and not a resort community. Mr. Burgdorf said he feels as others do here tonight

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that it would be a very short-sighted view of Evansville's future not to approve this project. (There was extensive applause as Mr. Woodall completed his comments.)

President Willner asked if Mr. Frank would like the opportunity to speak further. Mr. Frank approached the podium and said that what he read in the proposed zoning ordinance at the beginning -- "that all of this development has to be approved by the different agencies". In regard to the streets, he was assuming that it would be up to the County Commissioners to decide what width streets they wanted and that this would be incorporated along with the other things necessitated by the zoning code in the final plans that would be presented to the APC at that time---which he has a year to present to the APC. That would include the Fire Department regulations, drainage facilities, recreational areas, lots, buildings, constructions, in general. Mr. Frank said he believes all of this is very clear right in the zoning code..... which is why he read this at the beginning of his presentation, in hopes that it might clarify the questions the remonstrators had in regard to those items. Mr. Frank said he does have one other thing to present. He has some 2,000 signature cards of people in favor of this zoning. (Cards were presented to President Willner.)

President Willner asked that the records show that there were eighty-two (82) standard form remonstrants on high density and commercial use and 240 names on a signed petition for too high a density and commercial use. Also, let the record so state that there were two thousand (2,000) by Mr. Frank's estimate -- signature cards from people in Vanderburgh County who wish to approve the zoning.

Mr. Mitchell was recognized and, again, approached the podium. He said he agrees with Mr. Frank that he is up here for rezoning, but if the Commissioners do not address these specific issues and don't make requirements tonight and put them in there -- you won't see them. Mr. Woodall was speaking of widths; widths deal with safety. There is no regulation that requires 8-inch lines to go into this project for fire protection -- not one -- the state or any local agency -- can enforce that. These are the kinds of things that once it leaves here tonight, unless the Commissioners enforce them and put them in there and really have the input from all the county's professional people as to what can and can't be put in and what authority the Utility Board has and what authority the Commissioners as a Drainage Board have and the authority of all these other agencies, they'll be surprised at how little would have to go in once it leaves here tonight unless the Commissioners address these issues.

President Willner asked if Mr. Mitchell had ever had a subdivision where he did all of this prior to getting his zoning? Mr. Mitchell said this is a little different from a subdivision. Commissioner Willner said a subdivision could go into 111 acres and we'd have much higher density. Commissioner Willner said there is a problem here with what Mr. Mitchell is saying. Mr. Mitchell said the same problems at higher density would be even magnified by water and safety, traffic, sewage, type of roads, etc. Commissioner Willner agreed that this is true.

Mr. Woodall again approached the podium and said the thing of "commercial" keeps coming up. Perhaps Mrs. Cunningham can enlighten him on this. But, if he understands it correctly, the existing golf clubhouse and pro shop is going to have to be rezoned to the proper commercial zoning. Commissioner Willner said the pro shop does not have to have a commercial zoning, because it goes with the golf course and that's agriculture and they stay that way. Mr. Woodall said does not the clubhouse where the restaurant located have to be rezoned? Commissioner Willner said that in order to change the static appearance of the building it must be zoned commercial. It may stay the same -- non-conforming use that it is today, is that correct? Mrs. Cunningham said that if it were added onto it would have to be changed. Commissioner Willner said that as a practical matter -- with what Mr. Frank is proposing here, it is entirely possible in fact, almost guaranteed, that the existing clubhouse is going to have to be at some time renovated and improved. Mrs. Cunningham said it may be remodeled, but not added to. Mr. Woodall said it may have to be added to for the success of this total development, in which case it would have to be commercial zoning. Mrs. Cunningham said the Commissioners could put any limitations on that commercial zoning that they choose. President Willner said that the plans are saying a restaurant and a clubhouse could be.....Mr. Woodall said he is certain they want to bring it up into conforming use as part of theis that not Mr. Frank's intent? Is his intent to bring the restaurant-clubhouse up to conforming zoning use? Mr. Woodall said there are no problems if they put a use group condition on that in case they want to add to it or whatever.

President Willner said we have now heard from the proponents and it is now time to hear from the Commissioners. He asked if Commissioner Cox has any comments?

(continued)

Commissioner Cox said she doesn't have anything to add; she thinks it's been covered well on both sides and she personally wants to thank the proponents and remonstrators for the type of reports and discussions held tonight. They are all to be commended. She has been in a lot of large meetings like this that got completely out of hand and which had a lot of emotionalism. Again, she thinks all are to be commended from both sides for the type of information and the way in which it was presented. She feels very confused tonight; she's heard three different people involved directly with the project quote the number of possible units that are supposed to be on here. She's heard the remonstrators quote another number, which they think is going to be on here. And, just receiving this revised plan tonight, she personally does not feel that she could conscientiously make a vote that is necessary for a project of this magnitude at this time.

Commissioner Borries said he wished to echo Commissioner Cox's comments concerning the conduct of everyone in this audience. They are certainly to be commended. He realizes that we have now gone for two (2) hours, so he'll try to make his remarks brief. It seems that one of the most difficult decisions that you have to make when you get into government -- particularly local government -- and get nose-to-nose with your constituents is the aspect of change; especially change as it affects you and your property. He lives near a PUD (planned unit development) on the east side (Indian Woods). It is within 2-3 houses of where he lives. It has been a good development. Industrial Contractors constructed a retention lake there that is served by storm sewers. It is in its first phase and it is a good development. It has provided not only jobs but housing for people on the east side who need that housing. Again, he would like to make his position clear that he is not opposed to development -- and he thinks it's important for all residents to understand here that we're all here for the same purpose. We do have some communication problems yet that we're going to have to solve and he would at this time want to, again, say that all we have to do is look in the mirror and see how things change. We're talking about change here in the Darmstadt area; we're talking about the progress and we're talking about the future -- and we all want it to be as good as possible. He said he wants to say this in Mr. Frank's defense as well, because certainly a person who is going to put up sizeable amounts of money -- he is not asking for economic development bonds, etc. -- which have been of major concern as reported in the media, and we're in the communications process here that is still being revised. Mr. Frank's plan (the one the Board has been looking at tonight, which not all of the others in the room have seen) has not been studied and not been looked at -- and perhaps there are problems that need to be worked out. Commissioner Borries said he does not know whether Mr. Frank will accept this, but he would like to consider deferring this for thirty (30) days to look at the concerns of the remonstrators to allow Mr. Frank further study of those concerns in this matter -- to perhaps look at limiting the phase or the stage of development to see what Mr. Frank can do. He says he can do a lot -- and this is going to be a quality development. None of us here have a crystal ball and can look into the future and say that that is not true -- that this will not be a good development. Commissioner Borries would like to see this limited to Phase I. Phase I has been altered on Mr. Frank's plans the Board has seen today. If Phase I would go thru (which would be considerably less -- some 50 acres) then perhaps the entire development -- then maybe we could see some clear cut changes and could perhaps evaluate what we're seeing here. Again, the golf course is already in place and would be in that part of Phase I. He'd like to see that considered. He'd like to see the issues of streets considered because, as elected officials, the Board feels they have those responsibilities and want to address them. The Commissioners are not all technical people; but what we're talking about here in terms of density, the remonstrators have to be realistic here also and say that this is not all going to happen at once -- there's not going to suddenly be 1,300 people appear out here. We're at a point where we've talked and tossed around as much density here as trouble we're having counting votes in this county, so he is not willing to say exactly how many people are going to be here at one time. But he does think the motives of everyone are clear -- and he wants to commend everyone here. We're all looking for a quality development, the best kind of development -- looking at it realistically in that something is going to go in here. Some letters were received saying people wanted things to stay in their natural habitat, etc. Commissioner Borries said he also happens to be a believer in limited government -- and he can't tell other people -- you, for example -- how to use your property, except to be a good citizen and except as a role in government, the Commissioners will try to maintain the public rights-of-way and try to do their job from that standpoint. If they don't, they have to come up for re-election every four (4) years and that is the decision of the residents.

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Commissioners Borries said, "Let's work together on this!" He'd like to give the Commissioners thirty (30) days to further study this particular thing. He'd like to see some consideration given to limiting this to Phase I, the concerns addressed by the Fire Department and other technical people who have brought these concerns out -- and see if a decision can be reached within thirty (30) days. Again, that would be if the people could again attend and would like, at that point, the Board would certainly encourage their input. That would be meeting scheduled for Tuesday, February 19th.

President Willner asked that this thought be held and he'd entertain a motion momentarily. However, first of all he'd like to say that the Board will have the last set of drawings presented available at the close of this meeting in the room adjoining to the right of the Council Chambers. He does not believe that any of the remonstrators have seen this version. He is of the impression that the Phase II part of the southern part of this property -- as he is looking at it now -- is very good. The density has been reduced; he is not certain whether Mr. Frank has received a definite go-ahead from the Cedar Hill development. Commissioner Willner thinks, too, that he should be given time to work that out if possible. But what he is looking at is certainly a workable and a good solution. He thinks the Commissioners need to say that no development will take place on this piece of property without sewers being in place of sufficient capacity. They are not engineers; all they can say is, "Yes, we'll have sewers that will work." And, that is about as far as they can go. The retention basin is quite desirable -- there's been a change. And when Phase II is implemented, then we need to look at the other retention basins. He thinks the Board is agreeable with most everything the residents said. He believes it is the consensus of opinion that everybody wants to see this development if it is done properly -- and that is what we're here for. If there are no further questions, he will at this time entertain a motion.

Commissioner Cox said she has a question. Commissioner Willner was referring to Phase II at the southern end of the development. President Willner said he was referring to Phase I. And, when Phase II goes in -- the Board needs to look at the retention in the east portion. Commissioner Cox said that, personally, she would like to see this postponed, permitting an opportunity for the parties to get together and discuss the plans. Again, personally, she would not like to see this developed in phases. She would like to see an overall development for the entire area, because you can't cut drainage and everything off at a line here that shows a division between Phase I and Phase II, nor can you divide streets and patio homes on both sides of them, etc. Therefore, she certainly feels that the Board of Commissioners should look at the total project. How Mr. Frank decides to develop it, of course, would be economically feasible for him in phases; but the Board should look at the project in its entirety.

President Willner entertained a motion concerning VC-15-85. Motion was made by Commissioner Borries that VC-15-85 be continued as a Third Reading until the next evening meeting of the Vanderburgh Board of Commissioners, which will be held on Tuesday, February 19th at 7:30 p.m. A second to the motion was provided by Commissioner Cox. President Willner asked for a roll call vote:

Commissioner Cox	-	Yes
Commissioner Borries	-	Yes
Commissioner Willner	-	Yes

The roll call vote carried unanimously in the affirmative. So ordered.

A remonstrator in the audience requested permission to speak, and President Willner asked that he approach the podium and state his name. Mr. Ward Peyronnin said that he is a future resident of Cedar Hill Subdivision. He said there are people here from Darmstadt Road, Kahre Lake Subdivision, Briar Lane, etc. While everyone is here, he is going to use this as a public forum to suggest that they get together and decide on some representatives (no more than 4-6) to act as a body if Mr. Frank will meet with them -- because he has indicated that a large meeting (40-50 people) is not workable and not within his power to handle. In order to get both sides together, they need to meet with Mr. Frank and work together and decide on something and come back in thirty (30) days to see what happens. Commissioner Willner said he certainly agrees, and expressed his appreciation for Mr. Peyronnin's comments.

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President Willner announced that the Commissioners would take a five (5) minute recess, following motion from Commissioner Borries, with a second from Commissioner Cox. So ordered. (Meeting recessed at 10:00 p.m.)

RE: BUILDING COMMISSION - ROGER LEHMAN

The meeting reconvened at 10:15 p.m., with Mr. Roger Lehman of the Building Commission presenting demolition bids for the Board's approval. He asked if the Board is familiar with informal bids? -- no bid bond, no non-collusion affidavit, etc.? These are invitational bids and there are really no restrictions. The Board replied in the affirmative.

2405 N. Grove: Property is owned by John Evans. The owner came to the Building Commission office at the end of last week and obtained a wrecking permit and agreed to have the project completed by February 28th. The Building Commission asks that on this matter that the bids be read into the minutes and taken under advisement until February 28th. At that time, if the property has not been substantially taken care of, then the Building Commission will come back and ask permission from the Commissioners to complete the project.

Motion was made by Commissioner Cox that county attorney representative, Mr. Neils Hansen, be instructed to open the demolition bids received. A second to the motion was provided by Commissioner Borries. So ordered.

RE: COUNTY SURVEYOR (Absent)

President Willner said that County Surveyor Robert Brenner had submitted his Weekly Bridge & Guardrail Report for period 1/14/85 thru 1/18/85.....report received and filed.

RE: COUNTY HIGHWAY DEPARTMENT - BILL BETHEL (Absent)

Weekly Absentee Report: The Weekly Absentee Report for employees at the County Garage for period January 14 - January 18, 1985 was submitted.....report received and filed.

Weekly Work Report & Work Schedule: The Weekly Work Report for employees at the County Garage for period January 14 - January 18, 1985 was submitted.....report received and filed. Attached to the Work Report was the following Work Schedule:

1/14/85 GRADALL: Cleaned Ditches - Old Lower Mt. Vernon Rd.
GRADERS: Baseline Rd., Swope Rd., and Day Rd.
TREE CREW: Broadway and St. Wendel Rd.
PATCH CREW: Barton Rd., Buente Rd.
HAUL ROCK: Baseline Rd.

1/15/85 GRADALL: Fischer Rd., Installed tile.
GRADERS: Baseline Rd., Schroeder Rd.
TREE CREWS: Broadway, St. Wendel Rd.
TRASH PICK-UP: Lynn Rd., Weinbach/Emptied barrels in shop.

Put up mail boxes that were knocked down with snow plows. Built barricades.

1/16/85 GRADALL: Fischer Rd., Schroeder Rd - Cleaned ditches
PATCH: Mesker Park Dr., Old 460, Old Princeton Rd.
TREE CREW: Broadway, St. Wendel, Dog Wood Lane, Baseline
GRADERS: Old Green River Rd., Trapp Rd., and Armstrong Rd.

1/17/85 Snow Removal and hand salt.

1/18/85 Snow Removal and hand salt.

RE: COUNTY ENGINEER - ANDY EASLEY

Mr. Easley said that he doesn't have anything that cannot wait until next Monday's meeting. Commissioner Borries advised Mr. Easley that perhaps it should be entered for the record that he, along with Commissioner Willner and County Surveyor Robert Brenner, did attend a meeting in Indianapolis regarding the Morgan Avenue Bridge,

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which issue has apparently been resolved. Further, Commissioner Borries suggested to President Willner that the Board would ask Mr. Easley to now review the proposals received concerning bridge inspections in Vanderburgh County and that said proposals (which came in yesterday) be referred to Mr. Easley for his expertise. Mr. Easley said that he and Mr. Gerard will review those tomorrow and have their recommendations ready for the Commissioners at their meeting next Monday.

President Willner also requested that Mr. Easley prepare something in writing for the record concerning the trip to Indianapolis to discuss the Morgan Avenue Bridge. Mr. Easley agreed to do so.

RE: BUILDING COMMISSION - ROGER LEHMAN

The meeting proceeded with the Board again directing their attention to the demolition bids. President Willner said he wished to acknowledge Mr. Neils Hansen, who is representing the County Attorney's office at tonight's meeting. He has now opened all the invitational bids re demolition. Mr. Hansen read the following, pointing out that three properties are involved: 2405 N. Grove Rd., 2407 N. Grove Rd. and 2813 N. Grove Rd. Bids were received from three (3) firms.

	<u>Deig Bros.</u>	<u>Art's Remodeling</u>	<u>Crowe Wrecking Co.</u>
2405 N. Grove	\$ 400.00	\$ 480.00	\$ 450.00
2407 N. Grove	200.00	520.00	300.00
2813 N. Grove	500.00	870.00	550.00

Mr. Hansen said he submits these bids for consideration. President Willner asked if he could have a motion to take the bids under advisement? Mr. Lehman said that if the Board could do this on a case-by-case basis, that would be acceptable. Commissioner Borries moved that all bids be referred to Mr. Lehman for one (1) week for evaluation purposes as to low bid on each item, with instructions that he return to give the Commissioners a report at next week's meeting. Mr. Lehman said he is prepared to make a report and ask for an extension on a couple of the properties. A couple of the owners are present at tonight's meeting. If he could address these on a case-by-case basis and that would be acceptable to the Commissioners, he would appreciate it.

2405 N. Grove Rd.: The owner was in the Building Commission Office last week and obtained a wrecking permit and agreed to have the project completed by February 28th. That would be acceptable to the Building Commission, as they probably couldn't get it done any faster themselves. Therefore, they request that the Commission postpone this one until March 4th. At that time, if the job is not completed, they would return and ask that the bid be awarded. If it is completed, then they would just write it off. Commissioner Cox said she has a question. Is there a length of time on these bids? Mr. Lehman said the general policy has been 60-90 days and they have extended them further. A lot of the bidders will extend them by 60-90 days; some don't. As a practice in the office, they will work with us for six months to a year if they have to. Commissioner Cox said then that the bids would be good? Mr. Lehman said that if the matter were postponed that long, they would be good. Mr. Hansen said the only one with a limitation on it is Crowe Wrecking, which states that the bid is good for sixty (60) days and will be withdrawn if not accepted within that period of time.

Motion was made by Commissioner Borries that 2405 N. Grove condemnation be postponed until March 4th. A second to the motion was provided by Commissioner Cox. So ordered.

2407 N. Grove: This is the vacant lot adjacent to the 2405 N. Grove house. Mr. Lehman has not had contact with the owner (who lives in Arizona). She asked that when the bids were opened that he notify her of the bids and give her an opportunity to proceed on her own for a couple of weeks. What Mr. Lehman would like to do on this one is take the matter under advisement until February 11th, which will afford him the opportunity to contact the owner and let her know the cost, for her to contact the contractor if she so chooses and make arrangements for them to get the job taken care of on their own -- to save the Building Commission paperwork and time. Motion

(continued)

was made by Commissioner Borries that the condemnation be postponed until February 11th. A second to the motion was provided by Commissioner Cox. So ordered. It was noted however, that the Commissioners' meeting will be held on Tuesday, February 12th, due to the office holiday on the 11th (Lincoln's birthday). Motion was amended to make the date February 12th. So ordered.

2813 N. Grove Rd.: Mr. Lehman said that Mr. Richard Mettle is the owner, and he is here this evening. His first contact with Mr. Mettle was in September, 1984. The owner agreed to clean up the property and raze the structure, remove the cars, etc. He has cut the weeds and removed one of the cars and gotten the cats out of the house. The house is still as is and one of the sheds has fallen half way down and another one is in a questionable condition. Mr. Mettle is here tonight for purposes of making a statement. Mr. Lehman said the Building Commission's position would be that the house and the sheds do need to come down and the other car needs to be removed. They would like to see this done as soon as possible.

Mr. Mettle approached the podium and identified himself. He said he would like to tear down the subject buildings himself. He has quite a bit of sickness in his family. He had a heart attack and his wife is very ill -- taking chemotherapy. He would like to have as much time as he can to accomplish the work. He does have a man who will help him tear down the structures.

President Willner asked Mr. Mettle what kind of time limit he is asking? Mr. Mettle said all he has is a pick-up truck and he would have to discard what is torn down. He does not know how long it will take him, but he will work on it constantly. With the weather like it is currently, he would appreciate as much time as possible.... for instance, a couple of months?

Commissioner Borries said that considering the weather and Mr. Mettle's condition, he would request that Mr. Mettle be given until Monday, April 1st, and a report be given to the Board at that time. A second to Commissioner Borries' motion was provided by Commissioner Cox. So ordered.

Mr. Lehman asked if, for purposes of clarification, it is to be completed at that time? The Board replied in the affirmative.

President Willner asked that the record show that if the work is not completed at that time that, without his coming back to the Commissioners, that Mr. Lehman proceed to order the wrecking to be done? Commissioner Borries said he would ask that Mr. Mettle report back to the Commissioners if at all possible. He advised Mr. Mettle that the Commissioners want to work with him; they don't want to hassle him because they understand he's had problems -- but they need to work together. Mr. Lehman has a job to do and so do the Commissioners. Mr. Mettle expressed his appreciation to the Board and to Mr. Lehman. Mr. Lehman advised Mr. Mettle that he should come to his office to obtain a wrecking permit, and in response to Mr. Mettle's query, he indicated there was no charge on a condemned house. If Mr. Mettle has the work completed by April 1st, then he does not need to come back....and Mr. Lehman will be checking with him.

6616 Upper Mt. Vernon Rd.: Mrs. Carma Huck and her son are here tonight. There is a condition out there that has been a problem over the years -- due to a lot of personal problems with Mrs. Huck, the estate of her husband, etc., etc. Mr. Lehman said the bottom line is that the house, cars, everything -- are in unacceptable condition by code and to the neighborhood. Tonight, he is basically dealing with the cars which are sitting out there. Mrs. Huck has gone to some lengths to get them licensed and to get insurance on them and get them operable to a state where they will fall within boundaries of the county code. She does have a question as to whether or not she can use a cover to cover the vehicles -- and if that would meet the intent of the county ordinance which states that "cars cannot be visible from public ways" -- whether a car covered by a tarpaulin is not visible from public ways.

Mr. Lehman presented the following letter from Mrs. Huck's attorney to the Board for their perusal:

January 21, 1985

Roger Lehman
Building Commissioner
Evansville, Indiana 47708

(continued)

Dear Sir,

I have attempted to reach you by phone to ask your assistance and patience with my client, Carma Huck. She has endured a lengthy legal battle to establish ownership of her home and will be directing her energies and income to improving the place and complying with your requests.

She has faced many obstacles including illness that would have destroyed many people. She did not quit in her goal to keep her home and that same perseverance will be applied to improving the real estate.

If you wish to discuss this further, please do not hesitate to call.

Sincerely,

Mary B. Goss
Attorney-at-Law

Continuing, Mr. Lehman said the current conditions are that there are five (5) cars outside the garage; two cars under the carport, two cars in the drive and one car behind the garage. There is also a car in the garage, but we're not dealing with the car inside the garage, as it has a door on the garage and is not visible. The cars in the driveway are basically usable operable cars that have just kind of fallen by the wayside in the recent past due to insurance, licensing and some mechanical problems. She has purchased license for one of the cars in the driveway in Indiana; the other car in the driveway either belongs to her daughter in Kentucky or is licensed in Kentucky somehow -- and she plans to make an attempt to get the license in Kentucky for the one car. It is probably the car in the best condition. The two cars under the carport are basically antiques or older cars and the tires are down on them, etc. Mrs. Huck says she has license plates for those vehicles (she has them with her). The car remaining behind the garage is not licensed and something needs to be done on it. Again, the reason Mr. Lehman is here on this tonight is that it has been a continuous problem in the neighborhood and there are continuous complaints from the neighbors. While the letter from the attorney does not state this, this problem has been going on for some five (5) years at least (that's how long Mr. Lehman has been dealing with it; he dealt with it before he left the Building Commission and the problem was still existent when he got back). Mrs. Huck has made some progress; she has obtained everything except the deed to the property. She has, however, paid money to the estate to obtain clear title to the property.

Commissioner Borries asked Mrs. Huck how the Commissioners can help -- to work with Mr. Lehman to do his job? Mrs. Huck said she realizes that by the time he received the letter from her lawyer that he'd already had to tag the vehicles. She is not blaming him because he is only doing his job. She said she appreciated hearing the Commissioners this evening and commended them on their job. At the same time, this has not only been a legal matter -- that was not her husband's estate, it was her ex-husband's estate. In turn, he did deed half of her house to his new wife. Mrs. Huck had to go to court and her lifetime estate was figured at 80% of the house. In other words, she could not live there the rest of her life. The new wife ordered it sold. Thus, they have been in the courts for three (3) years. It turned out that Mrs. Huck owned 80%. She had to buy the other 20%, which came to \$14,000.00. That was paid last September. To complicate matters, there is also a situation with the attorney here in Evansville in that he is also the assistant prosecutor. So, there are problems ----which they cannot bring forward until such time as the property is actually in Mrs. Huck's name only..because if she did, she would lose her attorney here in Evansville -- because that would be asking someone who is a public official to do something that is a conflict of interest. If the Board is wondering why she did not do anything about all the vandalism, etc., she could not -- since her deceased husband and father have been dead three years in October. They are finally getting around to what the estate owes her--and it is quite a bit. Mrs. Huck said she knows nothing further to say, except that it has been a tug of battle that she did not believe could happen -- but it did. And she is not going to give up, as her attorney will verify. She has had to get employment when she is, in fact, disabled. She doesn't mind that; because in another three (3) years she will have the home paid off for the second time. She was not supposed to pay it off the first time it was paid off. It was paid off the 7th day of December one year ago -- just to turn around and put a mortgage on it. It took them 40-odd years to get that house paid off. And even though the court ordered him to pay it off, she had to do it to keep her home.

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She is paying \$270.00 per month (the Board can check with Beneficial Finance). She has the papers with her. She has already paid in a year as of February 1, 1985. This house was brand new when they bought it.

Commissioner Borries asked Mrs. Huck what she intends to do with the cars - sell them? What the Commissioners want to do is to work with her so she can be a good neighbor - as well as the fact they can do their job. Mrs. Huck said she talked to her daughter and son-in-law -- and they said to hang in there. Right now they cannot come and get any of them. But he does want to take the one and re-do it. Her son-in-law hasn't seen the cars yet. With regard to the one behind the garage, if it were covered it would not be an eyesore. There is also another problem, since it was placed there -- a tree has grown up -- and there is no way to get it out right now without tearing up some property. Mrs. Huck said they have heavy tarpaulins available on sale (washable) which usually sell for about \$50.00 each, which she can get now for about \$27.00. If she could buy tarpaulins to cover that one and the other one sitting in the open -- and of the two sitting in the driveway, she is going to get one going right away. The other one will take a little longer. She'd had to pay \$44.00 for each license plate and insurance on top of that -- which she's already done for four (4) of the six (6) vehicles. Commissioner Borries asked if Mrs. Huck would not want to sell the cars as soon as possible before they deteriorated further? Mrs. Huck said the thing of it is that she doesn't know right now where she is in court. Her son verified that she doesn't know for certain that they are, indeed, hers to sell.

Commissioner Cox asked who is paying the taxes on this property? Mrs. Huck said she had to do this because her husband did not -- they went delinquent.....and she had to catch up on those. The court made him return half of that amount. Commissioner Cox asked Mrs. Huck if she is able to keep the weeds cut? Mrs. Huck said she will be able to do so when they can get to them -- but there is no way right now. Mrs. Cox said she understands this as cold as the weather has been. But the overgrowth, etc., is a big complaint of the neighbors. And, if she would clean it up on the outside as soon as she can, that would be a big help. Commissioner Cox said she has no objection to the tarpaulins that look very decent.

Mrs. Huck said she doesn't recognize other individuals at the Commissioners' table; but one time when she was here, Commissioner Willner, a Mr. Davies and Mr. Schaad ordered her to move two cars. She did; she put the 1964 Cadillac on the carport -- and her cars have been sitting out in the weather because she put those out of the carport in order to comply with their instructions and they said if she did this they would leave her alone. She did this. The Cadillac and Packard are sitting on the carport. There is some question about the Cadillac. It was left to both parties and something on the title says "choose a survivor". He has been dead three years; and she doesn't know for certain what the situation is until she goes to court. But, she licensed the vehicles and obtained insurance. She said that her attorney thought it odd that despite the fact she put the vehicles on the carport and obtained licenses and insurance that they were tagged anyway. The attorney is William Welborn; she talked with him today and no one seems to know where the deed is. They will be going back into court, as the estate owes her.

Commissioner Borries thanked Mrs. Huck for her comments and moved that covers be purchased by Mrs. Huck for all the vehicles that are not operable at this time and that she cut the weeds as suggested by Mr. Lehman. He asked if the Board could have a report on April 1st? Would this be enough time for Mrs. Huck to do what she has to do? A second to the motion was provided by Commissioner Cox. So ordered.

HOUSES ON RED BANK ROAD: Mr. Lehman said he has two more houses to discuss. The situation is pretty much the same as it was on North Grove Rd., except that these structures are located on South Red Bank Road... (2400 and 2408 S. Red Bank Road -- both are in the county). The houses are vacant and in bad condition. The doors are open, etc. The individual who owns this property is a Mr. Minnow Fisher; he is living in a school bus on the property -- that was just recently put there. Mr. Lehman said he doesn't intend to bother the man in the bus at this time, but they would like to get the house and the junky yard taken care of. He has refrigerators, etc., in the yard at the 2408 S. Red Bank Rd. address. Again, 2400 -- the houses are one right behind the other -- and both are being vandalized and present fire hazards. Mr. Lehman request permission to obtain bids -- in the same manner as was done for the N. Grove Rd. property -- and bring those to the Commissioners' meeting on Monday, February 25th.

Commissioner Cox asked Mr. Lehman if on the 2400 S. Red Bank property -- did he make a report as to his contact with the owner? Mr. Lehman said letters were sent to both the owners? Commissioner Cox asked what the owners said? Mr. Lehman said they received no response whatsoever. Commissioner Cox asked if the letters were actually delivered? Mr. Lehman said they did not get them back. However, they were not sent "certified". Commissioner Cox asked who the owner of the property is at 2400 S. Red Bank? Mr. Lehman said their records show Pauline Buffit (who has a New Jersey address) and they sent the letter c/o a Leslie Freels at R.R.2, Box 3, South Red Bank Rd., which he thinks is close in the neighborhood. But Pauline Buffit lives in Pemberton, N. Jersey -- and she is listed as the owner. He suspects this is a contract sale or something similar. He sent notices to both parties. He will send certified notices re the bids to all owners involved.

Commissioner Borries queried Mr. Lehman about the fellow in the bus. Does somebody know that he is in there? Mr. Lehman said that Commissioner Cox may know more about it than does he. From what he has gathered, the man is not "entirely right" and the Sheriff pulled him out of there and took him to Welborn to have him checked out. They released him and he's back in the bus. He's heating with a wood burner inside a bus, which is an extra fire hazard. If the Commissioners desire, he will pursue violations of minimum housing standards, etc., which would be the normal procedure. In a case like this, again we are dealing with a person who probably has no money, no legal representatives, or nothing else basically. It is very difficult -- because we no longer have relocation funds to move him into a different place.

Commissioner Borries said he would like to have the Township Trustee notified about this. Commissioner Cox said she is certain he is getting aid from the Trustee. Commissioner Borries said if it wouldn't be too much trouble -- Mr. Lehman should notify someone in the Trustee's office just to see if they are aware of this individual's bus, etc. Mr. Lehman asked if they're responsible to contact him, or is he responsible to contact them? He thinks part of the problem is that he doesn't want to have anything to do with anybody. As indicated by Commissioner Cox, he may already be getting money from the Trustee. Commissioner Borries said he doesn't know; but, again, in severe weather such as we've had, etc., if that thing would catch on fire -- just so an agency is notified -- Public Welfare or someone needs to be notified of that. If Mr. Lehman could do that, it would be appreciated. Mr. Lehman said he would be glad to see that this was done. When they proceed on the house, he may be interested in finding out what he needs and can get, etc.

RE: ALEXANDER AMBULANCE SERVICE, INC. - MONTHLY REPORT

Monthly Report from Alexander Ambulance Service, Inc. for month and quarter ending 12/31/84 was submitted.....report received and filed. Commissioner Cox requested that the report be passed down for her perusal before being passed to the secretary for filing, as she had not had an opportunity to review same.

RE: CHECK FROM WELLS CABLE T-V:

President Willner said a check in the amount of \$120.65 for 4th quarter franchise fee (Town & Country Estates) had been received from Wells Cable T.V., Inc. The check was made payable to the Treasurer/Vanderburgh County and has already been endorsed. He asked that the record show that it was received and credited to the County General Fund. (See Quietus No. 13076, dated 1/23/85).

RE: BURKHARDT ROAD/RIGHT-OF-WAY GRANTS

President Willner said that right-of-way grant forms had been received from Mr. Victor Funke on the Burkhardt Road widening project (Hirsch property). Commissioner Cox said that at the last Commissioners' meeting, the attorney was authorized to make an offer of \$23,900, is that what this is? It was subsequently determined that these grant forms should be given to Andy Easley, County Engineer, for obtaining grantors' signatures, etc. Subsequently, a claim will have to be submitted to the Commissioners for approval. In accordance with the Board's approval for attorney to make subject offer, Mr. Funke has prepared these documents for execution. This offer covers the purchase of four (4) parcels, in order to avoid the condemnation proceedings. Mr. Easley took the documents for processing...if Hirsches accept offer.

RE: SCHEDULED MEETINGS

Commissioner Borries said notice had been received from Dale Work in the Welfare

(continued)

Department re Media Day to be held at Hillcrest-Washington Home tomorrow (January 23rd) at 2:00 p.m.

RE: CLAIMS

Building Authority: Claim in the amount of \$504.00 to cover labor to run eight (8) coaxial cables from Room 205 to Room 208 (Auditor)...per verbal authority/Richard Borries. Commissioner Borries said this would be part of the conversion of the computers to the new system. Motion to approve claim was made by Commissioner Borries. A second to the motion was provided by Commissioner Cox. So ordered.

Victor Funke: Claim in the amount of \$100.00 for two appraisals on Burkhardt Road, property of William and Reinildis Hirsch. (This is in connection with the Burkhardt Road widening project. Motion to approve claim was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

R. Andrew Easley: Claim in the amount of \$194.32 for travel and meal expenses on two (2) trips to/from Indianapolis to attend conferences with Indiana Department of Highways concerning the Morgan Avenue Bridge Project. Motion to approve claim was made by Commissioner Borries, with a second from Commissioner Cox. So ordered. (This covered expenses of Messrs. Willner, Brenner and Easley).

RE: EMPLOYMENT CHANGESPigeon Township Trustee (Appointment)

Virginia Landers	714 Bayard Park Dr.	Clerk	\$12,500/Yr.	Eff: 1/16/85
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Circuit Court (Releases)

Richard Lee Young	2404 Lincoln	Pub. Def.	\$17,893/Yr.	Eff: 1/15/85
Beverly Corn	7500 Outer Lincoln	Pro. Clk.	\$300/Wk.	Eff: 1/11/85
Steve Lockyear	721 Normandy Drive	P.T. Bail	\$4.50/Hr.	Eff: 1/1/85
Norman G. Hoskinson	Bellemeade Ave.	P.T. Bail	\$5.00/Hr.	Eff: 1/1/85

Circuit Court(Appointments)

John C. Brock	623 S. Harlan	P.T. Bail	\$4.50/Hr.	Eff: 1/11/85
Leslie J. Hammonds	1465-B S. Kentucky	Pro. Clk.	\$11,000/Yr.	Eff: 1/14/85
Beverly Corn	7500 Outer Lincoln	Asst. Ct.		
		Comm.	\$384.62/Pay	Eff: 1/14/85

County Surveyor (Release)

David Guillaum	1610 Hicks Drive	Bridge Crew	LOA	Eff: 1/1/85
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Mr. Lindenschmidt noted that Mr. Guillaum has been on leave of absence (since October 1, 1984). Commissioner Cox asked if he is on our insurance program? President Willner asked how long the county is going to give him a leave of absence? Commissioner Cox said it is her understanding that he took leave due to the illness of his daughter -- or someone in the family. Commissioner Borries asked if leave of absence cannot be granted up to one (1) year? Commissioner Cox asked if he is on the insurance program? Is the county paying his insurance? Commissioner Borries said he is sure we are not. He could maintain it -- but he would have to pay it. Commissioner Cox said, "the full amount?" The other Commissioners concurred. President Willner asked that the record reflect that this employee change has been referred to the Auditor for verification of the insurance program.

There being no further business to come before the Board of Commissioners at this time, the meeting was declared adjourned by President Willner at 11:05 p.m.

PRESENT:COMMISSIONERS

Robert L. Willner
Richard J. Borries
Shirley Jean Cox

COUNTY AUDITOR

Larry L. Lazart,
Chief Deputy

COUNTY ATTORNEY

Neils Hansen,
Representative

COUNTY ENGINEER

Andy Easley


OTHER

Jim McCarty
Clem Frank
Earl Woodall
Mike Mitchell
David Trapp
James Morley
Mrs. Cheryl Kristoseck
Jeff Deis
Ward Peyronnin
Remonstrators (approximately 200-250)
News Media

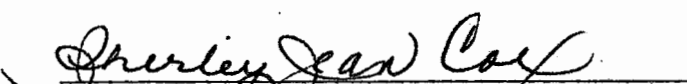
SECRETARY: Joanne A. Matthews

NOTE: VERIFICATION RE SIGNED PETITION & CARDS AGAINST & IN FAVOR OF VC-15-84

82 Standard Form Remonstrants Opposed -- high density and commercial use
240 Names on Signed Petition Opposed -- too high density and commercial use
1,088 Signature Cards In Favor of Approving the Rezoning (Mr. Frank had estimated
2,000 signature cards)


Robert L. Willner, President

Richard J. Borries, Vice President


Shirley Jean Cox, Member

MINUTES
COUNTY COMMISSIONERS' MEETING
JANUARY 28, 1985

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MINUTES
COUNTY COMMISSIONERS' MEETING
JANUARY 28, 1985

The Vanderburgh County Board of Commissioners met in session on Monday, October 28, 1985, at 2:30 p.m. in the Commissioners' Hearing Room, with President Willner presiding.

President Willner called the meeting to order pursuant to adjournment and entertained a motion concerning the minutes of the previous meeting. Motion was made by Commissioner Cox that the minutes of the Commissioners' Meeting held on Tuesday, January 22nd, be approved -- with correction on title page (given to her by the secretary) re VC-16-84, which should read continued to February 19th (rather than deferred to January 28th) and reading of same be waived. A second to the motion was provided by Commissioner Willner.

Commissioner Borries is not present at today's meeting, because he is in Indianapolis testifying before the Senate Hearing Committee re the independence of I.S.U.E. and probably will not arrive back in Evansville prior to adjournment of subject meeting. President Willner said "We wish him well and hope he can come home with the bacon."

RE: POOR RELIEF/PIGEON TOWNSHIP

John Riger/1406 Cody Street, Evansville: President Willner said that Mr. Riger had asked the Pigeon Township Trustee for medical relief. The Chair recognized Mr. Riger and asked that he approach the podium, state his name and address, and the nature of his request. Mr. Riger said he resides at 1406 Cody Street and had asked the Trustee to have his prescriptions filled because he hasn't gotten his Workmen's Comp yet (they're still working on it). When he is without his medicine he suffers a lot.

President Willner asked Mr. Riger where he was last employed? He replied that he worked for the City Highway Department. In response to further queries from Commissioner Willner, Mr. Riger said he left his job due to illness. The doctor will not release him at this time because of his back and shoulders. He is 57 years of age. The doctor has told him that if he goes back to work -- it would have to be light duty. The reason he has an out-of-town doctor is because he is cheaper. His doctor (who is located in Newburgh, Indiana) charges \$16.00 for an office visit and anywhere else it is \$21.00 to \$25.00. His doctor (Dr. West) resides in Newburgh and thus has his office in that vicinity.

Commissioner Cox asked if Mr. Riger has requested assistance re prescriptions previously? He said he had some prescriptions about three weeks ago and they wouldn't fill them.... for the same reason -- his doctor is not a local doctor. The Chair thanked Mr. Riger for his comments and asked that the representative from the Pigeon Trustee's office approach the podium.

Mr. Bill Goff said that Mr. Riger had already indicated why assistance was disallowed -- because he was seeking assistance with prescriptions from a doctor outside Vanderburgh County. Mr. Goff checked with the Trustee before the disallow was issued and she advised that he should not write any prescriptions for anyone out of the county. Mr. Riger stated he worked for the City Highway Department and apparently there is a mix-up in his insurance. Mr. Goff spoke with Mrs. Vogel, who works in the insurance program. It is his understanding that if the City Department for whom he worked will send the paperwork back, there is a very strong possibility that he would be reinstated on his insurance plan. When he informed Mr. Riger of this last Friday, he told Mr. Goff to check on it and stormed out of the office. Mr. Goff did check this out, and thinks that if Mr. Riger will check with Mrs. Vogel -- there is a strong possibility he could get his insurance reinstated, for they have been working on it.

Commissioner Willner asked if he did not also have Workmen's Compensation during that period? Mr. Goff said he would think so. President Willner asked if Mr. Riger indicated to Mr. Goff whether this was a job-related illness or accident? Mr. Goff said he did not. Mr. Riger came in about a week before Christmas and he'd had one (1) prescription written at that time (on October 18th) which had not been filled. Why it had not been filled he does not know. In any event, he was told at that time that if he would go to a local physician and bring the prescriptions in that they would have no trouble in filling them. Apparently he chose to do otherwise. That is the reason he was disallowed.

Commissioner Cox asked if Mr. Riger otherwise met the eligibility standards for assistance? Mr. Goff said he was certain he would; he apparently does not have any

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income. Commissioner Cox said she sees nothing in the Pigeon Township Trustees' Guidelines with regard to prescriptions "outside" Vanderburgh County. Mr. Goff said there is nothing in there with the exception of "discretion of the trustee" -- Mrs. Cox said she does not even see that. It says "any medical assistance". Mr. Goff said it also mentions "alternate resources which are available to an individual" and they should be checked out prior to that individual coming to the Trustee's office. That is the reason he spoke with Mr. Riger about going back up to the City Personnel office to discuss his insurance with the individual in that office who handles insurance matters -- to see if he could get his insurance reinstated, etc. Also, if it is a work-related illness, etc., he would think that Workmen's Compensation would take care of it.

Attorney David Miller, who was present for the meeting, said he saw nothing in the Guidelines that required that prescriptions be filled in this County. Commissioner Cox said she does not, either.

President Willner asked if Mr. Riger can explain to the Board if this is a job-related illness? Mr. Riger said that it is. He was hurt on the job on July 6th. He talked with his foreman today; he had to make out another statement as to how it happened for the insurance company and forward same.

Commissioner Cox asked if Mr. Riger is receiving any Workmen's Compensation now? He said he is not.

President Willner asked if Mr. Riger has any bills other than prescriptions? Mr. Riger said he has all kinds of bills. But, all he asked for was assistance with prescriptions. President Willner asked if Mr. Riger knows how much he owes for medical expenses since July 6th for his back, arm and shoulder injuries....the total sum of his bills? Mr. Riger said he is not certain -- but the amount would be way up there. But if he can get his Workmen's Compensation he can pay those.

President Willner asked, again, where Mr. Riger resides? He said he lives at 1406 C Street. He lives there with his wife and three (3) children. President Willner asked if anyone else in the family is employed, to which Mr. Riger responded in the negative. Mr. Riger has no income; he is, however, receiving food stamps. The Rigers own their home.

Commissioner Cox queried Mr. Riger re the cost of his prescriptions? He said they run around \$11.00 to \$15.00 per prescription.

Attorney Miller asked, again, if Mr. Riger was injured on the job? He confirmed that he was. Attorney Miller asked who filed the Workmen's Compensation request for him? Mr. Riger said that his foreman (Chuck Strong) filed the papers. Attorney Miller recommended that the Board of Commissioners send Mr. Riger to Legal Aid, to see if they could assist him in obtaining his Workmen's Compensation? He said that since he was injured on the job and working for the City at the time of the injury, it should not take this long to get the Workmen's Comp. Mr. Riger said they had returned papers to his foreman twice, indicating he did not fill them out correctly. President Willer said that Mr. Riger needs legal assistance in getting the Workmen's Comp started, if there is any. Further, he would think the Board would need a statement from Mr. Riger's physician re the possibility of his getting back to work. Right now, Mr. Riger is asking for assistance with prescriptions only. Next month, he will need something else -- and this is going to be an on-going problem until such time as.....Mr. Riger interrupted by stating that he is going to try to go back to work; his foreman has said he can go back to work with him. Attorney Miller said that nevertheless, he does need to get the Workmen's Compensation matter taken care of so he can get his medical bills paid. It should not have taken this long.

Commissioner Willner asked Commissioner Cox for her recommendation. She said she thinks that Mr. Riger needs to see Mrs. Vogel in the City Personnel Department re his insurance, to see if it could be continued while he is off work. (Mr. Riger said the Union lawyer is supposed to see about that.) Commissioner Cox said she feels Mr. Riger should receive assistance with his prescriptions; he qualifies for it. The only reason assistance was disallowed was because it is an out-of-town doctor. You can't fault an individual on a limited income for shopping around for a cheaper office visit. If it is a legal prescription and he meets the eligibility requirement for assistance, he is a resident here and he should get that assistance.

President Willner said he wishes to go one step further and get some legal help for Mr. Riger. Commissioner Cox said this was the third item on her recommendation -- that he contact Legal Aid for assistance on speeding up the Workmen's Compensation matter. Commissioner Willner said this should be done before he comes back for assistance with the next prescription. Commissioner Cox suggested this be done within one month's time. President Willner said that if Mrs. Cox would put this in the form of a motion, he would second it. Commissioner Cox said she so moves. A second to the motion was provided by Commissioner Willner. So ordered.

Continuing, President Willner advised Mr. Riger that the Pigeon Township Trustee will help him this month. He then asked Mr. Goff of the Trustee's office if he understands that the Commissioners want him to help Mr. Riger in any way he can. Mr. Goff said, "the man won't help himself!" Commissioner Willner said he can see that -- but sometimes people need help to help themselves. Therefore, he requests that Mr. Goff please help Mr. Riger in any way he can. Attorney Miller left the room with Mr. Riger, to provide him with information as to the location of the Legal Aid office, etc.

RE: GREEN GATE COURT SUBDIVISION/REQUEST FOR WAIVER OF SIDEWALKS GRANTED IN PARTIAL

President Willner said that Mr. Jim McCarty is not present today, but had appeared before the Commissioners at their January 22nd meeting re his request for waiver concerning sidewalks. In offering background information, President Willner said this is a 20-odd home subdivision on the east side of Evansville, adjacent to the county line. It is a cul-de-sac. He also has a lane going back to the subdivision (about 1/4 mile) and at a meeting last year, the Commissioners required Mr. McCarty to put in sidewalks. He has asked the Board to reconsider their decision. President Willner asked if Mrs. Cunningham, Director/Area Plan Commission, has any comments before the Board renders a decision. She said the first time this came to the Board, it was the recommendation of the Subdivision Review Committee that there be sidewalks. They felt that the children from this subdivision would need the sidewalks. They did talk about having them on just one side of the street -- but then thought that would not be prudent for this subdivision. She has subsequently checked with a couple of the members of the Review Committee since Mr. McCarty was here last week and requested that the requirement for the sidewalks be waived. They are still of the opinion that sidewalks are still needed; particularly in a designated area. Again, they said that perhaps sidewalks on one side of the street would suffice. The thing of it is, the code adopted in September says that the subdivider shall provide curbs and gutters and sidewalks for all streets within and abounding the subdivision, including those within one (1) mile of the city, unless they are waived by the Board of County Commissioners -- and this does fall within the one (1) mile designation. She thinks what it boils down to is that we're going to have to decide -- are we going to have to have sidewalks -- and we're going to have to start sometime. Perhaps an adjacent subdivision does not have sidewalks, but that came in before the ordinance was adopted. This is her feeling. And there are those in the county where the requirement is waived, but usually those are over an acre or 1 1/2 acres -- or they are very far out where there is not very much traffic of any kind. The subject area is also a longer cul-de-sac than is allowed, but he needs that because of the constraints of his lot. He doesn't have any other outside cuts. President Willner said we're probably speaking of some 62 automobiles (two to a family). Mrs. Cunningham said she doesn't know whether a school bus can come in and turn around.....President Willner said what we're talking about is that the children either walk the streets or we provide sidewalks. Attorney Miller said that unless this is a county-accepted road the school bus won't go in there....and the children would have to walk to Lincoln Avenue. The Board continued to review the plans presented. Subsequently, motion was made by Commissioner Cox that the request from Mr. McCarty re waiving of sidewalks in Green Gate Court Subdivision be granted in partial in that sidewalks would be waived during the entire length of the Green Gate Court Cul-de-sac, but sidewalks would be required from Lincoln Avenue on the East Side of the entrance back to Green Gate Court (including rolled curbs and gutters on the streets). A second to the motion was provided by Commissioner Willner. So ordered.

RE: MARVIN KIESEL SUBDIVISION

Mrs. Cunningham said that this subdivision will come to the Drainage Board next week for approval of drainage plans. These are large lots off Fleener Road (4 lots). Subdivision Review Committee has recommended that requirement for sidewalks, curbs and gutters be waived. Motion was made by Commissioner Cox that the request from

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Marvin and Dolores Kiesel on the Marvin Kiesel Subdivision request for waiver of sidewalks, curbs and gutters be waived. It was recommended by Subdivision Review Committee and the Vanderburgh County Board of Commissioners would also make this recommendation. A second to the motion was provided by Commissioner Willner. (It was subsequently mentioned that the Board was uncertain as to whether they had jurisdiction, since this is located in Darmstadt. However, their vote was put in the form of a recommendation for waiving requirement for sidewalks, curbs and gutters. Since all of Fleener Road is in Darmstadt, the matter should also be referred to the Town Board of Darmstadt.)

RE: AGREEMENT BETWEEN VANDERBURGH COUNTY COMMISSIONERS & ALEXANDER AMBULANCE SERVICE

President Willner said he had agreement between Vanderburgh County Commissioners and Alexander Ambulance Service, Inc., for execution.

Commissioner Cox said she has reviewed the agreement and has several questions, as follows:

Page 5 We've put in no dollar and cent figure on the charges for Basic Convalescent Run (Basic Life Support Run). Is there a figure on Attorney Miller's copy? President Willner said there is a figure in his copy. Attorney Miller explained that they did not know if it would be changed from last year. This contract is exactly the same as last year, except the county attorney's office did not know if the numbers would change -- so they left them blank. The only difference between this year and last year is the amount budgeted by the County Council. Everything else is identical.

Page 10 Is the amount budgeted of \$140,700 correct? (It was determined that this is correct.)

Page 11 We are basically paying for ALS (Advanced Life Support), because we have other emergency ambulance service which can give us a BLS (Basic Life Support). On Item #9 on Page 11, where it speaks to the availability of this service, it says, "It shall not constitute a breach of this agreement by provider if the units, which are the subject of this agreement, are unavailable to residents in the service area during periods of time when they are engaged in use as a back-up to the City of Evansville Emergency Medical Units or when they are engaged in use in response to such private calls for assistance. To her, this is troublesome. When it says on Page 3, under Item "D", "that the use of said equipment and personnel is for the sole purpose of responding to calls for emergency medical service by any person that is located in our service area." Mrs. Cox said she does not know if it happened last year, but it looks like we're coming last on the totem pole and when you look at the amount that we're paying for down time for this system, we're paying 100% when you get down to it. And it looks like our citizens are sitting on the very bottom when it comes to the availability of the service.

Attorney Miller said he agrees with Mrs. Cox in that he does not like that provision. As he interprets the provision, it means that if an earlier call in time from a private individual directly to the provider results in the unavailability of the equipment, that is not grounds for inserting a breach of the agreement. It was a matter that was reasonably heavily negotiated approximately October/November 1983, and that is how the contract wound up. Attorney Miller has no problem with discussing it again with Alexander to see if we can eliminate that and come to an understanding. But they can only take private calls if they have two (2) available units at that moment or something of that sort. But he can only tell the Board that there were no negotiations this year. It was his understanding that the contract was working.

Commissioner Cox said this contract does not refer to the fact that there may very well be one of these ambulances out on a call in the county. But it doesn't speak to that at all. She thinks we should come before -- if they're in a contract with the county, we should definitely come before private calls.

(continued)

Attorney Miller said he does not at all disagree with this. All he is saying is that we did not do any negotiating this year and this provision was agreed to in the past. His recollection is (and it is a vague recollection because it was so long ago) that the people at Alexander suggested this language not because they anticipated or had experienced that kind of unavailability, but they were afraid that some allegation would be made that they were in breach of the contract if someone called and they did have an ambulance on a private run. The point that Commissioner Borries made (he was in that session) was that he thought the county ought to come first and the discussion got down to the question of, "what if there's only one ambulance left on the site or left at the location and there is a very sick person who calls in privately? Do we have to tell them we're sorry we can't come, because we have a contract with the county that says we have to have one (1) available to the county and we only have one (1) left?" The conclusion that everyone came to was that that would possibly threaten someone's life, when another life might not be threatened during that period of time...so, that's why that was put in there.

Commissioner Cox asked what will we do if this happens, where they have no unit available? In directing a comment to Mr. Roberts of Alexander Ambulance Service (who was seated in the audience), Mrs. Cox asked if they have a procedure under this condition? Mr. Roberts said that currently they operate five (5) ALS ambulances. At no time during the previous year is he aware of an instance where there was not an ambulance available to Vanderburgh County? In fact, there were several instances where they had three (3) ambulances in the county at one time..and their private calls had to wait. If they do get to the point where all the ambulances are committed, then they call one of the basic providers to see if they have units available. Normally, they do. If they get another call, then a basic unit would have to respond on that....rather than an ALS unit. At least they would get an ambulance to a county resident if they needed it. But, again, to his knowledge, there has not been a time that they have been without an ambulance to send to the county (it could happen this afternoon, however).

Attorney Miller said he can only repeat that the conclusion was that if somebody calls in and needs an ambulance and there isn't someone out in county calling at the very same time -- the thought was that a response ought to be made.

President Willner said he really doesn't know what the difference is between a private call and a county call? If someone could explain the difference, then perhaps he'd understand it. They're the same.

It was subsequently determined that the difference is "who the call comes through". President Willner said that if he called privately and an ambulance was unavailable, then he'd call the Fire Department and they'd call one. So, actually there is no difference.

Commissioner Cox said that the bottom line is that if it is available -- we're talking about an only provider here for ALS service. President Willner said that is going to be true no matter.....but Mrs. Cox interrupted saying that if we're talking about BLS (basic life support) we wouldn't even need this, because we have other facilities to go thru for basic life support. But we're talking about ALS (advanced life support) --and private calls here, mean to her "private calls that come into the firm". And when you have a contract with an individual, she feels you owe some responsibility to that individual -- when the county is paying, if not all, then a great majority of the down time to support the entire paramedic service. It just doesn't seem quite right.

To answer Mrs. Cox's question, President Willner said that if all of their units were on ALS runs -- some would probably be called on an ALS run and when they arrived they decided it was a BLS run, and they may leave and call another unit. Other than that, they have the Welborn Life Flight --and he's sure there would be no hesitation if they thought someone in the county was going to need that service. If we had twenty (20) there still might be one of them we'd need.

(continued)

Commissioner Cox said if the terminology said "on another county call" or something..... that might make a bit of a difference. But it doesn't even refer to the use of an ambulance in the county. And we're talking about almost \$141,000 of taxpayers' money to assure that our citizens in all areas of Vanderburgh County could have -- that's what we're hoping they'd have -- ALS (advanced life support) if needed. And you never know when you're going to need it. She thinks that if nothing more, it should definitely say in Item #9 by way of explaining this, "if it is on another county run or as a back-up for the City" -- then, o.k. But the way it is now we're coming last and she doesn't think it is fair to our citizens for the money that we're paying to have something like this in print.

Commissioner Willner asked if Mrs. Cox is referring to words "City of Evansville" or "private calls"? Mrs. Cox said, "both". President Willner said that the people of the city help pay this \$141,000, so suppose we left that in and crossed out the "private"? Mrs. Cox said that some people in the city, like her, are also paying to support the services of the city -- they're paying double. Commissioner Willner is paying once! So, for purposes of clarification, could it not be included that "It shall not constitute a breach of agreement by provider if the units, which are the subject of this agreement, are unavailable to residents of the area during periods of time when they are engaged in use in the service area as a back-up to the City of Evansville or as private use." President Willner asked Mr. Roberts if he'd be willing to change that verbiage? Mr. Roberts said he does not have a copy of the subject contract -- he is going by 1984's contract, and the Board has the new contract. They are identical, however, except.....Mrs. Cox said she could not find her copy of the 1984 agreement for comparison purposes. She asked if Mr. Roberts understands what she is saying? He said he guesses the thing he's taking issue here with is that the \$140,000 is based on percentages; the county is not paying all of it. Commissioner Cox asked that he look at the monthly report; that is what she is basing her comments on. Mr. Roberts said that if they had to dedicate units to the county (they don't dedicate units to the city) -- then he thinks the price figures would change, that is why it is a good deal to have the city, the private and the county all rolled up into one and take the percentages -- this way no one has to take the brunt of the cost. If they dedicate a unit to the city, then their figure goes up. If they dedicate a unit to the county, then their figure goes up. The \$140,000 is based on breaking that out. Commissioner Cox asked how their contract with the City reads? Does it read that "when your ambulance is engaged in a service area outside the city limits on private use, then it will not be available and it will not breach their contract?"

Mr. Roberts said it reads, "non-emergency and convalescent and private emergency runs may be provided separately by the provider". They also get dispatched simultaneously a lot of times; in other words, they get a county dispatch and a city dispatch at the same time. The first one on the air is the first one they take. It's not a foolproof system; they can't build a church for Easter Sunday! Commissioner Cox said they have a different agreement with the city than they do with the county. Mr. Roberts said that insofar as Mrs. Cox's question on putting in the agreement -- "not using these units if all units are out on other calls", he guesses he'd have to see exactly how Mrs. Cox would want to word this, etc.

President Willner suggested that this not be decided today. Subsequent to today's meeting, he requests that Commissioner Cox give her thoughts to County Attorney David Miller and let him draft something that fits her thinking. Then perhaps we can get back with Alexander and work this out. Any further discussion was tabled at this time.

RE: BUILDING COMMISSION - JESSE CROOKS

Report of Permits Issued: The Building Commission Report of Permits Issued during 1984 was submitted.....report received and filed. Report for Permits Issued during month of December, 1984, was also submitted....report received and filed.

(continued)

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(continued)

Mr. Crooks presented the following letter concerning request to move two buildings:

January 20, 1985

Building Commissioner
City-County Bldg.
Evansville, IN 47737

Dear Sir:

Elmer Buchta Moving Engineers request a permit to move two buildings. They are located at 6820 Boonville Highway. One of the buildings is a veterinary clinic; the other one is a metal building which contains a water bed store in it. They will move west toward Burkhardt. The clinic will sit on the Northeast corner of Morgan and Burkhardt and the metal building will sit 300' east of the corner. The buildings are owned by Peyronnin Investments. We will move on Morgan Avenue about 2/10 of a mile. These buildings are being relocated for the I-164 approach lanes.

Sincerely,

Jim Kabrick
Elmer Buchta, Inc.

President Willner queried Mr. Crooks concerning his recommendation; he said he recommends that permission be granted. Motion was made by Commissioer Cox that the request from Elmer Buchta to move two buildings located at 6820 Boonville Highway and 6724 Boonville Highway be granted. A second to the motion was provided by Commissioner Willner. So ordered.

RE: VANDEBURGH AUDITORIUM - KIM BITZ

Mr. Bitz said he had two reports to present today:

12-Month Utility Report for Years 1981 thru 1984

<u>GAS Usage</u>	<u>CCF</u>	<u>Cost</u>
1981 -----	142,969	----- \$39,982.27
1982 -----	135,878	----- 50,601.82
1983 -----	203,697	----- 89,630.49
1984 -----	141,719	----- 62,262.80

<u>ELECTRIC</u>	<u>KWH</u>	<u>Cost</u>
1981 -----	905,695	----- \$40,052.61
1982 -----	792,324	----- 37,146.56
1983 -----	721,275	----- 37,606.19
1984 -----	833,228	----- 42,529.91

Mr. Bitz said it would be easiest to compare 1981 and 1984, as they are the two years that are comparable in usage. In the gas usage area, 142,969 C.F. in 1981 and 141,719 in 1984. However, when you look at the dollar figure, there is quite a difference, an increase of approximately \$22,000 for less cubic feet of gas used. In the area of electricity, 905,696 KWH were used and 833,228 in 1984, for a cost of \$42,529.91 as compared to \$40,052.61 for 1981. The approximate increase in utilities from 1981 to 1984 is about \$25,000 for the same amount of energy received.

FINANCIAL REPORT FOR 1984

January Budget -----	\$ 434,357.00
Final Budget -----	470,042.00
Expenditures -----	461,078.04
Minus Capital Improvements -----	160,000.00
Total -----	301,078.04
Revenue -----	139,736.06
Deficit -----	161,341.98

(continued)

	<u>1983</u>	<u>1982</u>	<u>1981</u>
January Budget	\$201,870.00	\$202,141.00	\$ 213,136.00
Final Budget	376,908.56	217,232.56	230,275.44
Expenditures	360,685.11	214,105.40	223,519.18
Total Revenue	153,374.03	154,102.79	141,645.75
Deficit	204,950.59	61,002.61	81,873.43

MAJOR REASONS FOR INCREASE IN DEFICIT FOR 1984:

\$50,000.00 -----H.V.C.A. SYSTEM CONTRACT
 \$15,000.00 -----S.S. & RETIREMENT
 \$10,000.00 -----LOSS IN REVENUE FROM PARKING LOT
 \$25,000.00 -----INCREASE IN UTILITY COSTS SINCE '81 and '82

\$100,000 TOTAL

Insofar as the increase in deficit for 1983 and 1984, Mr. Bitz said 1983 was an exceptional year in the area of utilities. This was when we had all the problems with the air conditioning chiller unit at the Auditorium and they realized about \$35,000 above and beyond the normal increase in utility costs -- before the machinery was repaired. For the most part, this accounts for the increase in deficit for 1983.

In 1981 and 1982, the H.V.A.C. System Contract in the amount of \$50,000 was not in the budget, as it was in 1984. Additionally, in 1984, they put \$15,000.00 in the Social Security & Retirement account. There was approximately \$10,000.00 loss in revenue from the parking lot in 1984. And the \$25,000 increase in utility costs since 1981 and 1982. These four items alone come to \$100,000.00. So in order to compare 1984 to 1981, you would need to deduct this \$100,000.00, which would leave a deficit of \$61,002.61. So when you take out these other factors, financially they are in just about the same shape.

With the implementation of the parking lot system which is being finalized, Mr. Bitz believes we'll have a good year at the Auditorium in 1985. There has been an increase in bookings and this will be the first full year that the new rate schedule has been applied to all the lessees.

President Willner said Mr. Bitz' report looks good; he's gone to great difficulty to prove we're not in too bad a shape...and that's good. This is what the Board wanted. President Willner then entertained questions.

Commissioner Cox said she doesn't understand that the Auditorium had expenditures of \$461,078.04; did that include the \$160,000? And does the January budget of \$434,357.00 also include this? Mr. Bitz said this is correct.

RE: COUNTY ATTORNEY - DAVID MILLER

In response to President Willner's query, Attorney Miller advised that he had nothing to be brought before the Commissioners today.

Mann Road Project: President Willner said he needs Attorney Miller's advice as to where we are on this project -- he has some people screaming at him. Attorney Miller said that as far as he knows, the Commissioners signed an amended settlement agreement about two (2) months ago and it was sent over to Mr. Shively's office. He was unhappy because one of the pages contained a xeroxed copy of someone's signature. We advised that we did not have the original anywhere; if he could not find it, then he should go out and get another original signature from that person. This is the last that Attorney Miller has heard. President Willner requested that Attorney Miller check with Mr. Shively on this and subsequently call him back to report the status.

RE: TRAVEL REQUEST - COUNTY TREASURER/PATRICK TULEY

President Willner presented the following memorandum:

January 25, 1985

TO: County Commissioners

SUBJECT: Permission to Travel

FROM: County Treasurer

(continued)

COUNTY COMMISSIONERS
January 25, 1985

Page 9

I request permission to travel for myself, Wayne Pasco and Jane Berry (Head Bookkeeper). The meeting is being called by The State Board of Accounts and a copy of the letter is attached.

Thank you.

Patrick Tuley
County Treasurer

President Willner said the State Board of Accounts will conduct a one-day session for all newly-elected County Treasurers pursuant to IC 5-11-14-1, to be held on Friday, February 15, 1985, at the Indiana State Library Auditorium, in Indianapolis, beginning at 9:00 a.m.

Motion was made by Commissioner Cox that the request be granted. A second to the motion was provided by Commissioner Willner. So ordered.

The following letter, also from the County Treasurer, was read:

January 25, 1985

TO: County Commissioners

SUBJECT: Surplus Items

FROM: County Treasurer

Please be advised this office has approximately 175 hard back binders (letter size) that are no longer of use to this office. We are willing to give them to any office that may have a use for them or place them on the surplus list to be sold at a later date. One of the binders will be sent with this letter for viewing.

Thank you.

Patrick Tuley

Commissioner Cox advised that the County Clerk's Office uses a lot of binders for court records, etc. Mr. Lindehschmidt is to show a sample binder to the clerk, in order to determine if she can use these in her office. They are well made binders. It was determined that the memo should be circulated to the various offices to determine if anyone can use these. If no one wants them, they are to be stored at the County Highway Department. Commissioner Cox suggested that among the offices that might be able to use these would be the Clerk's Office, the Recorder's Office or the IV-D Program (Prosecutor's office).

RE: SURVEYOR'S OFFICE

The County Surveyor's office was not represented at the meeting. However, the Bridge & Guardrail Repair Report for period January 21 - January 25, 1985 had been submitted.....report received and filed. Copies of the subject report were distributed to members of the Board.

RE: COUNTY HIGHWAY DEPARTMENT

Weekly Absentee Report: The Weekly Absentee Report for employees at the County Highway Garage for period January 21st thru January 25th was submitted.....report received and filed.

Weekly Work Report: Weekly Work Report for employees at the County Highway Garage for period January 21st thru January 25th was submitted.....report received and filed. Attached to the Work Report was the following Work Schedule:

January 21, 1985 - Holiday
January 22, 1985 - Snow and ice clean-up.

(continued)

- January 23, 1985 - Clean trucks.
Patch: Hogue Rd., New Harmony, Adler Rd., Boonville-New Harmony, Saratoga Drive.
Cut Trees: Broadway, Baseline Rd.
Gradall: Upper Mt. Vernon, Clean ditch.
Grader: Swope Rd., Ruston Lane and Young Rd.
- January 24, 1985 - Gradall: Old Boonville Hwy., Clean Ditch and Schroeder Rd., Clean ditch.
Patch: Barton Rd., Frontage Rd., Old Petersburg Rd., Arla Jane Dr., #3 School Rd., St. Joe Ave., Oak Hill Rd., Rode Rd., and St. George Rd.
Cut Trees: Broadway, Baseline Rd.
Grader: Heerdink, County Line East, Darmstadt Rd., Sensmeier Rd., and Kissel Rd.
 Cleaned trucks.
- January 25, 1985 - Gradall: Old Boonville Hwy., Cleaned ditch.
Patch: Heinlein Rd., Ridgewood, Oak Hill, Millersburg Rd., Mt. Pleasant and Baumgart.
Cut Trees: Broadway, Baseline Rd., Kansas Rd.
Grader: County Line East
 Repair mail boxes that were knocked down with snow plows.

President Willner said that Bill Bethel, County Highway Superintendent, is recuperating at St. Mary's Hospital following surgery last Thursday. To his knowledge, Mr. Bethel is doing fine. However, he could use "your good prayers and wishes".

RE: COMPUTER SYSTEM CHANGE - VOTER'S REGISTRATION

President Willner said he had a request from Voter's Registration; however, it is to supply the courts with a list of registered voters -- so they may be picked for Jury Duty. They would like to put these on the computer. Cost is \$200.00 one-time cost. County Auditor Alice McBride asked if this has to go thru the Data Processing Board? President Willner said the request had been signed by Paul Bitz and Susan Kirk of the Voter's Registration Office.

Commissioner Cox asked if this is for drawing of Vanderburgh County Jurors, or for Federal Jurors, or who? If it is for Vanderburgh County, she would suggest they get permission from Judge Miller before they do anything like this. President Willner said this is being requested as the result of a Federal Grand Jury Court Order. They have requested a "computerized list". President Willner said the request indicates "a list of prospective jurors, in accordance with a letter dated 1/14/85 from the Federal Grand Jury". Commissioner Cox said they would not then need Judge Milel's permission. Heretofore, there was a method.....they get paid for submitting these names. President Willner said they do have the \$200.00 in their account. Commissioner Cox said that when she talked to Judge Miller some 5-8 years ago, he didn't want any part of that drawing jury names. He wanted them taken off the printed list; if he said every 70th name, that is what you took. President Willner asked Mr. Lindenschmidt if the subject letter came from Voter's Registration; and Mr. Lindenschmidt responded in the positive.

It was subsequently determined that this should be checked out further. Additionally, Mrs. McBride said that when the Data Processing Board was established, it was noted that all such requests should go thru the Data Processing Board.

Commissioner Cox said that if this is a letter from the U.S. Court for Vanderburgh County to provide "X" number of names to the Federal Court System, then that is one thing. President Willner said the letter from Mr. Bitz and Ms. Kirk indicated there was an attachment, but he sees none. Continuing, Mrs. Cox said that Voter's Registration has every name listed alphabetically on the computer. Maybe they're going to go thru and say pick out every 150th name. In conclusion, it was determined that this request should be held for one (1) week and determination should be made as to who is requesting and whether it is a Federal order or local....and where the attachment mentioned is.

(continued)

RE: DEPARTMENT OF NATURAL RESOURCES/NATIONAL REGISTER OF HISTORIC PLACES

President Willner advised that a letter had been received from the Department of Natural Resources indicating that the Mead Johnson River-Rail-Truck Terminal and Warehouse located at 1830 W. Ohio Street in Vanderburgh County, Indiana, had been placed on the National Register of Historical Places as of December 27, 1984. Letter received and filed.

RE: APPOINTMENTS TO TAX ADJUSTMENT BOARD - 1985

The following appointments by the Board of County Commissioners to the Tax Adjustment Board for 1985 was read. The appointees are the same as for 1984.

Pat A. Bell (Democrat)
5010 Cunningham Drive
Evansville, IN 47711 Phone: 477-4024

Paul V. Batts (Democrat)
2430 E. Walnut Street
Evansville, IN 47714 Phone: 476-2645

Jean Marie Baker (Republican)
460 Martin's Lane
Evansville, IN 47715 Phone: 477-6781

Byron Wright (Republican)
6126 Knight Drive
Evansville, IN 47715 Phone: 477-3209

Motion was made by Commissioner Cox that the Commissioners' appointments for the Tax Adjustment Board for 1985 be approved, as submitted. A second to the motion was provided by Commissioner Willner. So ordered.

RE: COUNTY HIGHWAY ENGINEER - ANDY EASLEY

Building Modification/Creasey Co.: Mr. Easley said he had a meeting last Wednesday with Creasey Company and Seaboard personnel to go over the final details of modifying the warehouse and relocating the railroad tracks. Creasey approved the plan for the building modifications. Just a few minutes ago, he talked with Mr. Dilk and he said it will probably be another four (4) weeks before the Federal people got their funding authorized to give us the authorization to proceed. We agreed with the Creasey Company that we probably wouldn't start the work until April 1st. Assuming that we get the authorization and the people doing the work can round up their materials - that is the status of that project.

Morgan Avenue Bridge Project Report: As requested by President Willner, Mr. Easley said he has prepared a summary of the meeting held in Indianapolis concerning the Morgan Avenue Bridge Project. The contents of the summary were as follows:

January 25, 1985

Mr. Robert L. Willner, President
Vanderburgh County Board of Commissioners

RE: Morgan Avenue 20' Bridge Over Harper Ditch

Dear Mr. Willner:

This letter is to serve as a report on the meeting concerning subject bridge that was held in Indianapolis on Monday, January 14, 1985, at 1:00 p.m. E.S.T. in Room 1201 in the State Office Building.

As you are aware, the following individuals from Vanderburgh County attended the meeting:

(continued)

Robert L. Willner, County Commissioner
Robert W. Brenner, County Surveyor
Andy Easley, County Highway Engineer
Suzanne McCool, Evansville Chamber of Commerce

The following individuals from the Indiana Department of Highways attended the meeting:

Wayne Walters, Deputy Director for Highway Development
S.R. Yoder, Chief Director of Design
W. B. Abbott, Engineer of Bridge Design
Fred Mohid, Engineer of Road Plans
Greg Henneke, Hydraulic Engineer
Ron Kern, Assistant Hydraulic Engineer
Tom Seeman, Senior Designer

The meeting was also attended by Victor Wenning of the Department of Natural Resources. Mr. Wenning agreed that 1,300 c.f.s. would be adequate design flow for the bridge culvert, if the structure opening of 150 square feet.

A discussion was held as to why the State had decided to demolish the existing bridge and construct a new 3 span bridge. The State revised their cost estimates for a double 10' x 10' concrete box culvert, and the construction problems related to a R.C.B.C., which they said would offer no appreciable cost saving. The State was also concerned about poor soil and foundation conditions at the site. That made a bridge more desirable.

The State said that they considered the existing bridge to be in such poor condition, due to salt damage, that it had a useful life expectancy of 10 years. It was the I.D.O.H. policy not to incorporate a structure in this condition into a major highway widening project and therefore needed to be replaced at this time.

Mr. Brenner presented a profile of the highway showing the elevation of the proposed 3 span bridge and the elevation of flood waters in Harper Ditch caused by a 100 year flood on Pigeon Creek. Mr. Brenner and Mr. Willner had a discussion with Mr. Wayne Walters about the frequency of flooding on the highway and the desirability and necessity of raising the elevation of the bridge and roadway above the 100 year flood.

Mr. Walters computed the increased cost of the bridge if it were raised at \$40,000.00. The cost of raising the highway was also discussed. Mr. Willner said Vanderburgh County would be willing to pay the additional \$40,000.00 to raise the bridge, if the I.D.O.H. would pay the cost of raising the highway.

There was discussion concerning the cost of an alternate design that might lengthen the existing structure, salvage the existing abutments and replace the bridge deck. The State rejected the ideas presented by the Vanderburgh County Highway Engineer as an undesirable alternative.

Mr. Walters admitted that perhaps the 3 span bridge as designed by the I.D.O.H. could have been shortened by an amount that would reduce the cost by say \$10,000.00. Mr. Walters suggested applying this \$10,000.00 saving to the \$148,000.00 bridge cost obligation the County could expect, as was estimated during the meeting held on December 19, 1984.

Mr. Walters suggested that perhaps the agreement between the I.D.O.H. and Vanderburgh County should be revised to set the maximum amount the County had to pay for the reconstructed bridge at \$138,000.00. Mr. Willner and Mr. Brenner agreed that this would be acceptable to them and they thought the other County Commissioners would concur.

Mr. Walters said he would take action to have the agreement amended and sent to the County Commissioners for approval. The meeting was ended after the County Highway Engineer thanked Mr. Fred Mohid of the I.D.O.H. for arranging the meeting.

Very sincerely,

(continued)

R. Andrew Easley, Jr., P.E.
County Highway Engineer

Mr. Easley said he nothing further to bring to the attention of the Commissioners at this time.

RE: CLAIMS

Dictaphone Corporation: Claim in the amount of \$1,470.00 for Telephone Coupler for Sheriff's Department, including installation charge. By way of explanation, Mr. Lindenschmidt said that when the new telephone system was put in this was not addressed in re recordings of all incoming calls. In order to comply with the law, couplers had to be purchased for the telephone system and recorders. There was no way to get around the purchase and installation of this equipment. President Willner asked County Auditor Alice McBride if there is still sufficient money in the 130-314 account? Mrs. McBride said there is sufficient money, since this is the beginning of the year. However, she does not know if additional monies will be needed at a future date. It was also noted that some monies had been encumbered to pay for incidentals, etc. Motion was made by Commissioner Cox that the subject claim be approved for payment. A second to the motion was provided by Commissioner Willner. So ordered.

Ashby-Rauscher Agency, Inc.: Claim in the amount of \$88.00 for Surety Bond for the Clerk of the Circuit Court for 1985. Motion to approve claim for payment was made by Commissioner Cox, with a second from Commissioner Willner. So ordered.

Indiana Association of County Commissioners: Claim in the amount of \$550.00 for annual membership dues for 1985 for Vanderburgh County Board of Commissioners. Motion was made by Commissioner Cox that the claim be approved for payment, with a second from Commissioner Willner. So ordered.

RE: ACCEPTANCE OF COUNTY EMPLOYEES - 1985

President Willner requested that the following County Employee lists be approved and added to those previously submitted for 1985:

SUPERIOR COURT

Terry D. Dietsch
Randall T. Shepard
William D. Stephens
Scott R. Bowers
Robert W. Lensing
Maurice C. O'Connor
William J. Brune
Michelle A. Link
Robert P. Carithers
M. Jane Dooley
Gayle Spaulding
Mary Jane Stucki
Georgia Williams
Karen Flittner
Deborah L. Ray
Mary M. Clark
Sarah L. Cook
Carla Ann Rasco
Robert Jean Jourdan
Frank E. Hooper
Edward J. Davine
Alvis C. Herrenbruck
Louis J. Carnaghi
James T. Barron

Bart F. O'Connor
Eileen L. Baker
Ronald S. Barron
Gregory W. Combs
Joycelin G. Brinkmeyer
Theodore K. Gore
Joseph R. Lutz
Jill Lee Hendricks
Daniel James Wagner
Bernie Faraone
Patricia Sutton
Mary J. Herdman
Albert C. Folden, Jr.
Nina Lee Lockyear
Tracey Lynn Statz
Jane L. Schmuck
Laura Ann Cunningham
Devonna K. Brown
Rebecca M. Roth
Donna F. Baumeyer
Rosemary Norbury
Stephen C. Haas
Ralph E. Moore
Ronald J. Freson, Jr.

Thomas Lockyear
David M. Shaw
Mary Lee Hahn
William W. Deems
Fred O. Vetter
Gloria J. Fark
Arletta L. Turpin
Mildred Morgan
Arthur L. Edwards
Betty J. Dank
Virginia N. Lomax
Marilynn E. Hess
Carolyn J. Prior
Sharon J. Boardman
Paul V. Partington
James E. Cole
Denzil E. Reed
Frederick E. Althaus
Toni Ann Brinson

AREA PLAN COMMISSION

Barbara L. Cunningham
Joseph D. Ballard
Chris Erwin Forney
Beverly M. Behme

Keith Martin
Brenda K. Hill
Virginia Mae Wirthwein
Betty Jo Gilles

Donna Marie Holderfield
M. Irene Mastison

(continued)

COUNTY ASSESSORJames L. Angermeier
Monica E. Mindrup
Zretta HardinEvelyn Lannert
Cheryl Lawrence
Madge BunkerLa Tosha Pitt
Caroline Garrison
Janice Lindauer

Note: This completes the list of County Employees for 1985, with the exception of the Coroner's Office.

RE: EMPLOYMENT CHANGES - APPOINTMENTSBurdette Park

Mike Tyree	1400 Western Hills	Rink D.J.	\$ 3.50/Hr.	Eff: 1/16/85
Rick Bender	1517 Western Hills	"	"	Eff: 1/24/85

Treasurer's Office

Tonya Bennett	2543 Sunburst Blvd.	Ctr./Post	\$10,760/Yr.	Eff: 1/28/85
Beth Cain	4008 Western Ave.	"	"	Eff: 1/28/85

Auditor's Office

Karen S. Joest	2011 N. Green River	Clerk	\$11,760/Yr.	Eff: 2/4/85
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RE: EMPLOYMENT CHANGES - RELEASESBurdette Park

Mike Tyree	1400 Western Hills	Rink D.J.	\$3.50/Hr.	Eff: 1/18/85
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Auditor's Office

Janice G. Decker	4609 Pollack Ave.	Clerk	\$11,760/Yr.	Eff: 1/31/85
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Area Plan Commission

Keith Martin	3706 Covert Ave.	Cef. Dfts.	\$14,600/Yr.	Eff: 1/25/85
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Surveyor's Office/Bridge Crew (Leave of Absence)

David Guillaum	1610 Hicks Drive	Inspector	\$15,192/Yr.	Eff: 1/1/85
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RE: SCHEDULED MEETINGS

None scheduled at this time.

RE: TEAMSTER'S UNION AGREEMENT - 1985

President Willner asked that the record reflect that the County Commissioners have signed one (1) copy of the Teamster's Union Agreement for 1985 for Burdette Park, Vanderburgh Auditorium and the County Highway Department. There are ten (10) more copies to be signed. President Willner entertained a motion that these Agreements be signed and stamped and approved for 1985. Motion to this effect was made by Commissioner Cox, with a second from Commissioner Willner. So ordered.

There being no further business to come before the Board at this time, President Willner declared the meeting adjourned at 4:00 p.m.

(continued)

PRESENT:

COMMISSIONERS

Robert L. Willner
Shirley Jean Cox

AUDITOR

Alice McBride

COUNTY ATTORNEY

David V. Miller

COUNTY ENGINEER

Andy Easley

AREA PLAN

Barbara Cunningham
Beverly Behme

AUDITORIUM

Kim Bitz

BUILDING COMMISSION

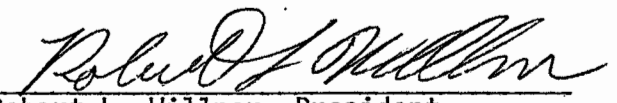
Jesse Crooks

OTHER

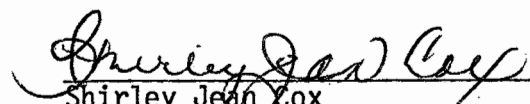
Jesse Roberts/ Alexander Ambulance Service, Inc.
John Riger/Poor Relief Applicant
Bill Goff/Pigeon Township Trustee's Office
Larry L. Lazart/Deputy Auditor
News Media

SECRETARY:

Joanne A. Matthews


Robert L. Willner, President

Richard J. Borries, Vice President


Shirley Jean Cox

MINUTES
COUNTY COMMISSIONERS' MEETING
FEBRUARY 4, 1985

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H. J. Nicholson --\$192.00	Judith Stricker ----\$272.64
J. R. Zeller -- \$269.76	Robert T. Dorsey----\$424.50
Evelyn Lannert --\$192.00	Harry A. Tornatta----\$192.00
Glen E. Koob ----\$192.00	Harry A. Tornatta ---\$ 88.80
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SCHEDULED MEETINGS

Data Processing Advisory Board	2:00 p.m.	Tuesday, February 5th	(Room 301)
County Council Meeting	2:30 p.m.	Wednesday, February 6th	(Council Ch.)
Hearing on Lynch Road Extension	7:30 p.m.	Thursday, February 7th	(Evlie. Day Sch.)
Meet Your Legislators Session	9:00 a.m.	Saturday, February 9th	(Council Chambers)
County Commissioners	2:30 p.m.	Tuesday, February 12th	

TRAVEL REQUEST/COUNTY RECORDER -----Approved -----	12 & 13
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MINUTES
COUNTY COMMISSIONERS' MEETING
FEBRUARY 4, 1985

The Board of Commissioners met in session on Monday, February 4, 1985, at 2:30 p.m. in the Commissioners' Hearing Room, with President Robert Willner presiding.

President Willner called the meeting to order at 2:45 p.m. and, since this was the first meeting of the month, asked that Sheriff Clarence Shepard officially open the meeting. Sheriff Shepard declared the meeting in session pursuant to adjournment.

The Chair entertained a motion concerning approval of the minutes of the previous meeting. Motion was made by Commissioner Cox that the minutes of the meeting held on January 28th be approved as engrossed by the County Auditor and the reading of same be waived. A second to the motion was provided by Commissioner Willner. So ordered.

RE: OPENING OF BIDS FOR FENCING AT BURDETTE PARK

Motion was made by Commissioner Borries that the County Attorney be instructed to open the bids received on fencing for the softball field at Burdette Park. A second to the motion was provided by Commissioner Cox. So ordered.

RE: AGREEMENT BETWEEN ALEXANDER AMBULANCE SERVICE, INC. & VANDERBURGH COUNTY

President Willner called upon County Attorney David Miller to discuss the agreement between the County and Alexander Ambulance Service, Inc.

Attorney Miller said this is the agreement to provide services under which Alexander Ambulance Service has been functioning during 1984, and we've presented a draft of the new agreement to cover calendar year 1985. Last week, Commissioner Cox raised a legitimate question regarding the last full sentence of Paragraph #9 of the agreement. In substance, that sentence provides that Alexander will not be in breach of this agreement if they receive a call for service to a county resident and do not have any units available because they are already in service, either because they are all in use in the city or city runs or private runs, or if they would all be in use because some would be in the county and some would be in the city. This sentence only speaks to cases in which all of their units would be unavailable because one or more are in service in the city or on private runs. The people at Alexander were contacted; Mr. Lindenschmidt spoke to Mr. Jesse Roberts last about this. Mr. Roberts indicated that Alexander was not agreeable to any change in that language. As pointed out by Attorney Miller last week, the language is the same as it was in the 1984 contract and said language resulted from a long period of discussion during our meeting (attended by Messrs. Borries, Lindenschmidt, Tuley and Attorney Miller) at the end of 1983, during which time Alexander correctly pointed out that if they have one (1) ambulance still available for being in service and they have one (1) ambulance there and somebody calls (either thru private lines or thru the City Fire Department) and indicates the need for Advance Life Support service in the city -- they would be theoretically required to turn that run down and, in effect, tell that individual that they'd have to make do -- because we can't let you use this ambulance, it has to be reserved for somebody in the county -- and the county might not need it all day. They (Alexander) said that is simply not a practical way to approach the problem. After some consideration (although we didn't like it) we had to agree that it was not too sensible to leave one ambulance sitting in its bay waiting for a county call that might never come, while somebody in the city is suffering. Therefore, we went ahead and agreed to this language. Mrs. Cox rightly points out that it places at risk all of the people who live outside the city limits to allow all of these ambulances to be used at one time in city calls -- and there are considerations both ways. But if someone in the city dies and there is an ambulance sitting there, Attorney Miller said that, in balance, he finds it to be the lesser of two evils to send the ambulance out and help the city resident who is also paying county taxes, as opposed to letting the ambulance sit there and wait for a county call that might never come. Attorney Miller said he has no argument opposing Mrs. Cox's concerns, he can only say that it was negotiated heavily and that the county people who were at that meeting finally agreed to it -- it was signed into the contract at the beginning of 1984, and the contract has functioned satisfactorily during the ensuing year. Alexander will not agree to an amendment. It is Attorney Miller's opinion that, on balance, we should go ahead and approve the agreement, notwithstanding this loophole or possibility of a hiatus of service being experienced. Attorney Miller said that on second thought, he would not refer to it as a loophole -- that was a bad choice of words. Hiatus might be better. But it is a possibility that what Mrs. Cox suggests could come to pass -- and we recognized that from the beginning. But there are only so many

(continued)

ambulances available. Therefore, it is Attorney Miller's recommendation that the Commissioners go ahead and sign the agreement.

President Willner thanked Attorney Miller for his comments, and entertained discussion concerning same. There being none, the Chair entertained a motion. Motion was made by Commissioner Borries that the contract with Alexander Ambulance to provide services be approved. A second to the motion was provided by Commissioner Willner.

The Chair then asked for a roll call vote:

Commissioner Cox	-	No
Commissioner Borries	-	Yes
Commissioner Willner	-	Yes

President Willner said the agreement has been signed by the Board of Commissioners and a copy will be transmitted to Alexander Ambulance Service, Inc.

Commissioner Borries said he would comment that thru the course of conversations concerning this particular matter, that he thinks the opposite problem was also posed. That if you had an accident at Angel Mounds Boat Ramp, for example, or Dogtown (which would be located in the county) or some real problem in Union Township -- that if it involved more than one (1) ambulance and was in the county -- then the total number of ambulances available would then be used for those county runs. Attorney Miller said all of the ambulances could be engaged in county runs -- either private or thru the public facilities that are set forth in the contract; and it may be that the city residents would be without an available ALS (Advance Life Support) ambulance for a while. It works both ways.

Commissioner Cox said her point is that the City has no contracts specifically stating what was just stated by Commissioner Borries.

RE: BIDS ON FENCING FOR SOFTBALL FIELDS AT BURDETTE PARK

Attorney Jones said there were four (4) bids received, as follows:

Tri-State Fence Co., Inc. Evansville, IN	\$9,090.00
William D. Dickenson (S & E Fence Co.) (\$10,364.20 plus \$229.60 for 1,982 ft. of fabric & 2,270 ft. top rail)	\$10,593.80
All-American Fence Co., Inc. Evansville, IN	\$ 6,995.93
Willis Fence Co. Evansville, IN	\$11,716.00

Attorney Jones pointed out that the bid from Tri-State Fence Co. is NOT in order, due to the fact that bid bond is made out to the City and not to the county. President Willner suggested that City be corrected to read County, but Attorney Jones stressed that this would not be feasible, as it would depend upon whom the bonding company is going to recognize as to whom it is conditioned. If they say to the city, then it is not in order. If they say to the county, then it is in order. But on the face of it, he would say it was not in order unless the bonding company could get in here.

Kim Gelinas of the Purchasing Department advised the Board that the gentleman from Tri-State Fence Co. had called Purchasing earlier and neither she nor Mr. Dorsey were available at the time. When they returned to the office and returned his call, he had already submitted the signed/sealed bid, without knowledge that the City/County were two different entities insofar as the submitting of subject bid -- and that the bid bond should read "county".

It was subsequently determined that Mark Tuley would get with Mr. Dorsey in Purchasing and review all bids submitted, and try to get back to the Board prior to adjournment of today's meeting.

(continued)

RE: SPECS FOR INVITATIONAL BIDS ON DUMP TRUCK FOR BURDETTE PARK

Mr. Tuley said they had also asked for permission for specs to obtain bids on a dump truck. Purchasing now has those ready. Would the Board want to approve those at this time? President Willner asked if Mr. Tuley has reviewed the specs and he replied in the affirmative. President Willner asked if all parties are able to bid, and Mr. Tuley said they are. President Willner called for a motion to approve the specifications for the dump truck. Motion was made by Commissioner Borries that the specs for dump truck for Burdette Park be approved. A second to the motion was provided by Commissioner Cox. So ordered.

Mr. Tuley said those bids are to be opened on March 4th.

RE: AGREEMENT BETWEEN DAVID M. GRIFFITH & ASSOCIATES, LTD. & VANDERBURGH COUNTY

President Willner presented an Agreement between David M. Griffith & Associates, Ltd. and Vanderburgh County for approval. He said this is the consultant that inventories the federal dollars being spent by Vanderburgh County in their behalf and gives us a return on the investment.

County Auditor Alice McBride stated that she had written a note on the attached letter indicating the amount the county received in 1984. President Willner said that in 1984, for a fee of \$11,900.00, we got in return \$82,954.66. Thus, he would say that this is a good agreement.

Commissioner Cox queried President Willner concerning the fee for 1985. He said it goes by county population and this year the fee is \$12,200.00 (population of 100,000 to 499,999).

Motion was made by Commissioner Cox that the agreement between David M. Griffith & Associates, Ltd. and Vanderburgh County be approved. A second to the motion was provided by Commissioner Borries. So ordered.

RE: TREASURER'S REPORT

President Willner said that the following report had been submitted by County Treasurer Pat Tuley:

TO: COUNTY COMMISSIONERS
COUNTY COUNCIL

Local Roads and Streets (216) -- Invested \$500,000.00 January 7, 1985, at 7.8%. Estimated interest at maturity is \$3,250.00. Maturity date is February 6, 1985.

Monies on Deposit -- Invested \$3,700,000.00 January 7, 1985, at 7.8%. Estimated interest at maturity is \$24,050.00. Maturity date is February 6, 1985.

Reassessment (249) -- Invested \$1,000,000.00 January 7, 1985, at 8.8%. Estimated interest at maturity is \$86,288.89. Maturity date is December 26, 1985.

Monies on Deposit -- Invested \$500,000.00 (\$100,000.00 to each of the 5 S/L) January 8, 1985, at 8.1%. Estimated interest at maturity is \$20,025.00. Maturity date is July 5, 1985.

Revenue Sharing (506) -- Invested \$150,000.00 January 15, 1985, at 8.05%. Estimated interest at maturity is \$5,500.83. Maturity date is June 28, 1985.

Yours truly,

Patrick Tuley

Report received and filed.

RE: INVESTMENT RESOLUTION

President Willner read the following Investment Resolution to be signed:

(continued)

INVESTMENT RESOLUTION
OF BOARD OF COUNTY COMMISSIONERS,
VANDERBURGH COUNTY, INDIANA

January , 1985

WHEREAS, the Board of Commissioners of Vanderburgh County, Indiana, pursuant to Indiana Code §5-13-1-1 et seq. (Acts 1975, P.L. 44, 81, 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 desire 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 in his discretion all available local roads and street funds for a period of 180 days and to return all interest earned on deposit therefrom to the local roads and street funds.

2. Vanderburgh County Treasurer is hereby authorized and directed in his discretion to invest all county cumulative bridge funds for a period of 180 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 4th day of February, 1985.

BOARD OF COUNTY COMMISSIONERS OF
VANDERBURGH COUNTY, INDIANA

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

President Willner said the Commissioners had asked the County Attorney to draft subject resolution and asked Attorney Jones if he had any comments. Attorney Jones said the Board had requested a resolution requiring deposits from Local Roads & Streets for 180 days and 180 days for the Cumulative Bridge Fund. The interest goes back into those funds at the end of the 180 day period.

The Chair entertained a motion concerning approval of the resolution. Motion was made by Commissioner Borries that the Board sign the resolution. A second to the motion was provided by Commissioner Cox. So ordered.

President Willner said he would like to point out one problem. The State has indicated they would like their dollars on the Morgan Avenue Bridge as soon as possible. President Willner said that when the Board gives this Investment Resolution to County Treasurer Pat Tuley, they should let him know that that would be \$138,000.00 that he needs to keep from investing for that 180 days.

Commissioner Cox asked if that money is appropriated by Council? President Willner said it probably is not, but is probably on Council Call for Wednesday, February 6th. A quick check of the agenda confirmed that it is scheduled for Wednesday's agenda. It was further confirmed by Mr. Lindenschmidt that Mr. Tuley had already been advised that this \$138,000.00 is an exception to this resolution. In response to Commissioner Cox's query, President Willner confirmed that this \$138,000.00 will come from the Cumulative Bridge Fund.

(continued)

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COUNTY COMMISSIONERS
February 4, 1985

Page 5

RE: SUPPLEMENTAL AGREEMENT with IDOH RE MORGAN AVENUE

President Willner read the following letter from the Indiana Department of Highways re the Morgan Avenue project:

January 30, 1985

Board of County Commissioners
Vanderburgh County
Courthouse
Evansville, Indiana 47708

Subject: County-State Agreement
Widening of SR 62 (Morgan Avenue) between Boeke Road and
Green River Road (Project: F-012-2(D))

Gentlemen:

Attached are three (3) copies of a proposed supplemental agreement between the Indiana Department of Highways and the County providing the County to pay the State \$138,000.00 as its share of the construction of the subject project.

If you agree with the terms of the agreement, please have the proper signatures affixed on pages 2 and 3. Two (2) original signed documents should be returned to this office for further development.

We will provide you with a fully executed agreement after the returned agreements have been signed by the Director of Highways, and approved as to legality and form by the Attorney General.

Very truly yours,

John E. Jordan
Engineer of Consulting Services

FOR: John P. Isenbarger
Director

cc: Mr. Walters
Mr. Yoder
File

The Agreement executed by the Commissioners was, as follows:

SUPPLEMENT

THIS SUPPLEMENT is made and entered into _____, 19____, by and between the State of Indiana, acting by and through the Indiana Department of Highways, hereinafter referred to as the "STATE", and the County of Vanderburgh, Indiana, acting by and through the Board of Commissioners of Vanderburgh County, hereinafter referred to as the "COUNTY".

WITNESSETH

WHEREAS, the COUNTY and STATE entered into an Agreement dated October 21, 1982 to provide for the widening of SR 62 (Morgan Avenue) between Boeke Road and Green River Road; and

WHEREAS, the COUNTY and STATE desire to modify the payment provisions for the construction of the project.

NOW THEREFORE, in consideration of the mutual covenants, herein contained, the parties hereto mutually covenant and agree as follows:

1. Section 3 is amended to read as follows:

Before the advertisement for bids on the project by the STATE, the

(continued)

COUNTY shall contribute and pay to the STATE one hundred percent (100%) of the COUNTY'S share of the construction cost.

2. Section 4d is amended to read as follows:

The COUNTY'S share of the construction cost shall be \$138,000.00. The remaining cost of construction shall be borne entirely by the STATE.

3. Section 5 is deleted.

4. Except as herein modified, amended, or supplemented, the terms of the original Agreement dated October 21, 1982, shall continue in full force and effect.

THIS SUPPLEMENT shall be binding upon the parties hereto and their successors or assignees.

THIS SUPPLEMENT shall not be effective unless and until approved by the Attorney General, or his authorized representative as to legality and form.

IN TESTIMONY WHEREOF, the parties hereto have executed this SUPPLEMENT.

VANDERBURGH COUNTY
BOARD OF COMMISSIONERS

By: Robert L. Willner
Richard J. Borries
Shirley Jean Cox

Attest:

Alice McBride, Auditor

This instrument is prepared by:

John E. Jordan
Engineer of Consulting Services

THE STATE OF INDIANA
THE INDIANA DEPARTMENT OF HIGHWAYS

Recommended for Approval:

E. Wayne Walters
Deputy Director, Development

By: John P. Isenbarger
Director

Attest:

Daniel A. Novreske
Deputy Director, Administration

APPROVED AS TO LEGALITY AND FORM

Linley E. Pearson (FOR)
Attorney General

President Willner said this agreement came out of the trip to Indianapolis, where the State did take \$10,000.00 off the cost of the bridge and did put a cap on it. He thinks the Commissioners all agreed in principle at the subsequent meeting and the agreement is now ready for execution. He called for a motion. Motion was made by Commissioner Borries that the Supplement be approved in the amount of \$138,000.00. A second to the motion was provided by Commissioner Cox. So ordered.

RE: COUNTY ATTORNEY - David Jones

Inter-Governmental Agreement re Health Department: Attorney Jones advised that the County Council made two (2) changes at their last meeting re the Interlocal Governmental Agreement/Joint City-County Health Department -- with regard to the resolution that had been approved by the City and passed by the Board of Commissioners. Attorney Jones has both the amended Resolution and amended Agreement, as approved by the County Council to present to the Board of Commissioners today for their consideration. The two changes involved increasing the number appointed to the Joint Board -- in other words, the original version passed by the Commissioners gave the Mayor six (6) appointments and the County Commissioners one (1). The County Council amended that to reduce by one (1) the number that the Mayor appoints and increase by one (1) the number appointed by the County Commissioners. As amended, the Commissioners would appoint two (2) and the Mayor would appoint five (5).

The second change had to do with termination of the agreement. Upon termination of the agreement, all properties to be transferred would be appraised, so that the units of

(continued)

government could allocate amounts that they would receive back from their contributions to this joint department. The original version had three (3) appraisers, and Attorney Jones thinks the Mayor had two (2) and the Commissioners one (1). The County Council amended that to provide that the Mayor would appoint one (1), the Commissioners would appoint one (1) and the Circuit Judge would appoint one (1). This is now ready for consideration by the Commissioners, then it will go back to the City Council.

Commissioner Borries said that a lot of this came about because, by statute, every ten (10) years there has to be a change in the funding mechanism regarding City-County wide health departments, where the funding is set up on a population basis. The agreement also changed to reflect that particular situation. He said that in order to avoid some of the confusion, could Attorney Jones prepare a brief memo to send as a cover letter to the City Council so they would know what specific changes have been made -- and then they can act upon those. Attorney Jones agreed to do so.

Attorney Jones pointed out that he has not gotten the agreement back to County Council for their signatures; but, this is the form that they approved at their meeting although the signatures are not actually on the form.

Commissioner Cox asked Attorney Jones if he knows what percentage of the funding the county pays at this time? County Auditor Alice McBride advised that the county pays 22%.....Commissioner Cox said this, then, is about one fifth of the budget figure. She said the Legislature worked so hard to take all appointments away from the Circuit Court Judge -- and now we have a local body that's giving him the appointment back.

The Chair then entertained further questions. There being none, motion was made by Commissioner Borries that the Agreement be approved, as amended. Commissioner Cox said she would second the motion; however, she does not see why the Mayor can't appoint two (2) of the appraisers. She doesn't know what the Circuit Court Judge has to do with it. Motion carried in the affirmative for the agreement, as amended by the County Council. (Agreement will be given to the Council Secretary, Jean Wilke, so she can present for signatures of Council members who passed the amended Agreement at the Council meeting on Wednesday, February 6th....and, subsequently, forwarded to the City Council with an accompanying memo from Attorney Jones.)

RE: COUNTY HIGHWAY DEPARTMENT

President Willner said that Mr. Bill Bethel, County Highway Superintendent, is now home from the hospital and recuperating from surgery. He expects to be back on the job this coming Monday -- and he appreciates all the thoughts and prayers.

Weekly Absentee Report: The Weekly Absentee Report for employees at the County Garage for period January 28 thru February 1, 1985 was submitted....report received and filed.

Weekly Work Report & Work Schedule: The Weekly Work Report for same period was submitted...report received and filed. Attached to the Work Report was the following Work Schedule:

1/28	-	Gradall:	Schroeder Rd., cleaned ditch.
		Patch:	Burkhardt Rd., Telephone Rd., Boonville-New Harmony, Koressel Rd.
		Cut Brush:	Broadway, Baseline
		Grader:	County Line Rd.-East, Old Green River Rd.
1/29	-	Gradall:	Schroeder Rd., cleaned ditch.
		Patch:	Bayou Creek, Broadway, Mill Rd., Darmstadt Rd., Mt. Pleasant and Old 460
		Cut Brush:	Broadway, Baseline Rd., Koressel Rd.
		Grader:	Little Schmuck, Buente Rd., 7 Hills Rd., and Charles Lane
		Repair	
		Washouts:	Schutte Rd. and Koressel Rd.
1/30		Gradall:	Schroeder Rd., cleaned ditch.
		Patch:	Green River Rd., Burkhardt Rd., Upper Mt. Vernon Rd.
		Cut Brush:	Broadway, Baseline Rd., and Koressel Rd.
		Grader:	Roesner Rd., Little Schmuck, Mann Rd. & Bixler Rd.

(continued)

- 1/31 - Snow Removal; Snow Plows; Hand Salt
- 2/1 - Snow Removal; Snow Plows; Hand Salt
- 2/2 - Snow Removal; Snow Plows; Hand Salt

President Willner said the crews were working around the clock at times in a very diligent manner and it is appreciated. Some of the east-west roads were fairly hard to keep open due to the winds and drifting. The north-south roads did not require as much attention this time around. Most of the main thoroughfares in the county are north-south; if that is considered a break, then maybe we got a little break.

RE: COUNTY SURVEYOR

There was no representative from the County Surveyor's office. However, President Willner presented copies of the weekly Bridge & Guardrail Repair Report, which had been submitted.....report received and filed. The crew worked on Duesner Road on Monday and spent Tuesday and Wednesday working on Old Henderson Road. Thursday and Friday were spent at the garage (servicing vehicles, equipment, etc.).

RE: RIDGE SUBDIVISION/REQUEST FOR SIDEWALK WAIVER

The Chair recognized Mr. Bill Thomas and asked that he approach the podium to address the matter of the request for waiver of sidewalks, etc., in Ridge Subdivision.

Mr. Thomas said that both he and his wife are present at today's meeting. He has submitted plans to the Area Plan Commission for a small subdivision on the north side of Darmstadt Road (actually just off Evergreen Road) that will consist of an area of 8.2 acres, a total of seven (7) lots, with an approximate one (1) acre lake. The street he plans to put down thru the property will be 250 ft. long, terminating in a cul-de-sac and Mr. Morley (who is out in the hall at this time) has been his engineer on the project. The size of the lots is a little larger than the typical city lot; this is in the county. The road is approximately 6,800 ft. Mr. Thomas said he knows we don't necessarily measure by the road -- and there will only actually be four (4) lots fronting Balsam Lane. It is a deadend with no thru traffic. The traffic count itself on Evergreen (if that has any bearing on the subject) is less than 2,000 at last count -- with this being a strictly residential subdivision with no thoroughfare thru to any other street adjoining or otherwise. Mr. Thomas said he would like to apply or appeal for a waiver of the sidewalks restriction originally as outlined for the property. His primary concern here is twofold: First, esthetics; he is afraid that with a subdivision of this type the width of the street combined with sidewalks -- it is going to be very overbearing. Secondly, the size of the subdivision and the limited amount of traffic with a deadend at a cul-de-sac, and only being 250 ft. in total length -- it doesn't appear that the traffic count on that particular street is going to be great enough to justify or warrant the additional cost that he would have to pass on to the property owners, themselves.

President Willner said he believes Mr. Thomas had talked with the Area Plan Commission concerning this request at the Subdivision Review Committee and at that time his request was approved. Mr. Thomas said it was approved at their January 24th meeting that they would waive this, because the original suggestion was that they were going to ask for several things to be included. Commissioner Willner said the Board had not ever said there should be sidewalks here, and Commissioner Borries agreed. Nonetheless, Mr. Thomas said he is appealing for a waiver; as it now stands, he assumes he is required to have sidewalks and the Commissioners have the authority to waive this -- in this particular situation or others as they come up. Motion was made by Commissioner Borries that Mr. Thomas' request for waiver of sidewalks in Ridge Subdivision be approved, as shown on the plot. Commissioner Cox said it is her understanding that the waiver is for the sidewalks only, is that correct? Commissioner Willner responded in the affirmative. A second to the motion was provided by Commissioner Willner. So ordered.

RE: BIDS ON FENCING FOR BURDETTE PARK

Attorney Jones said it has come to his attention that first of all there is a problem with the specifications. The specifications are in error to the extent that in the bid requirements Item #4 says, "The County Commissioners of the City of Evansville, Indiana reserves the right to reject any and all bids in the interest of the City of Evansville or Vanderburgh County." When he went back and looked at this, three (3) of

(continued)

the four (4) have their bonds and their checks payable to either the City or the City Public Purchasing. The specs are wrong; on that basis, it is his recommendation that the Board throw out all bids and re-bid it. The specifications should be revised and in the future there should be a specific statement that this is a bid for the county -- that the statement specifically say that the bids must be accompanied by an acceptable bid bond, cashier's check or certified check in the amount of 5% of the total amount of the bid (which is what it says now) and then it should say, "Payable to or Conditioned upon payment to Vanderburgh County"... in order not to mislead anyone else. As it is now, the specifications are in error and are misleading.

Commissioner Cox asked if we could add to the specs a delivery date for materials and installation date? Mark Tuley said he thinks at this point we will have to. Attorney Jones said it has been noted that the specs for the fencing are correct -- it's just that the format concerning the bid bond is incorrect. Commissioner Cox said that Mr. Tuley should check the specs on the dump truck immediately to be certain those specs do not contain the same error.

President Willner said we are still under statute to have this bid -- which is \$15,000.00. Can the Commissioners declare this an emergency and take invitational bids? What that would amount to would be for Mr. Tuley to call these companies to determine if they will stand by their quote or if they want to lower it -- and come back to us next week -- so we can get the fencing going. Is that a possibility? It was determined that the Board would give Attorney Jones a few minutes to research the matter.

RE: COMPUTER SYSTEM CHANGE REQUEST/VOTER'S REGISTRATION

President Willner requested that Commissioner Borries read letter received from County Clerk Helen Kuebler, which had been directed to her by the United States District Court (this is the attachment which was missing when the request was initially presented). The letter read as follows:

"Helen L. Kuebler, Clerk
Vanderburgh County Courthouse
Evansville, Indiana 47708

Dear Ms. Kuebler:

Pursuant to 28 U.S.C. §1863 each United States District Court must devise a plan for random selection of grand and petit jurors. The plan for this district provides that the source of names for prospective jurors shall be the voters registration lists. At this time we are requesting that you provide us with a list of names of prospective jurors from the list of registered voters in your county.

Enclosed herewith is our J.P. Form 1, which explains the method in selecting names. Also enclosed is our J.P. Form 2, for use in listing the names and addresses of persons from your county voter registration lists.

While it is realized that furnishing us with the names from your latest up-to-date voter registration lists will entail additional work for you and your staff, it is sincerely hoped that you will cooperate so that the plan may be put into effect as efficiently as possible. It is anticipated that your list of names will suffice for the next four years.

We would appreciate an early return of the list of names from your county in the enclosed self-addressed envelope, no postage required.

Gratefully yours,

John A. O'Neal, Clerk
Edna C. Arnold, Jury Commissioner"

Commissioner Borries said the cost on a one-time aspect would be \$200.00. The Chair entertained questions from the Board concerning subject request. There being none, a motion was entertained. Motion was made by Commissioner Borries that the request be approved, with a second from Commissioner Cox. So ordered.

(continued)

RE: COUNTY SURPLUS PROPERTY TO BE ADVERTISED FOR SALE

President Willner said the Board now has appraisals on County-owned surplus property to be advertised for sale. There are twelve (12) parcels, as follows:

<u>Tax Code No.</u>	<u>Location</u>
11-5-21-28-17	502 Olive Street
11-6-21-42-8	1015 Cherry Street
11-6-21-43-5	1123 Chestnut Street
11-9-21-70-13	26 E. Powell Avenue
11-9-21-74-30	806 S. Governor
11-9-21-77-9	907 S. Garvin Street
11-25-24-8-16	660 E. Illinois Street
5-2-7-75-27	Melody Lane Sewage Plant
9-72-17-124-14	Covert Avenue
10-5-18-56-11	3105 Claremont Avenue
12-3-34-96-11	5701 Flightline Drive

It was noted by County Auditor Alice McBride re the last parcel named (5701 Flightline Drive) that the County should keep this parcel and not advertise it for sale. There is \$33,289.18 due in taxes on this property...on the improvements only. Indiana Airmotive leased this from the Airport Authority. President Willner said we do not want to sell the land -- but we do need to do something about the delinquent taxes owed on the improvements by the lessee. The Chair entertained a motion concerning the first eleven (11) parcels. Motion was made by Commissioner Borries that all parcels of land (excluding the 5701 Flightline address) be advertised for sale. A second to the motion was provided by Commissioner Cox. So ordered. (To be advertised four times and auction held March 11th.)

President Willner asked that the records reflect that he is turning the remaining parcel (5701 Flightline Drive address) over to the County Attorney for his advice insofar as to how the county might collect the delinquent taxes owed or determine the problem. (This is Tax Code #12-3-34-96-11, the lessee being Indiana Airmotive.)

Attorney Jones said he already can offer comments concerning the problem. Indiana Airmotive was a sub-lessee or one of the two fixed base operators at the south end of the airport, the other being Tri-State Aero. They had leased from a client of his law firm (Bowers, Harrison, Kent & Miller) Patrick Aviation -- and they defaulted. On behalf of Patrick Aviation, they repossessed the south end of the airport. They turned around and filed a large anti-trust action against Bowers, Harrison, Kent & Miller; their client, Tri-State Aero, the city, the county and everybody else. That thing is still tied up in Federal Court and has been for the last five (5) years. Airmotive is defunct. After that default, they have leased this thing back and it has gone thru several people. For instance, one of the individuals was a fellow named Brack. He was the individual involved in the Baynham embezzlement deal and he is off in jail now. So it subsequently went to somebody else. In any event, the story is lengthy. But, to the extent that the true owner is the Airport Authority, who simply leased to Indiana Airmotive, he said he can attempt to see what the status is currently. President Willner asked if he will go so far as to contact the Airport Authority attorney and ask him to provide us with a letter. Attorney Jones suggested the former attorney for the Airport Authority (since there has been a recent change). However, President Willner said to contact the new attorney for the Airport Authority and give him an opportunity to get his feet wet. Maybe he can provide the Board of Commissioners with some words of wisdom.

RE: COUNTY HIGHWAY ENGINEER - ANDY EASLEY

Request To Go On Council Call re Burkhardt Rd. (#216 Acct.): Mr. Easley advised that we are some \$1,800.00 short in the #216 Account to pay the claim recently approved for the State to get their \$138,000.00 for the Morgan Avenue Bridge project. Further, we also need to pay the consultant until we can get reimbursed 75% -- so we will need some operating money in that account. He will have to select an account to take it from, but he would request the Commissioners' permission to make that selection intelligently -- and he will get back with them before Wednesday's Council meeting. President Willner said there is only one account to take it from, and that is Roads & Streets. Commissioner Cox said this has to be advertised; he can't do it Wednesday. Mr. Easley said we will have to do it in accordance with the regulations under which we operate. President Willner called for a motion to put Mr. Easley on Council Call

(continued)

for March.....but Mr. Easley asked if he couldn't make it February? Mr. Lindenschmidt said Mr. Easley had talked to the Council Secretary previously.

A check of the Council agenda revealed that the \$138,000.00 for the Morgan Avenue Bridge project is included in the requests for Council Call scheduled February 6th.

With regard to the Burkhardt Rd./Division Street drainage project.....the extra work on the culverting, etc. The amount for this project is \$20,000.00.

Mr. Easley said the amount of the claim brought to the Board's attention some two to three weeks ago was for 25% of \$1.4 million. However, there is a \$300,000.00 claim that cannot be paid until monies are transferred (on the Burkhardt Road project). Mrs. Cox said we're not short \$300,000.00. Mr. Easley said he did not say we were short \$300,000.00. We are short \$1,800.00 -- or so he was advised by Gloria Evans in bookkeeping -- and we have to transfer some monies. Again, Mr. Easley said he cannot appear before Council on this before the March meeting? Commissioner Cox said that is correct. President Willner said he cannot go in March, unless he contacts the Council Secretary before February 15th with request to appear on Council Call. President Willner then entertained a motion concerning permission for Mr. Easley to appear before Council to request the \$1,800.00. Motion to this effect was made by Commissioner Cox. Mr. Easley said that actually it would be more than that. We have to get some operating money in there so monthly bills can be paid. President Willner said Mr. Easley will have to let him know the amount at this time. Commissioner Cox interrupted by asking Mr. Easley if he'd prefer to wait and prepare his formal request for next week's meeting, since there would still be time to get the request in to appear on the agenda by the February 15th deadline? Mr. Easley responded in the affirmative. Commissioner Cox stated she would withdraw her motion. Thus, this matter was deferred for a week.

Lynch Road Project: President Willner asked if everything concerning the Lynch Road project is still on track? Mr. Easley said he had spoken with Steve Dilk and he is waiting to get things approved up at his end of the line. He said it may take another three weeks to a month before they have the money in their account so they can authorize us to begin the work. He said it is forthcoming. Mr. Easley is going to alert everyone who is going to do the work. He met with the Creasey Co. about a week ago and we've agreed that work probably would not start until April 1st. Seaboard was also at the meeting -- so everyone is on board re this project.

Water Line Extension/Highway 57: With regard to the extension of the water line on Highway 57, Mr. Easley said about two-thirds of the letters have been returned to him. Insofar as interest on the part of those individuals who own frontage, it looks as though about 50% are for it and 50% are not interested. However, he does not yet have all the letters back...but they are trickling in. Commissioner Cox asked if this is on Highway 57 only? Mr. Easley said that is on both of them -- they're running about 50-50 on both of them. He will get this information tabulated so the matter can be discussed.

Lynch Road/Highway 41 Intersection:

President Willner said he has received requests from some of the residents who use Lynch Road. They say that at Highway 41, when you're traveling west and want to turn south -- there are two lanes. They wanted the Board of Commissioners to write a letter to the State to see if they could paint directions on the roadway -- so that both lanes could turn south. Mr. Easley said the road where the arrows are to be painted is actually a county road -- with the state's permission, is that right? Mr. Willner said that is correct. It is legal for both west lanes of Lynch Road to turn onto both lanes of Highway 41 on a left turn, is it not? Mr. Easley said a similar situation exists at new relocated Highway 57. Commissioner Willner said that is correct. But what is happening on Lynch Road, if the right lane turns when he gets to Highway 41, the other car makes a great big wide turn and they have an accident. The residents think that if we would request that the state paint lanes on Highway 41 -- as well as arrows on Lynch Road (which we would do) -- it would alleviate that problem. Mr. Easley agreed to contact Vincennes to see if we could repeat the same deal we now have on Highway 57. He thinks that is a good suggestion. He said he heard Lee Gallivan say he had a bad accident at that intersection; in fact, he had to leave his car in Evansville.

RE: PUBLIC OFFICIALS EARTHQUAKE AWARENESS CONFERENCE

President Willner read the following letter which had been passed along to the Commissioners by Fred Hermann, Acting Director of the Vanderburgh County Civil Defense office:

(continued)

DATE: December 14, 1985
TO: Freddie Hermann, Acting Director
Vanderburgh County Civil Defense
FROM: William J. Patterson, Director

There will be a Public Officials Earthquake Awareness Conference at the Executive Inn in Paducah, Kentucky on March 27, 1985. The conference will be sponsored by the following states: Indiana, Illinois, Kentucky and Missouri.

The purpose of the conference is to create an awareness among public officials of the possibility of an earthquake in the Central United States as well as the devastating effects that could be expected, should one occur.

You are invited to attend this conference and bring three public officials, such as the Mayor, council members, county commissioners and advisory council members. Please submit the names and titles of the public officials from your jurisdiction who are planning to attend to Esther Wilder (317) 232-3835 by January 30, 1985. Civil Defense Directors are urged to attend as one of the public officials from your respective jurisdictions.

Costs for lodging and per diem will be reimbursed at the State rate. This includes the actual cost of lodging (motel room) and \$22.00 per day for per diem. Travel costs will be reimbursed at the State rate. This office will furnish the necessary vouchers for reimbursement.

A conference agenda is enclosed.

WJP/ew
Encl.

President Willner said that if he reads right, some earthquakologist has said that we are due for one in the next five (5) years. Incidentally, while the date of January 30th was mentioned as a registration deadline, he is certain it is not too late to register -- since the conference is not scheduled until March 27th....it is a one-day conference and the meeting begins at 8:30 a.m. President Willner said he does not think he will go, but he does think the County Engineer should attend.

Mr. Easley said a lot of people talk lightly about the matter; but when he arrived in Evansville in 1966, he noted on a map of the uniform building code that had not yet been adopted by the State of Indiana -- it was a map of probabilities and Evansville was in Zone #3, which is the same as Los Angeles. He asked if we had earthquakes around here? Two years later, we had an eqrthquake. He found out thru various articles that this is a probability -- and if it ever hits, if you've ever had one, they say the strain just keeps building up and one of these days..... President Willner asked that the records show that anyone who wants to attend the conference should contact Mr. Jim Lindenschmidt. He feels that "one of us should go and represent Vanderburgh County."

RE: TRAVEL REQUEST/COUNTY RECORDER

The following request was submitted by newly elected County Recorder, Bob Steele:

January 28, 1985

Robert Willner, President
Vanderburgh County Commissioners
Civic Center Complex

Dear Sir:

This letter is to let you know that I am requesting permission to attend a Training Seminar for newly-elected County Recorders held by the State Board of Accounts. The Seminar is scheduled for Tuesday, February 19, 1985, at the Indiana State Library Auditorium, 140 North Senate Avenue, Indianapolis, Indiana.

(continued)

Thank you for your consideration.

Bob Steele, Recorder
Vanderburgh County, Indiana

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

RE: CERTIFICATES OF INSURANCE

Gelhausen Brothers, Inc.: Certificate from Marv Phillips Insurance Company for display and promotion of merchandise show (open to general public) sponsored by Gelhausen Brothers on February 22 thru February 25th at the Auditorium.

RE: HOLIDAY CLOSING - COUNTY OFFICES

President Willner said that all County offices will be closed on Monday, February 11th for Lincoln's birthday. (Commissioners will meet Tuesday at 2:30 p.m.)

RE: SCHEDULED MEETINGS

2:00 p.m. Tuesday - February 5th - Data Processing Advisory Board Meeting in Room 301

2:30 p.m. Wednesday-February 6th - County Council Meeting

7:30 p.m. Thursday - February 7th- Hearing on Lynch Road Extension (Evansville Day School)

9:00 a.m. Saturday - February 9th- 1st Session/Local "Meet Your Legislators"

2:30 p.m. Tuesday - February 12th - Commissioners' Meeting

With regard to Lynch Road Extension, Commissioner Borries said there was discussion --and he thinks the E.U.T.S. Committee (of which he is a member) adopted the same general corridor the Commissioners had looked at (Corridor D) -- the one that connects with Telephone Road. So, if the Commissioners would care to make a comment at that Hearing, that is scheduled for Thursday night.

With regard to the "Meet Your Legislators" session on Saturday; there are a lot of possibilities on State government issues, not only on the I.S.U.E. bill (which looks successful at this point), but there are some significant changes in Welfare legislation that could come about in this session as well as the age-old nemesis of the time issue which has surfaced again. Perhaps people will want to give their yea or nay on that.

Legislation re Misdemeanants:

County Attorney David Jones said that the Sheriff had mentioned to him that he has been advised via the Sheriff's Association of some legislation that has either been introduced or will be introduced -- that is gaining some momentum -- which, in effect, would require the sentencing of all misdemeanants to County Jails. The Department of Corrections would then reimburse the County \$22.00 or so per day. The Sheriff is very much concerned about this and brought the matter up -- since we have just recently gotten thru a seven year class action suit concerning the jail and here the State attempts to again shift the load -- as they so often want to do. The State got sued, and lost their lawsuits to the Department of Corrections and now they attempt to take the easy way out and shift their problem back onto the county which is what it would do.

What that doesn't say is, \$22.00 does not cover the cost to pay for those prisoners per day. Secondly, if there is no reimbursement for the medical expenses, it is a bone crusher; it is a bone crusher. The food for the prisoners is not the problem. There is a recent case which the Indiana Supreme Court came down with which he showed the Sheriff a while ago--in Marion County which has been litigated....the fact that the Sheriff and the County must pay the medical bills of indigent prisoners and not the hospitals. They were attempting to establish under the Health & Hospitals Act that hospitals are required to provide a certain amount of indigent care. But, for some reason, they have been able to convince the Supreme Court that indigents do not refer to indigent prisoners -- only all other indigents. They neatly sidestepped that and shifted that back onto the county. Attorney Jones said he thinks it is in the interest of the county as a whole to consider that one very carefully.

(continued)

Commissioner Cox asked, "How can they do that? A prisoner is a person. To classify him "indigent" or anything else -- that is certainly discriminatory in nature. Attorney Jones said that first of all, as he understands the way the bill would work, they would simply say that anybody sentenced to one (1) year or under stays in the County Jail rather than being transported to the Department of Corrections as they do now. Now they are only kept for 180 days or something like that maximum. This would, in effect, -- they are going to solve the State's population problem by just filling up all the county jails to capacity, enforcing it there and saying simply, "Here is \$22.00 per day". But, if they don't pick up the medical, the dental, the eyeglasses, the operations and all the stuff that goes with that (and he doesn't think that this is in the bill) it will break the counties. You'll have all that extra that the state ordinarily picks up now. So, you get all the burden and none of the benefit. That's the State's nice clean way of dealing with over-crowded facilities.

Commissioner Cox asked if Attorney Jones thinks they're trying to buy time here, because there is also a bill that has been submitted which mandates that the State prisons increase their number of accommodations -- she thinks it's by 5,000 people -- by such and such a deadline? Attorney Jones said all of the facilities are under some kind of a federal order right now.

President Willner said he recalls that back under Governor Bowen's administration reading an article where they talked about a Hoosier time bomb about the state prison system -- and that's been at least seven or eight years ago.

Proposed Legislation re Elections & Election Process: Commissioner Borries said he will request, thru the Chamber of Commerce person in Indianapolis -- and share that information with all the other Commissioners -- would be any legislation proposed regarding elections and the election process, so that this can be reviewed to determine what changes are being proposed for any kind of solution to the various problems that we faced in the 8th District during the recent election.

Local Option Income Tax Legislation:

Commissioner Cox said she thinks a bill has also been introduced --she doesn't know whether Jeff Hays co-sponsored it or not, but it would allow the counties to use the Local Option Income Tax money for road and street maintenance and repair. She said she thinks that certainly ought to deserve our support.

RE: CLAIMS/ASSESSORS' MEETING IN INDIANAPOLIS

The travel requests all having been previously approved by the Commissioners for those individuals attending the State-called Assessors' Meeting, the Board instructed Margie Meeks to "signature stamp" all of the following claims for payment:

M. F. Ginger: Claim in the amount of \$192.00.
David L. Fox: Claim in the amount of @283.20 (including mileage)
H. Jane Nicholson: Claim in the amount of \$192.00
Jerome R. Zeller: Claim in the amount of \$269.76 (including mileage)
Fvelyn M. Lannert: Claim in the amount of \$192.00
Glen E. Koob: Claim in the amount of \$192.00
Rebecca Fulkerson: Claim in the amount of \$272.00 (including mileage)
Monica E. Mindrup: Claim in the amount of \$279.36 (including mileage)
Alvin E. Stucki: Claim in the amount of \$272.64 (including mileage)
Judith E. Stricker: Claim in the amount of \$272.64 (including mileage)
Robert T. Dorsey: Claim in the amount of \$424.50 (including mileage)
Harry A. Tornatta: Claim in the amount of \$192.00 (lodging & per diem)
Harry A. Tornatta: Claim in the amount of \$88.80 (mileage)
Shirley E. Stucki: Claim in the amount of \$154.80

RE: EMPLOYMENT CHANGES - RELEASES

Superior Court

Arthur L. Edwards 1014 Mary St. Cler. Asst. \$11,972/Yr. Eff: 1/25/85

IV-D Prosecutor

Carla M. Mellow 4300 Fickas Investigator \$5.00/Hr. Eff: 1/28/85

Area Plan Commission

Brenda Hill 727 E. Missouri Technician \$12,838/Yr. Eff: 2/11/85

Bridge Crew

Thomas R. Goodman 1918 Eastland Supt. \$16,793/Yr. Eff: 1/28/85

Prosecutor

Wm. C. Welborn, Jr. 9915 W. Motz Rd. D. Pros. \$13,700/Yr. Eff: 2/1/85

RE: EMPLOYMENT CHANGES - APPOINTMENTS

Prosecutor

Cynthia L. Hansen 8006 Heather Ct. D. Pros. \$18,000/Yr. Eff: 1/28/85

Knight Township Assessor

Helen Hammer 3103 Allen Rd. P.T. Clk. \$35.00/Day Eff: 2/4/85

Sheriff

Richard Hildenbrandt 4118 Meadowridge Pro-Server \$5,164/Yr. Eff: 1/28/85

Area Plan Commission

Brenda Hill 727 E. Missouri Chf. Drafts. \$13,338/Yr. Eff: 2/11/85

Surveyor

Thomas Goodman 1918 Eastland Chainman \$15,799/Yr. Eff: 1/28/85

RE: BIDS ON FENCING AT BURDETTE PARK

Having researched the matter of bids, Attorney Miller advised the Statute remains in force, insofar as when materials are \$15,000 or less (purchase price) or rental payments of \$10,000 or less; purchasing may invite quotes from at least three (3) persons known to deal in classes of materials by mailing them a copy of the specifications not less than seven (7) days before the time fixed for receiving quotes. Purchasing Agent receives quotes; he shall, after satisfactory quote is received, award the contract to the lowest responsible and responsive quoter for each class of materials required. Purchasing Agent may reject all quotes and, if no valid quotes are received, may either purchase or lease the item on open market without further invitation for quotes. He said that if the specs are revised and mailed out this week, they could theoretically take seven (7) days from that time, so the Board could act on invitational bids at their meeting scheduled for two weeks from today (February 18th). It was pointed out, however, that the Commissioners would meet on Tuesday, February 19th due to the County Holiday on February 18th.

President Willner advised Mr. Tuley that, in essence, Attorney Jones is saying we can ask for invitational bids and open them at the February 19th meeting. Attorney Jones stressed that these are invitations for quotes, which are to be mailed to people known to deal in those goods -- to submit quotes. President Willner said he would urge Mr. Tuley to check with the four bidders -- if this meets with the approval of the Board -- and thus entertained a motion. Mr. Tuley said that with the Commissioners' permission, he will check with Mr. Tom Dorsey of the Purchasing Department, as they need to change their front cover page of the bid form. Otherwise, this will be happening all the time.

Motion was made by Commissioner Borries that Mr. Tuley get with Mr. Dorsey to get the necessary changes made in the specs, contact the four (4) bidders and send revised specs to them, seeking invitational bids -- with the bid opening date to be February 19th. Motion was seconded by Commissioner Cox. So ordered.

COUNTY COMMISSIONERS
February 4, 1985

There being no further business to come before the Board at this time, the meeting was declared adjourned by President Robert Willner at 4:05 p.m.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	Robert L. Willner Richard J. Borries Shirley Jean Cox	Alice McBride	David L. Jones David V. Miller (for contract w/Alexander only)
	<u>COUNTY ENGINEER</u>	<u>OTHER</u>	
	Andy Easley	Mark Tuley/Burdette Park Mgr. Kim Gelinas/Purchasing Dept. Bill Thomas News Media	
<u>SECRETARY:</u>	Joanne A. Matthews		

Robert L. Willner, President

Richard J. Borries
Richard J. Borries, Vice President

Shirley Jean Cox
Shirley Jean Cox

MINUTES
COUNTY COMMISSIONERS' MEETING
FEBRUARY 12, 1985

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MINUTES
COUNTY COMMISSIONERS' MEETING
FEBRUARY 12, 1985

The Board of Commissioners met in session on Tuesday, February 12, 1985 at 2:30 p.m. in the Commissioners' Hearing Room, with Commissioner Richard Borries presiding.

Commissioner Borries expressed his appreciation to Commissioner Cox for coming thru the snow to make a quorum today. Also, to secretary Margie Meeks and assistant Jim Lindenschmidt for their loyal service, and to the members of the media present today who braved the elements. The Board of Commissioners had initially tried to decide last night whether there would be a meeting today. When he spoke with Commissioner Willner, he indicated there would be a meeting. However, the elements changed against Commissioner Willner...where he lives, there is no way to get down Owensville Road....it is drifted completely shut. Therefore, he is unable to make the meeting...but has indicated the Board should proceed if there is a quorum.

The Chair entertained a motion concerning approval of the minutes of the previous meeting. Motion was made by Commissioner Cox that the minutes of the meeting held on February 4th be approved as engrossed by the County Auditor and the reading of same be waived. A second to the motion was provided by Commissioner Borries. So ordered. (Commissioner Cox commented that she guesses Commissioner Borries has documented that the Board does not show political preference insofar as cleaning roads is concerned--which brought a chuckle from all those present.)

RE: REPORT ON COUNTY ROADS - SHERIFF SHEPARD

Commissioner Borries said he believes "bad weather" is the word of the day. Although he is not on the published agenda, he would like to ask that Sheriff Clarence Shepard to give an update re the conditions of the roads in Vanderburgh County -- as he knows them to be at this point in time.

Sheriff Shepard said he went out last night and checked the county roads. They were starting to drift over on the east side of town pretty badly. He checked Burkhardt, Hirsch, Green River Road, Heckel Rd., Oak Hill Rd., St. George Road and Highway 41. All were starting to drift pretty badly.

Several roads are closed this morning. Darmstadt Road (north of Fleener) is closed at the present time. That's probably why Commissioner Willner can't come in that way either. Pollack Avenue is closed between Lynn Road and Fuquay Road currently -- with four cars buried in the snow, blocking the roadway. They are going to try to get that area open yet this afternoon. Green River Road was closed this morning (north of Theater Drive). Old Boonville Highway was closed. A number of the county roads were closed this morning due to drifting snow. Mr. Bethel, County Highway Superintendent, has done a fantastic job of getting most of them open; the problem is still the wind. You get them open, but two hours later the winds have caused them to again be filled with drifting snow. The Sheriff's Department put their four-wheel vehicles into service (their auxiliary thru REACT) and are handling the medical people (doctors and nurses). Sheriff Shepard had a doctor call him at home last night at 12:30 a.m. because there was an emergency at Deaconess and he needed transportation. (He put this service into effect last night as soon as finished checking the roads, because he knew the roads would be closed.) This afternoon they also had the services available of two helicopter services, should there be a need to haul patients somewhere or get to some inaccessible place like Old Henderson Road, etc. Therefore, the Sheriff feels they will be able to meet any contingencies that might arise in the county at the present time. Commissioner Borries expressed his appreciation to the Sheriff for this report.

RE: COUNTY HIGHWAY

Commissioner Borries said the type-written report from the County Highway will be filed next week. In the interim, the following report was received via telephone:

- 2/4 - Snow Removal
- 2/5 - Snow Removal
- 2/6 - Snow Removal
- 2/7 - Cleaned trucks; patched Old State Road, New Burgh Road, Red Bank Rd., Mesker Park Drive, Old Highway 460 and Baseline Road. Also cut trees on Broadway and Baseline Road. Gradall work on Baseline Road; cleaned trees and brush from bank.
- 2/8 - Cleaned trucks; salted icy spots; patched Green River Road, Burkhardt Road and Peerless Road. Cut trees on Baseline Road. Gradall work on Baseline Road -- cleaned trees and brush off bank.

(continued)

COUNTY COMMISSIONERS
FEBRUARY 12, 1985

Page 2

The County Highway crew has been battling the roads continuously since this storm developed yesterday. If Commissioner Cox agrees (he is certain Commissioner Willner would agree) -- when all of this ordeal has passed, the Board would certainly need to write a thank-you to the highway crew for their efforts. It has been a pretty hard row to hoe literally for them over the past few weeks. He is certain that the Sheriff's department has experienced the same thing -- because emergencies do pop up. The county highway crews have been out continuously since the storm developed. They are plowing the roads and, as reported by the Sheriff, the major problem is they plow them and they are again drifted closed. Until the wind dies and we get a high pressure system in here, it is going to continue to be a battle for the road crews. Their efforts are appreciated.

As pointed out by one member of the news media, there is a difference between a road being open and "passable". When they say some roads are passable, this may mislead people -- because some of them are extremely difficult to get through.

Sheriff Shepard said that on Burkhardt Road between Morgan Avenue and Division last night, there was a wrecker pulling a pickup truck -- and both vehicles went into the ditch. It is particularly treacherous when you get near the edge of the road -- you've lost it! Commissioner Cox said she does not even like to drive Burkhardt Road in good weather, let alone weather like this. Tekoppel Avenue is also bad.

RE: COUNTY ENGINEER - ANDY EASLEY

County Engineer Andy Easley said he came thru a couple of snowdrifts to reach the meeting today -- and he wasn't sure he was going to make it. He said he has three (3) items for the attention of the Commissioners:

Request to Go on Council Call for Transfer of Funds: Mr. Easley read the following letter.

February 8, 1985

Robert L. Willner, President
Vanderburgh County Board of Commissioners
305 Civic Center Complex
Evansville, Indiana 47708

Re: Transfer of Funds to Burkhardt Road Construction
Account #216.0-000.0-4832

Dear Mr. Willner:

Subject account will be depleted following the payment of the state's claim for \$378,454.85, which is 90% of the County's portion of the construction work. The claim was approved by the County Commissioners on January 7, 1985. In fact, the account needs approximately \$1,800.00 of additional funds, before the claim can be paid.

The account also needs operating funds to pay the construction engineering claims from the County's consulting engineer. As you are aware, the County is reimbursed for 75% of the cost of the construction engineering.

It is recommended that \$25,000.00 be taken out of the St. Joseph Avenue Account (#216.0-000.0-4775) and be placed in the Burkhardt Road Construction Account (#216.0-000.0-4832).

It is requested that the undersigned be granted permission to appear before the County Council and request this transfer of funds.

If any additional information is required, please contact the undersigned.

Very sincerely,

R. Andrew Easley, Jr., P.E.
County Highway Engineer

(continued)

Mr. Easley said the additional money will probably give us a couple of months' operating money for the construction engineering, until we can get reimbursed from the state.

Commissioner Cox said then, right off the bat we need \$2,000.00 to pay the state's claim? And, we're asking for \$23,000.00 additional? Mr. Easley said that is right. He has checked and it appears that we could get enough money from St. Joseph Avenue project (although we haven't settled up completely with the state on this) to pay anything we've got coming. He hasn't gotten a figure from Steven Dilk as to how much we may get a claim for -- but he thinks we have a surplus of money in there..... or adequate balance, if we don't want to use the word "surplus".

Motion was made by Commissioner Cox that the request from County Highway Engineer Andy Easley to go before Council to request transfer of funds from St. Joe project account to Burkhardt Road project account be approved. A second to the motion was provided by Commissioner Borries. So ordered.

Burkhardt Road Agreement: Mr. Easley said the Commissioners received a letter on January 23rd from the Indiana Department of Highways officially advising us of the low bid on Burkhardt Road and returned the agreement signed re construction engineering, which is the agreement which we have with James Morley. They have suggested that we go ahead and issue a Notice to Proceed on the performance of the construction engineering. Therefore, he would request the Commissioners' permission to give Mr. Morley a letter to proceed, in accordance with the instructions received via the letter from the IDOH. Mr. Easley said the design is going to be adjusted, as the Commissioners will recall, with regard to the storm drainage pipes under Division Street. Thus, he would like to give Mr. Morley "Notice to Proceed" as of January 15, 1985. Motion to this effect was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

Pre-Construction Conference/Vincennes: Mr. Easley said there is a pre-construction conference scheduled at 2:00 p.m. on Monday, February 18th, which he will need to attend.

Progress Payment/ Claim/Sebree, Craig & McKnight, Inc.: Mr. Easley said he has a claim (progress payment) from Sebree, Craig & McKnight in the amount of \$2,404.09. He has checked this invoice; it is in accordance with their agreement. Part of this is for the Corridor Study and part for the Environmental Study: \$1,430.61 on the Corridor Study and \$937.48 on the Environmental Study. Commissioner Borries said this is in connection with different parts of the Lynch Road project. Motion to approve claim for payment was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

Lynch Road Hearing: Commissioner Borries said there was a hearing held last Thursday evening, February 7th, at the Evansville Day School regarding the Lynch Road Extension. He spoke individually on that, but believes he reflected the opinion of the Commissioners that the County favored the alternate "D" route that did contain the grade separation interchange with I-164. To us, that is of great concern; without that interchange it would be a very costly project to proceed with -- and either project would certainly not complement the other, because Lynch Road will be a major east-west artery and I-164 a north-south. In order to complement each other, that grading change would have to be in there. It was on the designs; as to what the State Highway Commission will do on the final thing, he does not know. However, they are encouraged at this point that that interchange will be in there. There are some concerns voiced by the EUTS group, as to their ability to fund their portion of this. It will not come to actual construction for some years ahead; but we are hopeful that they will participate (Warrick County) because it would connect Telephone Road into this Lynch Road project and would be a major improvement for Warrick County drivers and transportation into that area as well. Thus, we are hopeful they will approve funding and participate in that.

Commissioner Easley asked if they have given any commitment to try and fund that? Commissioner Borries said they have negotiated with the state on the Covert Avenue project; they are negotiating with a portion of what we call Old Newburgh Road, which is State Road #66; and they have worked out an agreement where the State is going to pay their portion on Covert Avenue in order for that to proceed. But all the details of their funding have not been worked out on Lynch Road -- Telephone Road in Warrick County -- and they say they have some problems. But we certainly would not want to build a road to nowhere -- so the EUTS Board (as a multi-county planning agency)

(continued)

has gone on record as favoring that project and urging Warrick County to participate. Therefore, we are hopeful they will. It would just be too costly a project without their cooperation.

Commissioner Cox said she believes that prior to her coming onto the commission there was a verbal agreement with the Warrick County Commissioners that this be done. But a lot of times verbal agreements are not always backed up with dollars -- and she thinks they do want to do this and the money is probably a factor. They now have the wheel tax now which they can draw from. But it is her understanding that they do want to do this.

Commissioner Borries said he understands there were real problems at Lynch Road and Oak Hill Road this morning with all the snow. He asked Mr. Easley if we've heard anything more from our friends at the Federal Highway Commission as to whether we are going to be able to move the barricades, etc.? Mr. Easley said they were awaiting budgetary approval from something -- and Mr. Gallivan said he hadn't yet received the piece of paper he was supposed to get. But he is expecting that. Mr. Dilk had told Mr. Easley, however, that it will probably be another 3-4 weeks before he has the Notice to Proceed. They have signed the agreement; but do not yet have the Notice to Proceed. Again, April 1st has been hopefully selected as a date to begin the Lynch Road modification project -- which is about six weeks off. We need about three weeks to get the materials ordered, but he doesn't want to do anything until we receive the "Notice to Proceed". Commissioner Borries said we've had a lot of comments; he sometimes thinks the people (the public) have the impression that we like those barrels out there -- or that we haven't done anything. But it has been a long, confusing situation. There have been some design problems with the Federal officials and the railroad -- but they have been worked out. But he wants everyone to know that everything is ready except for that final approval. Mr. Easley said it will not be much longer.

RE: COUNTY ATTORNEY

Commissioner Borries said there is no one from the County Attorney's office present today; thus, no report from them.

RE: BUILDING COMMISSION

Commissioner Willner said he had a note from Roger Lehman of the Building Commission re review of progress on some property (2407 N. Grove Street). There were no deadlines today, but he has received bids, etc. The matter will be continued for two weeks (February 25th), since next week's meeting is an evening session.

RE: SURVEYOR'S OFFICE

No one was present to represent the Surveyor's office. However, the Bridge & Guardrail Repair Report for period February 4 thru February 8, 1985 was submitted.....report received and filed. On February 4th, the crew revetted pipe job with 5 dual axle loads of rip-rap on Deusner Road at the Seaboard Rail line in Union Township. On February 5, 6, 7 and 8, they worked on Old Henderson Road, accomplishing the following: Cut and burned brush from under several bridges; cut and burned brush and removed driftwood and log jams from two bridges north of rail tressel; continued removing brush and log jams.

Commissioner Borries said that he noted that where we placed guard rail on Darmstadt Road, that it looks as though part of that guardrail needs to again be repaired; it looks as though someone must have hit it again.

RE: EVANSVILLE CABLE T.V., INC./LETTER & CHECK

Commissioner Borries read the following letter received from Evansville Cable T.V.:

February 6, 1985

Mr. Robert Willner, President
Board of Commissioners of Vanderburgh County
305 Administration Building
Civic Center Complex
Evansville, Indiana 47708

(continued)

Dear Commissioners:

Enclosed you will find a check in the amount of \$8,401.78 which represents the fourth quarter of 1984. This represents an increase over the fourth quarter of 1983, which was in the amount of \$7,572.94. We are also happy to see this represents an increase over the third quarter of 1984, which was in the amount of \$8,027.19.

As far as progress in what we are now building and completing, we will activate this week an area parallel to Highway 41 starting at Hillsdale going out Old State Road to Ridgeway Heights which will consist of 187 homes throughout the area. We have St. Joe, Indiana, three-quarters cabled with all of the strand up and should be completed with cable construction, weather permitting, by the end of this week. Electronics will then be spliced within our cable and will probably be activated the third week of February. We do have a mile of underground to put in the St. Joe, Indiana, area that we will not be able to complete until Spring.

Now that we are an affiliate of United Artists Cablesystems Corporation, which was effective December 1, 1984, things will operate in the same manner. United Artists owns 63% of all the General Electric Cable systems including Evansville while General Electric will own 37%. There will be a slight difference, General Electric operated on a calendar year basis and United Artists operates on a fiscal year ending August 31, 1985.

We are hopeful yet of building in 1985 in the county from behind Busler's on Highway 41 out Old State Road to Baseline Road, some 83 homes. We are also hopeful of building areas contiguous to the Hornet's Nest. We are planning on building an area on Millersburg Road from Oak Hill to Green River Road, which will take in homes off of Millersburg Road and on Green River Road. There is another possible addition that we will be looking at going down Heckel east from Oak Hill across Green River and three or four blocks contiguous where there is a concentration of homes.

Again, Evansville Cable would like to thank the County Commissioners for giving Evansville Cable T.V. the pleasure of serving residents of the county with cable T.V. service. If the Commissioners have any questions, please feel free to call me at any time. My private number is 428-2461.

Thank you, and

Best regards,

Robert D. Ossenberg
Vice President and General Manager

RDO:ajm
Enclosure (Check No. 023514 - \$8,401.78)

Motion was made by Commissioner Cox that the check from Evansville Cable T.V. be endorsed and deposited in the County General Fund, and a letter acknowledging receipt of same be sent to Evansville Cable T.V. A second to the motion was provided by Commissioner Borries. So ordered.

RE: HOLIDAY CLOSING

Commissioner Borries said that all county offices will be closed on Monday, February 18, for observance of Washington's birthday. The weekly Commissioners' Meeting will be held on Tuesday, February 19th at 7:30 p.m. -- primarily for rezonings. Again, these closings have been in lieu of normal observed holidays where there are elections. This is the year in which people from Indiana take a breather, except for the Congressional Election, and who knows what is going to happen there.

RE: OLD BUSINESS

Lynch Road: This project was discussed previously.

Data Processing Advisory Board: A meeting was held with officeholders, representatives of Pulse Systems (the data processing vendor), etc., last Tuesday, February 5th. No major decisions were made, short of giving an update on what new features had been

(continued)

added by either the City or the County in regards to data processing needs...and a commitment to again meet in a few weeks to review any kind of planning request for new data processing services for 1986, as we get into the budget season. It has been the wish of the Council -- and what the Commissioners have tried to do -- to keep the basic contract and all services within the Commissioners' budget. We hope that the Data Processing Board will become effective at reviewing requests and perhaps establishing priorities, since each person does have important requests -- but sometimes funds will be limited and, as a result, we will have to establish a priority list of what new request will be considered.

RE: SCHEDULED MEETINGS

Commissioner Borries said that getting thru this meeting has been a major accomplishment.

Soil/4-H Conservation Banquet: The banquet to be held tonight has been rescheduled for Tuesday, February 19th. The Commissioners will be eliminated since this is their scheduled night meeting, and there probably will be some significant rezonings to be considered.

Field Hearing/Senate Budget Committee: A Field Hearing regarding the Senate Budget Committee is being held presently over in the Federal Building by Senator Dan Quayle. All county officials are concerned about this matter. There has been a major shift in using the amount of revenue sharing funds -- it is no longer all centered in the Sheriff's Department. There was brief discussion among the commissioners concerning this. Commissioner Borries said we have had to take some difficult steps and sometimes -- some unpopular ones -- to look at some other sources of revenue. But we are hopeful that we will continue to receive the revenue sharing, since it is now going to the Building Authority -- and he is certain would be very anxious to continue their payments. Commissioner Borries said he would think there would be enough officials to present their concerns to Senator Quayle and/or his committee.

Sheriff Shepard said he believes there is a 25-member committee he is scheduled to hear; there are 20 people designated to speak five (5) minutes each and there are designated alternates in the event someone fails to show up. Sheriff Shepard said he knows the Breckinridge Job Corps is going to present a proposal. Commissioner Borries said it would have a definite impact on many of the programs thru Welfare and many other areas...so it is of definite concern to the Commissioners.

RE: EMPLOYMENT CHANGES - RELEASESProsecutor

Stanley M. Levco	1642 Terrace Dr.	Dep. Pros.	\$30,500/Yr.	Eff: 2/11/85
John Brinson	209 W. Berkley	Dep. Pros.	\$21,770/Yr.	Eff: 2/11/85

Knight Township Assessor

Helen Hammer	3103 Allen Road	Per Diem	\$35.00	Eff: 2/11/85
Sheryl Weiss	3120 Edgewood Dr.	Deputy	\$11,760/Yr.	Eff: 2/10/85

Superior Court - Juvenile Division

Betty Denk	Cl. Asst.	\$11,972/Yr.	Eff: 2/8/85
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RE: EMPLOYMENT CHANGES - APPOINTMENTSProsecutor

Stanley M. Levco	1642 Terrace Dr.	Dep. Pros.	\$21,600/Yr.	Eff: 2/11/85
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Knight Township Assessor

Helen M. Hammer	3103 Allen Road	Deputy	\$11,760/Yr.	Eff: 2/11/85
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Burdette Park

Paul T. Short	1628 S. Red Bank	P.T. G.Crew	\$4.00/Hr.	Eff: 2/5/85
Arthur R. Pagett	273 Washington Ave.	P.T. G.Crew	\$4.00/Hr.	Eff: 1/31/85

(continued)

Pigeon Township Assessor

Leo George Thole 826 Monroe Ave. P/T Deputy \$30.00/Day Eff: 1/30/85

IV-D Prosecutor

Sheryl Weiss 3120 Edgewood Secretary \$11,000/Yr. Eff: 2/11/85

Commissioner Borries said he would again like to express appreciation to Commissioner Cox and all those present -- to have the weekly meeting as announced. There being no further business to come before the Board at this time, the meeting was declared adjourned at 3:05 p.m. by Commissioner Borries.

PRESENT:

COMMISSIONERS

COUNTY ENGINEER

OTHER

Richard J. Borries
Shirley Jean Cox

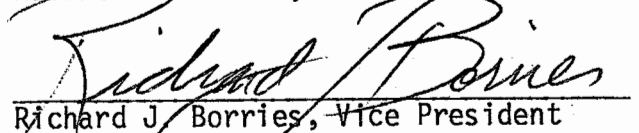
Andy Easley

Jim Lindenschmidt
Margie Meeks
News Media

SECRETARY:

Joanne A. Matthews


Robert L. Willner, President


Richard J. Borries, Vice President


Shirley Jean Cox, Member

MINUTES
COUNTY COMMISSIONERS' MEETING
FEBRUARY 19, 1985

AGREEMENTS

Settlement Agreement/Stipulation of Dismissal (Gene & Barbara Adler)
on Mann Road Property-----Approved/Executed-----

2

ALEXANDER AMBULANCE SERVICE/REPORT -----

8

APPROVAL OF MINUTES -----(February 12th) -----

1

AREA PLAN COMMISSION (REZONINGS)

VC-2-85/Petitioner - Edwards -----Deferred to March 18th -----

1

VC-15-84/Petitioner - Frank-----Deferred to March 18th -----

1

VC-1-85/Petitioner - Alexander ----Deferred to March 18th -----

1

VC-3-85/Petitioner -Stevens -----App'd. on 1st Reading -----

1

VC-4-85/Petitioner - Foster -----App'd. on 1st Reading -----

1

VC-16-84/Petitioner - Happe -----App'd. on 3rd Reading -----

1

BIDS (Burdette Park Fencing/Softball Fields) -----

3 - 5

Willis Fence Co., Inc. -----\$10,267.00

All American Fence Co. -----\$10,250.00

*Tri-State Fence Co., Inc. -----\$ 8,906.00

Dickinson's S&D Fencing -----\$10,520.00

*Bid awarded to Tri-State, as low bidder -----

5

BURDETTE PARK

Bids on Fencing for Softball Fields (see BIDS above) -----

3 - 5

Lighting for Softball Fields -----

5

CERTIFICATES OF INSURANCE

Gelhausen Bros., Inc. -----

9

Indiana Partners Ltd./Channel WTVW (7) -----

9

CLAIMS

Gene & Barbara Adler (Settlement on Mann Road Property Purchase)-----

2

COUNTY ATTORNEY (NEILS HANSEN)

Settlement Agreement/Stipulation of Dismissal (Gene & Barbara Adler)

on Mann Road Property -----Approved/Executed -----

2

Lawsuit (Mark Garrett - False Arrest & Imprisonment) -----

3

COUNTY AUDITOR

Request to Go on Council Call re Appropriation of \$500.00 to preserve
decaying Commissioners' Records-----Approved -----

8 & 9

COUNTY ENGINEER - ANDY EASLEY

Letter to Jim Morley re Construction Engineering/Burkhardt Road-----

5

Condition of County Roads, etc. -----

6

COUNTY HIGHWAY - BILL BETHEL

Weekly Absentee & Work Reports -----

3

Request to Go on Council Call re Appropriation of \$630,000.00 for Roads
& Streets & Transfer of Funds to cover Casualty Coverage, Calcium Chloride
and Other Contractual Services (snow removal assistance) -----

3 & 4

COUNTY SURVEYOR (ABSENT)

Weekly Bridge & Guardrail Repair Report -----

7

Letter re Assistance/Snow Removal -----

7

EMPLOYMENT CHANGES -----

9

GRANT RE DATA PROCESSING (INDIANA UNIVERSITY) -----

8

Deputy Auditor, Larry Lazart, to go to I.U. on 3/29 to Interview

LAWSUITS

Mark Garrett (Arrest & False Imprisonment) ---Referred to Co. Attys. ---

3

ORDINANCES

Amending Traffic Code-----App'd. by Commissioners & Forwarded for County
Council Approval/To Be Advertised 2/23 and 3/4 -----

3

Moratorium/Loaded Trucks on County Primary & Secondary Roads -----

6 & 7

SCHEDULED MEETINGS -----

9

MINUTES
COUNTY COMMISSIONERS' MEETING
February 19, 1985

The Board of Commissioners met in session on Tuesday, February 19, 1985, at 7:30 p.m. in the Commissioners' Hearing Room, with President Robert Willner presiding.

The meeting was called to order at 7:40 p.m., immediately subsequent to a meeting held by the Vanderburgh County Board of Finance.

The Chair entertained a motion concerning approval of the minutes of the previous meeting. Motion was made by Commissioner Cox that the minutes of the meeting held on Tuesday, February 12th, be approved as engrossed by the County Auditor and the reading of same be waived. A second to the motion was provided by Commissioner Borries. So ordered.

RE: REZONINGS

VC-2-85/Petitioner, Gary Edwards (1st Reading): Postponed until March 18th.

VC-15-84/Petitioner, C. A. Frank (3rd Reading): Postponed until March 18th.

VC-3-85/Petitioner, K. W. Stevens (1st Reading): Common address of subject property is 9225 Heddon Road. Change is requested from Agricultural zoning to M-2. Proposed land use is for purposes of assembling replacement windows, aluminum screen enclosures, storm windows, and pre-cast stones. There being no remonstrators present nor questions from the Board, motion was made by Commissioner Borries that VC-3-85 be approved on 1st Reading and forwarded to the Area Plan Commission. A second to the motion was provided by Commissioner Cox. So ordered.

VC-4-85/Petitioner, Roland B. Foster, Jr. (1st Reading): Common address of subject property is 8250 Newburgh Road. Requested change is from R-1 and R-4 to R-3. Current existing use is for farmland. Proposed land use is for one-story condominium. There being no remonstrators present nor questions from the Board, motion was made by Commissioner Borries that VC-4-85 be approved on 1st Reading and forwarded to the Area Plan Commission. A second to the motion was provided by Commissioner Cox. So ordered. (It was determined that this does not interfere with I-164 Corridor.)

VC-16-84/Petitioner, Arthur E. Happe (3rd Reading): Common address of subject property is 4619 New Harmony Rd. Requested change is from R-1 to R-3. Current land use is for a 10-unit apartment building. Proposed land use is for a 1-unit apartment building.

Attorney Curt John approached the podium and stated that he is here to represent the Happes, and Mr. Happe is also present to answer any questions. Mr. & Mrs. Happe purchased the property in November, 1979. At that time it existed as a 10-unit complex. They are requesting change to R-3 zoning in order that they conform with the zoning requirements. They also would like to add two (2) additional units to the complex within the existing structure, itself. When this petition was originally filed, there were two problems:

- 1) An objection filed by the Health Department concerning drainage at the property. Since that time, Mr. Happe and Mr. John have worked with the Health Department and a private sewer permit has been obtained and Mr. Happe is going to add whatever is necessary to eliminate that problem.
- 2) The second problem concerned a report from the Urban Transportation Study Committee voicing concern over the residents backing out onto the highway. New parking places will be added (and Mr. John present a copy of subject plan) to the west end of the building. Residents can pull straight in and eliminate the necessity to back onto the highway, itself. Therefore, the traffic problem will be no greater than it is today.

Mr. John said the Board should be aware that all of this has been brought to the attention of the Area Plan Commission and they passed it with 10 affirmative votes and zero negative votes.

(continued)

Mr. John said he has with him a letter from the Health Department withdrawing their objection, as well as the permit that Mr. Happe has taken out. He has stipulated that there will be no construction until the new system has been installed.

There being no remonstrators in the audience nor questions from the Board, the Chair entertained a motion. Motion was made by Commissioner Borries that VC-16-84 be approved on 3rd Reading, with the notation that a private sewage disposal permit repairing the disposal system serving this property is to be completed, in operable condition and approved by the Health Department prior to any construction taking place. A second to the motion was provided by Commissioner Cox. The Chair then asked for a roll call vote:

Commissioner Cox	-	Yes
Commissioner Borries	-	Yes
Commissioner Willner	-	Yes

Motion carried with three (3) affirmative votes. So ordered.

VC-1-85/Petitioner, Kenneth & Georgette Alexander (3rd Reading): Attorney Less Shively approached the podium and said this is property owned by the Alexander family. They appeared before the APC Commission; their intention was to rezone the property for purposes of constructing a free standing facility for the Alexander Ambulance Company's storage of ambulance units and dispatching facilities for said units. Since they appeared before the APC, another location has been found in downtown Evansville which they feel is more suitable than the property on St. Joseph Avenue. At this time, they believe they can get a building permit immediately on the new location and begin remodeling existing facilities and get in operation at that location. What they would like to do is to make sure that they will have someplace in which to grow. Thus, Mr. Shively said they do not want to withdraw their petition, but rather continue it to the March 18th meeting. Assuming things go on line and the building permit and zoning use permit, they would withdraw the petition in March. However, Mr. Shively said he wanted the Board to know they were not trying to cover both bases per se. The new location became available to the petitioners at the APC meeting. Thus, he is making this information known to the Board of Commissioners and would request a continuance of this matter until the March 18th meeting.

President Willner requested that the record reflect that the VC-1-85 petition is postponed until the March 18th meeting.

RE: CLAIM/MANN ROAD SETTLEMENT (Gene & Barbara Adler)

President Willner present a claim in the amount of \$5,000.00 to Gene and Barbara Adler in conjunction with an agreement to purchase part of their property for the installation of a drainage ditch by the County. This project has been in the mill for almost a year. Money is available in that account to cover the claim. The Chair then entertained questions or a motion from the Board.

Commissioner Borries suggested that the Auditor's office should check to determine whether this can come from the Cumulative Bridge Fund, since it involves bridge work (located near the Mann Road Bridge). President Willner said that since it is between two (2) Mann Road bridges, he believes the money could come either from the Cumulative Bridge Fund or the Judgements & Refunds account in the County General Fund.

Motion was made by Commissioner Borries that the claim be approved for payment and that said claim be paid from Cumulative Bridge Fund, if possible; if not, then that it be paid from the Judgments & Refunds account in the Commissioners' budget. A second to the motion was provided by Commissioner Cox. So ordered.

Attorney Shively said that David Miller's law firm should be commended on the settlement; it not only resolved a lawsuit, but solved a problem in Armstrong Township regarding this particular ditch that not only is pleasing to the private litigants -- but also the property owners in that township; and the Commissioners should be commended for not only solving the lawsuit -- but for making a lot of people out there happy due to the drainage improvement in that area. Thus, he extends thanks for their time and consideration.

Settlement Agreement & Stipulation of Dismissal: Original plus one (1) copy of signed Settlement Agreement & Stipulation of Dismissal was submitted.....received and filed.

(continued)

RE: OPENING OF BIDS RE BURDETTE PARK FENCING

President Willner requested that Attorney Neils Hansen open the invitational bids received re Burdette Park fencing.

RE: LAWSUIT - MARK GARRETT vs. CITY OF EVANSVILLE, VANDERBURGH COUNTY ET AL

Attorney Hansen said he wished to advise the Board that he has received a Summons and Complaint in the lawsuit of Mark Garrett for City of Evansville, County of Vanderburgh, Charles Henderson (individually and as a police officer for the City of Evansville) and Indiana Bell Telephone Company, Inc. The complaint concerns an action whereby Mr. Garrett was supposedly picked up on a writ of attachment. They subsequently found out that the Mr. Garrett picked up was not the same supposedly sought (possibly a case of mistaken identity). He has made a claim for false arrest and false imprisonment, etc.

President Willner entertained a motion. Motion was made by Commissioner Borries that the matter be forwarded to the County Legal Department. A second to the motion was provided by Commissioner Cox. So ordered.

RE: ORDINANCE AMENDING TRAFFIC CODE

President Willner said he has an Ordinance Amending the Traffic Code, which needs to be approved and advertised. Ordinance pertains to establishing a Speed Limit of 35 miles per hour on Kuebler Road between Big Cynthiana and Meier Road; various Stop Intersections, and weight restrictions on certain roads and weight restrictions on the Maryland Street Bridge. With regard to the latter, there was discussion subsequent to which the Board determined that the Gross Weight Limit should be the designated 20 Tons. Section VII of the Ordinance pertains to the restriction of Truck Tractors and Semi-Trailers from certain roads.

Motion was made by Commissioner Borries that the Ordinance be approved and advertised. A second to the motion was provided by Commissioner Cox. So ordered.

President Willner requested that the Ordinance be advertised twice (February 23 and March 4) and the original ordinance be forwarded to the County Council for their approval at their March 6th meeting. (Copy of complete Ordinance attached to the minutes herewith.)

RE: COUNTY HIGHWAY - BILL BETHEL

County Highway Superintendent Bill Bethel expressed his appreciation for the many flowers, cards, calls, etc., during his convalescence period following surgery.

Weekly Absentee Report: The Weekly Absentee Report for employees at the County Garage was submitted for period of February 11 thru February 15, 1985.....report received and filed.

Weekly Work Report: The Weekly Work Report for employees at the County Garage for the same period was submitted.....report received and filed. Attached to the report was a Work Schedule for period February 11 thru February 16.....with snow removal reflected for the entire period. Mr. Bethel said it also became necessary for him to call in outside help (Johnny Mann, Floyd Staub, Jerry David and Koester Bros.) Mr. Bethel also shared photographs with the Board, demonstrating how bad the roads were (4 of Green River Road looking north to Heckel and 2 of Nesbit Station from Owensville Road). Commissioner Cox commented that Mr. Bethel won't even have to give a report next week, because the Board knows what he will be doing -- filling all the potholes!

Request To Go On Council Call: Mr. Bethel submitted the following letter :

Vanderburgh County Council Members
Civic Center Complex
Evansville, Indiana 47708

Dear Members:

The Highway Department is requesting that the Council appropriate

(continued)

\$630,000.00 for Local Roads and Street Fund.

This is not a duplicate request; therefore, it is necessary that we ask for both appropriations, because at this time there has not been a determination as to which fund it will be allocated to, and it must be advertised. Mrs. Alice McBride, Vanderburgh County Auditor, will make this judgment and advise us accordingly.

We are also requesting the Council to transfer funds as follows:

From	To	Amount
201-3191 Workman's Comp	201-3300 Casualty Coverage	\$ 2,856
201-3425 Trucks	201-3300 Casualty Coverage	\$ 25,355
201-3425 Trucks	201-2272 Calcium Chloride	\$ 14,645
201-3428 Engineering Equipment	201-2272 Calcium Chloride	\$ 1,655
201-3428 Engineering Equipment	201-2361 Other Contractual Services	\$ 1,345

Mr. Bethel said these transfers have been necessitated to pay for the snow removal. Other things have to be given up.

President Willner said the Auditor's office called the State Board to determine which account the Wheel Tax will go into. The State said they would probably put it in the County Highway General Fund, but they saw no reason why they couldn't put it into the Local Roads & Streets Fund (and the Council wanted them to put it in the Local Roads & Streets Fund).

With regard to casualty coverage, President Willner said it is about three (3) times higher than it was last year -- and he thinks everyone is going thru the same thing with their own insurance (he knows he is) -- it is out of sight this year. Thus, we do need to make the requested transfer of funds to cover this expense. The County purchased two 500 gallon tanks of calcium chloride in addition to the salt, sand, etc., to take us thru the winter...hopefully. The \$1,345.00 transfer is to pay for the additional help needed for snow removal.

Commissioner Cox said she would certainly hope that Council will see its way clear to appropriate some monies for new equipment at the County Highway Garage -- it is desperately needed. The monies currently being requested are meeting an immediate need to pay our commitments; but we definitely need new equipment at the County Highway Garage -- and all the Commissioners concurred. Mr. Bethel said there is no doubt about it. They are trying to get by with what they have and are working night and day to keep it repaired. The two new trucks purchased this year and the gradall purchased last year is the first new equipment bought for the highway department in God knows when -- and it does wear out. President Willner said it is a fact that we are robbing Peter to pay Paul.

Motion was made by Commissioner Borries that Mr. Bethel go on Council Call for March to request the needed funds. A second to the motion was provided by Commissioner Cox. So ordered.

RE: BIDS FOR FENCING AT BURDETTE PARK

Attorney Hansen indicated there had been a modification in the specs and a change made to seek invitational bids. Four (4) bids have been submitted, as follows:

- 1) Willis Fence Co., Inc. - \$10,267.00
- 2) All American Fence Co. - \$10,250.00
- 3) Tri-State Fence Co., Inc.- \$ 8,906.00
- 4) Dickinson's S&D Fencing - \$10,520.00

All bids appear to be in order and in response to the specifications/blueprints presented.

(continued)

President Willner asked Mr. Tuley if he is prepared to make his recommendation. Mr. Tuley said he would definitely recommend the low bidder, Tri-State Fence Co., Inc., at \$8,906.00. Mr. Willner asked if this is a better price than that received a week ago? Mr. Tuley said that it is -- so he guesses it was worth waiting for. There being no questions or further comment, the Chair entertained a motion. Motion was made by Commissioner Borries that the contract be awarded to Tri-State Fence Co., Inc., in the amount of \$8,906.00. A second to the motion was provided by Commissioner Cox. So ordered.

Lighting for Softball Fields: In response to query from Commissioner Willner concerning lighting, Mr. Tuley said problems are not yet resolved. However, he is working on this with the County Council. What they agreed to do at budget time last year was to provide money to build the fields and do all the fencing of initial parking lots, etc., and asked that he come back to see them when they receive money from the Local Option Tax concerning the lighting. Mr. Tuley said he hasn't talked with them about the lighting since then; he assumes we are going to get the Local Option Tax money -- and is anxiously awaiting word.

In response to Commissioner Willner's query as to whether he has received any calls from daytime renters to date, Mr. Tuley said he is getting quite a few calls. But people are not actually thinking a lot about softball currently -- they are waiting for the snow to melt. He has met and talked with the City Parks Department several times -- and Burdette will be part of their 1985 program -- so he is excited about that. Leagues will be playing on Monday thru Thursday nights out there (with or without lights) -- but, naturally, lights are preferred. You can get a few more games, the difference being 1 to 5 games, which allows more teams to play, which allows more revenue.

RE: COUNTY HIGHWAY ENGINEER

Construction Engineering/Burkhardt Road Project: Mr. Easley read the following letter, which had been sent to Mr. Jim Morley (in accordance with the Board's instructions at last week's meeting) concerning the construction engineering on Burkhardt Road:

February 14, 1985

Mr. James W. Morley
Morley and Associates, Inc.
605 S.E. Seventh Street
Evansville, Indiana 47713

Subject: Construction Engineering
Project No. MAM-E100(1)
Contract No. R-15023
Project Description: Road Construction on
Burkhardt Road from Lincoln Road North to
State Road 62 in Vanderburgh County

Dear Mr. Morley:

This letter is to authorize your firm to proceed with the construction engineering work on subject project, as of January 15, 1985.

All work shall be performed in accordance with the executed agreement for construction engineering.

We are enclosing a copy of the signed construction engineering agreement for your files.

If you have any questions, please contact the undersigned.

Very sincerely,

R. Andrew Easley, Jr., P.E.
County Highway Engineer

cc: Board of County Commissioners
Stephen M. Dilk/I.D.O.H.
David Gerard/EUTS

(continued)

Mr. Easley said the proposed change order for lowering ditch and putting culvert under Division has been discussed. The state is concerned about a construction plan that will handle the traffic; they want to keep Division open (which we anticipated). Mr. Easley said he was out there today looking at the width of pavement they have to work with and is in the process of coming up with a plan to try to satisfy the state.

Continuing, Mr. Easley said he has heard some unconfirmed reports that some of our roads are missing! He doesn't know whether to report this to Mr. Bethel of the County Highway Department or the Sheriff.

Commissioner Borries said he knows that part of Pollack Avenue has disappeared -- there are some real problems.

Mr. Easley said that someone was telling him that Burkhardt Avenue north of Morgan Avenue is in pretty bad shape. Commissioner Borries said that it is. One of the local papers had a lengthy list of the various projects due to come to construction or continue construction in 1985 and Burkhardt Road was not included. However, it seems that this will be one of the first projects to go this year. The cost of it is estimated at \$1.3 million.

President Willner said the County Highway Department has requested that as the Sheriff makes his rounds throughout the county -- the deputies are going to compile a list of potholes. Every morning, Mr. Bethel is going to get that list. He is probably going to get notice of more potholes than he can fix. Commissioner Cox said she doesn't think the deputy sheriffs are going to be able to even get around -- it is bad out there. President Willner concurred and said that it is going to be worse.

RE: ORDINANCE - MORATORIUM ON LOADED TRUCK TRAFFIC ON PRIMARY & SECONDARY COUNTY RDS.

President Willner said the Board has asked the County Attorneys to come up with an Ordinance whereby the County Commissioners, thru the news media, may put a moratorium on loaded truck traffic on all primary and secondary county roads during the thawing process after a hard freeze. We've never done that before. Commissioner Cox said she thinks we investigated it or posted it two (2) years ago. President Willner said he called the Association of Indiana Counties and they tell us that under Title 36 (which is Home Rule) we may do this. Prior to Title 36 there was a state statute that the Commissioners could follow. After the home rule statute, that reversed. Instead of doing our thing with the state's approval, we now do our thing if it is not contrary to state law. He has been assured that this is not contrary to state law and the Commissioners can do this. But there does have to be an Ordinance passed by the Board of County Commissioners and the County Council and advertised.

Continuing, Mr. Willner said the thawing process happens at different times -- sometimes twice in the spring and always at different time. You can never predict when it is. The Board would like to trigger this process via a newspaper article. If the frost starts to come out of the ground on Wednesday of this week, the President of the Vanderburgh County Board of Commissioners could call the newspapers and trigger our ordinance. The County Highway Department would then post signs and the Sheriff would enforce the ordinance. Commissioner Willner said he thinks this is one of the things we just have to do; dollars are becoming so scarce and maintenance costs are becoming so great -- that there is no correlation between dollars and miles of road. Thus, we must start protecting what we have.

Commissioner Cox said we are not required to post signs unless that is made a part of the ordinance. The old law required that it be posted. President Willner said it should be a simple matter to post most of the main roads and he thinks maybe we should do that -- but it is not mandatory. The Ordinance passed by the Commissioners is what we want and it will not be contrary to state law. Some people might, however, miss it in the newspaper and we should post as many of the primary and secondary roads as possible and let it be known to truck traffic that we are not going to allow them to tear up our county roads for the sake of one or two days or even weeks.

Mr. Easley asked if there is much coal hauling in the eastern part of the county? Commissioner Cox said that we do -- and it even goes out thru McCutchanville sometimes, as he well knows. They sometimes take detours and go thru residential areas.

President Willner said we need to stop loaded truck traffic on Green River Road --

(continued)

that's one of the main ones, because they could certainly go around to State Highway -- to a road that is well drained and does not have the problems the county roads have. They'd have greater widths of right-of-way, the drainage is better -- but if it is agreeable with the other members of the Board, he will ask the County Attorneys to write the ordinance forthwith.

Motion was made by Commissioner Borries that the Board authorize the County Attorneys to write an ordinance concerning the banning of trucks along county primary and secondary roads during periods of thawing of the soil in the spring. A second to the motion was provided by Commissioner Cox. So ordered. President Willner said he feels this is a step in the right direction.

RE: COUNTY SURVEYOR

Bridge & Guardrail Repair: Report submitted for 2/11 thru 2/15---received and filed.
Assistance rendered County Highway Department: President Willner read the following
Letter from County Surveyor Robert Brenner:

February 19, 1985

TO: Vanderburgh County Commissioners

RE: Weekly Report 2-11-85 thru 2-15-85/COUNTY BRIDGE CREW

Please be advised that in addition to the work noted in our regular bridge report for the report period stated above, one of our employees, Jim Carrigan, was assigned special duty during last week's snow emergency.

Mr. Carrigan, our backhoe operator, worked the following hours in the listed job locations:

Tues.	2/12	Retrieved backhoe from Old Henderson Road and loaded salt and sand into county highway trucks/1:00 p.m. - 7:00 p.m.
Wed.	2/13	Removed snow from the roadway, approaches, and bridges on Lenn Road, from 7:00 a.m. - 6:00 p.m.
Thurs.	2/14	Removed snow from roadway, approaches, and bridges along Old Princeton Road, Mann Road, and Adler Road/7:30 a.m.-7:00 p.m.
Fri.	2/15	Removed snow from roadway, approaches and bridges along Schmidt Road and Orchard Road/7:30 a.m.- 3:30 p.m.

In addition, Mr. Carrigan helped load salt and sand on his way to and from the above locations.

As always, we are glad to be of help during an emergency when we have the men or machinery available to other city or county departments. If you have further need of our manpower or equipment during such emergencies, you may feel free to call our department at that time.

Robert W. Brenner
County Surveyor

Mr. Brenner said he did not have a work program for his crew during the snow days and he wanted to help in his way. President Willner said he could have let them clean equipment or something inside where it was warm; but they did get out and do some good -- so our sincere thanks to Bob Brenner and his crew.

Commissioner Cox said that while President Willner is handing our compliments, she thinks the County Highway Department needs to be complimented on the many hours that they put in out on the roads -- holidays and everything else. Commissioner Willner said he would, indeed, be remiss if he didn't extend a special thanks to them. At least twice they worked round the clock. We were getting reports that they were dead on their feet and we had to let them go home a few hours. We let them drive the trucks home Tuesday night and they were back at 5:00 a.m. or 6:00 a.m. the following morning. Mr. Bethel said every man was conscientious. President Willner

(continued)

said that is absolutely right -- they worked above and beyond the call of duty and there is no question about it. He asked that Mr. Bethel extend the Board's thanks to the highway crew.

RE: ALEXANDER AMBULANCE SERVICE, INC. - MONTHLY REPORT

President Willner said he has a report from Alexander Ambulance Service, Inc., to be received and filed. While the report indicates "Monthly", he believes it may be "Yearly". A Profit & Loss Statement is also included. He asked that the record reflect that the original report is on file in the Auditor's office and requested that the secretary provide copies to each of the Commissioners, as well as to Jim Lindenschmidt.

RE: OLD BUSINESS

I.U. & Lilly Foundation Grant: Commissioner Borries said that last year he spoke with each of the commissioners on an individual basis concerning this matter. Last year, he asked Larry Lazart (currently Deputy Auditor) to assist in writing a grant to be submitted to Indiana University and also the Lilly Foundation to ascertain if we could receive at least some part time help as we were getting our Data Processing Board operational. This particular proposal was accepted by Indiana University. The idea behind this would be that the County would get the services of a graduate student who would be knowledgeable in computer sciences and this particular person would work with our county officials to observe and offer suggestions as we move forward on our data processing system. We do have the Data Processing Board operational. Commissioner Borries also spoke with Council about this and they suggested that we could consider using our data processing funds since we would assume at this point there would be some additional funds available for this particular person. The individual would work approximately twelve (12) weeks thru the summer. The person in this particular situation would work with all county officials as we look at future planning with our data processing board. The cost would be approximately \$2,000.00 (at this point we would not consider any kind of benefits since this would be strictly a part-time person). Interviews at Indiana University would be conducted on Friday, March 29th or Monday, April 1st. If we were up there on one of those days (preferably March 29th) we might get a person who had the experience necessary to do this kind of work. It is Commissioner Borries' suggestion that if we would consider this type of proposal, that Larry Lazart (Deputy Auditor) would go to Indiana University on March 29th to interview, to determine if any individual would fit what we could use. If we could not use the person we obviously would not participate. Commissioner Borries said he does feel this would help us in our planning because we are converting several different systems this year (in both the Auditor's and Treasurer's offices) and he is certain there will be more requests as the year goes on. To assist in planning, the Data Processing Board and Pulse (vendor), he recommends the Board consider this.

There being no questions, President Willner entertained a motion. Mrs. Cox moved that the Board authorize Mr. Lazart to go to Indiana University on Friday, March 29th, to interview individuals. A second to the motion was provided by Commissioner Borries. So ordered.

RE: REQUEST TO GO ON COUNCIL CALL - LARRY LAZART, DEPUTY AUDITOR (TO PRESERVE DECAYING RECORDS)

Mr. Larry Lazart, Deputy Auditor, was recognized by the Chair and approached the podium. He said he is requesting permission to go on Council Call to request an additional \$500.00 to preserve decaying records. The rationale behind this is that the Auditor's office is in charge of preserving Commissioners' records. He stumbled across the original Minute Books from the Commissioners from 1818 to 1837. This embraces some three (3) volumes, which are in a sad state of disrepair. Since the minutes were written on both sides of a sheet, the books must be deacidified. He spoke with Mr. Don Baker from Willard Library and he put Mr. Lazart in touch with a N. Manchester, IN bindery. They do preservation work for the Library of Congress. The books will have to be unbound by hand; the pages will go thru a deacidification process, there will be a fibre attached with the paper. Currently these minute books are so old that they are crumbling. In Mr. Lazart's opinion, unless they are preserved almost immediately, we will lose this major portion of the historical record of the County Commissioners.

(continued)

The bindery assures Mr. Lazart that they anticipate the cost to be less than \$500.00, but it will have to be done by hand. Hence, Mr. Lazart's request.

Mr. Lazart said we do have an copy of the original Perry Township Plat Book and it looks like a duplicate book made in the 1850's. Again, that is used with some frequency and this also must be rebound and deacidified or we'll lose same. To appraise the Board, there will some requests in our budget for the next two (2) years to get all of the Commissioners' books deacidified and preserved. Also, Willard Library has agreed to microfilm all of these documents prior to their being shipped to the printer, if the Commissioners and Council agree with the appropriation of necessary funds to preserve the books.

Motion was made by Commissioner Borries that Mr. Lazart's request be approved. A second to the motion was provided by Commissioner Cox. So ordered.

RE: CERTIFICATES OF INSURANCE

Gehlhausen Brothers, Inc.: Display and promotion of merchandise show at the Auditorium for period February 22 to February 25, 1985.

Indiana Partners LTD/WTVW Channel 7: Garage Sale at Vanderburgh Auditorium on February 17, 1985.

RE: EMPLOYMENT CHANGES - RELEASES

Bridge Crew/Surveyor's Office

David Guillaume	1610 Hicks Drive	Bridge Inspctr.	\$15,192/Yr.	Eff: 2/19/85
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Cooperative Extension Service

Jim Jordan	8220A Lincoln	Ext. Agt.	\$11,128/Yr.	Eff: 1/31/85
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Circuit Court

Patricia Coy	6609 E. Walnut	P.T. Sec'y.	\$4.50/Hr.	Eff: 2/8/85
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RE: EMPLOYMENT CHANGES - APPOINTMENTS

Circuit Court

Patricia Coy	6609 E. Walnut	P.T. Sec'y.	\$5.00/Hr.	Eff: 2/11/85
John P. Brinson	209 W. Berkley	Pub. Def.	\$17,893/Yr.	Eff: 2/11/85
David Hileman		P.T. Bail Bond	\$4.50/Hr.	Eff: 2/9/85

RE: SCHEDULED MEETINGS

February 21	4:00 p.m. (Evlie. Time)	Southwest Area/Indiana Association of County Commissioners (Bloomington, Monroe County, IN)
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Commissioner Borries said legislation and various aspects that would concern us would be discussed. Perhaps one of the Commissioners could go. President Willner asked if Commissioner Borries has yet offered to go? He said he doesn't know yet whether he can attend. Commissioner Cox said she has another commitment and cannot attend. President Willner asked that Commissioner Borries advise him as soon as he determines whether he can attend. (Commissioner Cox will be attending the Junior Football Kickoff at the Sterling Rathskeller.)

There being no further business to come before the Board at this time, President Willner declared the meeting adjourned at 8:35 p.m.

(continued)

PRESENT:

COMMISSIONERS

Robert L. Willner
Richard J. Borries
Shirley Jean Cox

AUDITOR

Larry Lazart,
Deputy Auditor

COUNTY ATTORNEY

Neils Hansen

COUNTY HIGHWAY

Bill Bethel

COUNTY ENGINEER

Andy Easley

AREA PLAN COMMISSIONER

Beverly Behme

BURDETTE PARK

Mark Tuley

OTHER

Les Shively, Atty.
Arthur E. Happer
News Media

SECRETARY:

Joanne A. Matthews

Robert L. Willner
Robert L. Willner

Richard J. Borries
Richard J. Borries

Shirley Jean Cox
Shirley Jean Cox

MINUTES
COUNTY COMMISSIONERS' MEETING
FEBRUARY 25, 1985

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MINUTES
COUNTY COMMISSIONERS' MEETING
FEBRUARY 25, 1985

The Board of Commissioners met in session on Monday, February 25, 1985, at 2:30 p.m. in the Commissioners' Hearing Room, with President Robert Willner presiding.

The meeting was called to order at 2:30 p.m., with the Chairman subsequently entertaining a motion concerning approval of the minutes of the previous meeting.

Motion was made by Commissioner Borries that the minutes of the meeting held on February 19th be approved as engrossed by the County Auditor and the reading of same be waived. A second to the motion was provided by Commissioner Cox. So ordered.

RE: POOR RELIEF - KNIGHT TOWNSHIP

Pamela C. Jacke/1343 Savannah Drive: The Chair asked if Pamela C. Jacke was in the audience; if so, to please approach the podium and state her name, address and the nature of her request.

Mrs. Jacke complied, and stated she lived at 1343 Savannah Drive. She had requested assistance with her medical bills and assistance was denied.

President Willner asked if Mrs. Jacke was speaking of assistance with her problems or those of her daughter?

Mrs. Jacke stated that her daughter is a diabetic. She had included information on her daughter on the application, because she is a diabetic -- her father is unemployed, and Mrs. Jacke doesn't know how long her child support or insurance is going to last. Her daughter does make a lot of trips to the hospital. Mrs. Jacke herself had surgery last week.

Commissioner Willner asked Mrs. Jacke the nature of her surgery, and she responded she had an ovarian cyst removed. (The surgery was last Tuesday.)

Commissioner Willner queried Mrs. Jacke concerning the source of her income? She said child support is her only source of income.

Commissioner Willner asked Mrs. Jacke if she lives at home or is she renting? She said she rents. Commissioner Willner asked how much the rent is per month? Mrs. Jacke said that it is \$280.00 per month. He then asked if utilities are furnished? Mrs. Jacke said that they are.

Commissioner Willner asked if Mrs. Jacke has monthly expenses other than the rent? She said she has some charge accounts she had before the divorce, bills from her pharmacy, etc.

Commissioner Willner asked Mrs. Jacke how much child support her husband is paying? She replied that he pays \$90.00 per week.

The Chair then entertained questions. There being none, the Chair called upon the representative from the Knight Trustee's office.

Ms. Teri Stokes approached the podium and said that Mrs. Jacke's application was taken on February 15th. They go back and check the income for a 30-day period. In doing this, they determined that she received \$450.00 in child support for that period. According to the Knight Trustee's guidelines, this puts her over-income by \$100.00 per month. (They allow \$350.00 for three people.) Ms. Stokes said she was unaware of the medical situation and thinks this occurred after the application was taken.

Commissioner Willner said Mrs. Jacke said she is getting \$90.00 per week child support? How much did Ms. Stokes say she is getting per month? Ms. Stokes replied that Mrs. Jacke received five (5) support checks during the 30-day period mentioned heretofore -- or a total of \$450.00. Had she received four (4) checks, it would have been \$360.00, which is still \$10.00 over income.

Commissioner Willner asked exactly what Mrs. Jacke is asking assistance with -- medical bills? Ms. Stokes said she is not quite sure. Commissioner Willner said he isn't sure either. If the Trustee's office isn't sure, then he's certain he's not.

Mrs. Jacke interrupted by stating that medical assistance is all she is seeking.

(continued)

Ms. Stokes said that Mrs. Jacke had not yet had the surgery when she made application.

Commissioner Willner asked Mrs. Jacke what medical bills she had prior to the February 15th date, the date of her application?

Mrs. Jacke said the main purpose of the application was to obtain assistance with her surgery.

Ms. Stokes said that Mrs. West of the Trustee's office contacted Mrs. Jacke's doctor on the day she made application. He had no idea of how much would be involved with the surgery or how much it would be.

County Attorney David Miller asked if the doctor in question was Dr. Cobb? Mrs. Jacke verified that Dr. Cobb was her doctor.

Ms. Stokes said that if Mrs. Jacke were in the hospital overnight, she could apply for H.C.I. Mrs. Jacke indicated she was not in the hospital overnight.

Commissioner Willner asked Mrs. Jacke if she knows what the amount is of her total hospital bill? She indicated that she does not know at this point.

After brief discussion among the members of the Board, it was determined that Mrs. Jacke needs to go back and make another application; at that time, she should have with her copies of her medical bills.

Commissioner Willner advised Mrs. Jacke that the Board lacks the necessary information at this time to act on her appeal. Having talked with the Knight Trustee's representative, it doesn't appear that if Mrs. Jacke is over income that any medical assistance would apply. The income guideline is one of the basic standards. However, Mrs. Jacke's income might change in thirty (30) days -- and when she knows all the bills that she might have at that time, she should probably re-apply at the Trustee's office (bringing the bills with her, to determine if she qualifies for medical assistance).

Continuing, Commissioner Willner asked Mrs. Jacke if her husband had any insurance for which Mrs. Jacke might be eligible? She replied that he had none.

Commissioner Willner queried Mrs. Jacke re her last place of employment. She said she worked for Employer's Overload, but had not worked for them since December 31st.

Ms. Stokes said she does have a referral. The Trustee's office contacted the Food Pantry and Mrs. Jacke is eligible to go to the Food Pantry each month, which would be of some help to her. Additionally, Outreach Ministries will give her a \$5.00 food order each month.

Commissioner Borries said he believes it would be best for Mrs. Jacke to again talk with the Trustee's office. Again, her status might change within 30-days, and they will certainly review the case -- and Mrs. Jacke has the right to have it reviewed. With additional information, Mrs. Jacke might possibly qualify for assistance.

Commissioner Willner asked if Mrs. Jacke's daughter is on medication? Mrs. Jacke said that she is. Commissioner Willner asked if she has a sufficient amount of medicine at this time Mrs. Jacke responded that she does. Commissioner Willner advised Mrs. Jacke to be certain to re-apply.

Commissioner Cox stated she had a question. She asked if the Food Pantry would also take care of the daughter's special diabetic diet? Ms. Stokes said that it would not; the Food Pantry only supplies canned goods. Mrs. Jacke is on food stamps and receives \$131.00 per month in stamps. What canned goods she could get from the Food Pantry would perhaps permit her to put some of her food stamps toward meat or whatever her daughter requires for her diet.

Commissioner Cox said that, roughly, taking her \$280.00 rent payment and her \$131.00 food stamps -- that totals \$411.00. This doesn't count the electricity or telephone bill. There was some question concerning whether or not the utilities are included in her rent. Mrs. Jacke verified that she pays her gas and electric bill; her water is included in her rent.

Commissioner Cox asked if Mrs. Jacke pays for her food stamps -- or does she get these at no cost?

(continued)

Mrs. Jacke verified that she gets them at no cost. Commissioner Cox said that is good; some people pay something like \$20.00 for \$60.00 worth of food stamps. So, she did want to clarify this matter.

Again, Commissioner Willner advised Mrs. Jacke to make application again, and if that doesn't pan out, then she should talk to the Commissioners again.

RE: KIRCHOFF ROAD PROBLEM - MR. SHIRLEY

The Chair asked if a Mr. Shirley was in the audience. There was no response, so the meeting progressed to the next item on the agenda.

RE: BUILDING COMMISSION - ROGER LEHMAN

Mr. Lehman said he had some items concerning demolition of buildings to bring to the Board's attention today.

2405 N. Grove Street: Demolition of that property is supposed to be completed by February 28th, which is a couple of days down the road. Due to the weather, etc., it is Mr. Lehman's recommendation that the demolition completion date be extended to April 1st, which would put that individual on the same schedule as another individual down the road -- who is also tearing his house down.

The Chair entertained a motion. Motion was made by Commissioner Cox that the demolition date for the property located at 2405 N. Grove be extended to April 1, 1985. A second to the motion was provided by Commissioner Borries. So ordered.

2407 N. Grove (vacant lot): There has been no further contact from the owner who lives in Arizona. Thus, it is Mr. Lehman's recommendation that we proceed to have the automobile towed away and let the bid to Deig Brothers to clean the lot up. The low bid on that was from Deig in the amount of \$200.00.

Commissioner Willner asked if the dollars for this work are available? Mr. Lehman said he hopes they are. That was something he had asked the Commissioners a few months ago -- what source these dollars should come from?

There was brief discussion concerning dollars. Mr. Lehman explained that they have funds via Metropolitan Development for use in the city. They do not, however, have any funds available for use in the county. (The money they do have comes from a block grant, which has to be used in target areas.) After brief consultation, it was determined that funds for this purpose used to be available thru the Commissioners' account. However, said funds have not been allowed in the current budget.

RE: OPENING OF BIDS SUBMITTED TO RAZE PROPERTIES ON RED BANK ROAD

The Board instructed County Attorney David Miller to proceed with bid opening for razing of properties on Red Bank Road.

2400 S. Red Bank Rd.: Mr. Lehman continued by explaining that the property at 2400 S. Red Bank Road is owned by a girl who lives in New Jersey. She has contacted the Building Commission via her sister and would like to have one (1) week from today to make a determination as to what she wants to do. When she knows what the bids are, she may be interested in going ahead and processing the contract herself -- saving her the lien.

2408 S. Red Bank Rd.: The owner of this property, Minnow Fisher, has contacted the Building Commission and asked for a one (1) week's extension in order to make a decision.

The meeting continued with Mr. Lehman sharing photographs of the Red Bank Road properties with the Board members. There are two (2) structures at the 2400 address, both in very bad condition.

(continued)

Commissioner Willner asked if at the 2408 address there is an absentee owner? Mr. Lehman said this is the property where the man lives in the bus. The Building Commission attempted to serve him notice of the proceedings via certified mail, as well as by hand delivery -- but he wouldn't come to the door. They subsequently found out he had a niece (Ruth Landers on Culver Drive) and sent certified notice to her. They contacted her and she did receive the notice. She is the one who requested the one (1) week extension to make a decision.

The Chair entertained a motion concerning delay of one (1) week on the 2400 and 2408 S. Red Bank Road addresses. It was subsequently mentioned that the bids should be read into the record at this point in time.

2400 S. Red Bank Road

Floyd Staub	\$ 2,250
Jim Wicks Exc.	950

2408 S. Red Bank Road

\$1,700
750

County Auditor Alice McBride verified that there is no line item for demolition in the current budget. The last couple of years the amount budgeted was not used, so Council eliminated it from the current budget.

In response to Commissioner Willner's query as to whether the necessary amount could be taken from the Judgments & Refunds account, Mr. Lehman said the normal process would be to file a lien on the property following the demolition to recoup the money.

The Chair again entertained a motion that the Board take the bids under advisement and grant the subject property owners the one(1) week requested to make their determination. Motion to this effect was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

2407 N. Grove: Motion was made by Commissioner Borries that the car be towed from the vacant lot at 2407 N. Grove and bid for cleaning of lot be awarded to Deig Brothers in the amount of \$200.00. A second to the motion was provided by Commissioner Cox. So ordered.

RE: COUNTY ATTORNEY - DAVID MILLER

Pending Lawsuit Between Southwest Engineering & Vanderburgh County: David Miller said that in the interest of maintaining the attorney-client privilege in litigation matters, he has had conversations with each of the Commissioners, individually, regarding the possible settlement of the pending lawsuit between Southwest Engineering and the County -- growing out of the improvement to Hirsch Road and building the bridge at Burkhardt. He has asked the Commissioners for authority to propose a settlement in that case in the amount of \$8,500.00, and he would ask the Board to give him official authority to make that settlement proposal at this time.

The Chair entertained questions; there being none, a motion was entertained. Motion was made by Commissioner Borries that County Attorney David Miller be authorized to settle the matter between Southwest Engineering and Vanderburgh County in the sum of \$8,500.00. A second to the motion was provided by Commissioner Cox.

Prior to ordering action voted upon, Commissioner Willner advised Mr. Brenner that he knows this comes as a surprise to him. Does he have any comment?

Mr. Brenner said it is a surprise -- and he thinks we're giving our money away.

Commissioner Willner asked Mr. Brenner if he knows what it cost the county to go to court? Mr. Brenner responded that he has no idea. Commissioner Willner said that court costs are above the settlement figure mentioned by Attorney Miller. Mr. Brenner indicated he is not in agreement, as he believes it just is an encouragement for others to rip off the county...so it goes against the grain to do it. Mr. Brenner said he guessed he didn't get to say much, as the Board has already voted. Commissioner Willner said the matter had not yet been voted upon; there had just been a motion made and seconded. In between the motion and the vote, Mr. Brenner can comment. Mr. Brenner only reiterated that he does not think this is right. The road is still standing; there is nothing wrong with the bridge that was put there with the dirt that was said to be impossible.

(continued)

The Chair then stated that a motion had been made and seconded and requested a roll call vote:

Commissioner Cox - Yes
Commissioner Borries - Yes
Commissioner Willner - Yes

President Willner advised Attorney Miller that the motion received three (3) affirmative votes, so he could relay the information.

Mann Road Settlement (Hartman-Adler): In response to Commissioner Willner's query regarding the settlement on Mann Road, Attorney Miller said the money for the claim filed has not gone through his hands. County Auditor Alice McBride said the check had been issued.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Absentee Report: Mr. Bethel submitted the Weekly Absentee Report for the employees at the County Garage for period February 18th thru February 22nd....report received and filed.

Weekly Work Report & Work Schedule: Also submitted was the Weekly Work Report for employees at the County Garage for the same period.....report received and filed. Attached to the Work Report was the following Work Schedule:

February 18 - Holiday
February 19 - Snow Removal
Patch - Harmony Way & Green River Rd.
February 20 - Patch: Harmony Way, Old Petersburg Rd., Green River Rd.
Snow Removal
February 21 - Snow Removal (Baseline and Telephone Rd.)
Patch: Harmony Way, Old Petersburg Rd., Old State Rd., Newburgh Rd.,
and Browning Rd.
Cleaned Salt Trucks
February 22 Cleaned ice out of ditches with gradall.
Cut bleeders to let water off roads.

Mr. Bethel said that among the worst roads are Burkhardt Rd. (north of Morgan Avenue). They hope to complete patching on that area today. They are also working on Old State Road today. New Harmony Rd. is in bad shape. However, they are working on all the roads and will be on them. They have five (5) trucks out -- they are trying to grade it, spread it in and roll it down -- doing it in the right way.

Commissioner Willner said it would have been nice to have had the Ordinance in effect which the Commissioners had proposed prohibiting loaded truck traffic on County primary and secondary roads. The attorneys are working on it, however, and it should be ready for approval by next Monday. If we experience similar troubles this year or in the future, at least it will be on the books. Mr. Bethel said it will be too late for this year. Commissioner Willner agreed that many of the roads went to pot this past weekend. He asked if any of the roads will be paved because it is just impossible to patch them? Mr. Bethel said that some of them are so bad that he is just taking the material out, spreading it and rolling it in because the road is so bad. There are places in several of the roads where they will have to do this. Mr. Bethel said it is hard for him to stand before the Board and name specific roads, because they are all bad. The ones paved during the past two years are holding up -- and Old State Road is being patched today.

Commissioner Willner said he knows that Mr. Bethel is on the telephone daily with the Sheriff's office, as part of his referral system -- as he reports problems throughout the county. Mr. Bethel said they are checking those out and getting the worst ones first -- and coming back and get the others.

Commissioner Willner said it would be well for Mr. Bethel to begin to put together a

(continued)

list of the roads -- and he indicated he is already doing this. He said this has been the worst winter insofar as damage to roads is concerned that he can recall.

Kirchoff Road: Commissioner Cox said that while Mr. Bethel is here, she wishes to return to #4 on today's agenda (Kirchoff Road). She did not talk with a Mr. Shirley she did, however, receive a call from a lady (she doesn't have the individual's name with her at the moment) who was concerned about Kirchoff Boulevard. It is located -- (you go out Hogue Road to Creamery Rd., and then Kirchoff Blvd. is off Creamery Rd.).

Mr. Bethel said he worked on that road last Friday; it is in bad shape. They have been putting rock in the holes -- trying to hold that road. It is probably one of the worst roads. The road is concrete and is caving in underneath -- really in bad shape. But the highway crew did go out and repair a very bad spot in front of a man's driveway, so he could get out -- and they put rock in most of the holes. That is, of course, only a temporary remedy. They will have to go out and pave that road as soon as they possibly can. For right now... paving is out of the question.

Schutte Road: Commissioner Cox said there is also a minor problem just off Highway 62 on Schutte Road. A grader went off the road and ruined a ditch. The ditch needs cleaning out, because the water is running down the driveways now, rather than running into the ditch.

RE: COUNTY SURVEYOR - ROBERT BRENNER

Kirchoff Road: Mr. Brenner said that Mr. Shirley had called him. He went out and they walked the road. Paving that road again is not the answer. We paved it this past summer and it is now completely apart. We're either going to have to drop the road or patch it. He told Mr. Shirley he would tell the Commissioners what he saw; but the county is going to have to spend some money on that one.

Mr. Bethel said he believes they will have to take the gradall out there and knock the road in. Mr. Brenner said that is correct; or else pump something under it.

Mr. Brenner said he also had a call from County Attorney David Jones, and he has the same problem in front of his house.

Returning to Kirchoff Road matter, Mr. Brenner said it can't be left as is. The paving job from last year is gone. Again, Mr. Bethel said he believes they have to knock it in, leave that in there, and start over again.

Highway Department: Mr. Jeffers said he wanted to thank the Highway Department for the patching work they have done thus far; it has helped him to get to work. He's also never seen a winter that has torn up the roads as this winter has.

Hirsch Road: Mr. Jeffers said he enjoyed traveling one road this past Saturday night from one end to the other with no problem -- no potholes or patching -- and that was Hirsch Road.

Bridge & Guardrail Repair Report: The Bridge & Guardrail Repair Report for period February 18th thru February 22nd was submitted.....report received and filed.

- February 18 - Holiday
- February 19 - Old Henderson Road (burned log jams at bridges for Ohio River drains)
- February 20 - County Garage (took inventory of stock in tool crib, built top on to crib.)
- February 21 - Duesner Road (put gravel on road where new concrete culvert was installed and ripped-rapped around culvert.)
- February 22 - Painted barricades and cleaned up equipment (County Garage).

Mr. Jeffers said that during the 3-day weekend (Feb. 16, 17 and 18) sometime between 4:00 p.m. on the 15th and 8:00 a.m. on the 19th -- they lost \$1,700 worth of equipment, including one (1) chainsaw, two (2) weed eaters, some welding equipment and miscellaneous items. This prompted the inventory of remaining stock and building the top for the tool crib.

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Commissioner Willner asked if the Sheriff was notified? Mr. Jeffers responded that both the Sheriff and the Insurance Company were notified. He believes the subsequent investigation is complete, but at this time they do not have the exact results.

5th Avenue Bridge Design: The county bridge engineer continues to work on the 5th Avenue Bridge design.

Survey of Kings Road: The chief draftsman produced a legal survey of Kings Road near a railroad trestle for the insurance company. (Survey crew gathered field data.)

Dog Pound Design: The chief draftsman also made revisions to the design of the dog pound.

Ditch Bills: Tommy Goodman, the new chainman, is preparing ditch bills by reviewing the cut-outs and working with the Auditor's office, so we can go ahead and set up for 1985.

Mill Road Bridge (near Henze): Mr. Jeffers said the small bridge on Mill Road (west of Indiana S.R. 65 and less than one-quarter mile east of Henze Road) has seen increased traffic and increased water under the bridge, due to the many subdivisions in the area north of Mill Road and east of Henze. (Another one will be presented at the Drainage Board meeting today.) The surveyor's office proposes to add a beam to each side of the bridge, knock down the headwalls, and expand that bridge to facilitate safer passage by motorists. They would like to do this via invitational bids, because they believe they can do it within the guidelines of invitational bids. The surveyor's office suggest the Commissioners permit them to contact reputable contractors (such as Deig Bros., Key Construction, Dave Guillaum Construction and Rig-Mar Construction) and ask that they submit bids, which we hope will come in under the maximum allowed for invitational bids. As calculated by the bridge engineer, they should.

Commissioner Cox queried Mr. Jeffers re the traffic count on Mill Road. He said they do not have a current traffic count, but it has increased markedly since the new subdivisions north of the bridge went in.

Mr. Brenner commented that they already have the concrete beams to widen the bridge (they bought some 30-40 of these beams 3-4 years ago, and these are the last two).

Mr. Jeffers said they would like to open the construction season as quickly as possible and get moving.

The existing bridge structure is 16 ft., and they will be adding 8 ft. to it. Mr. Brenner said the 1 ft. concrete headwalls would be taken off and the 3' 11" beams would be added -- winding up with an opening of 27' 9". They normally try to make a bridge 28 ft., but the beams and headwalls just take this one to the 27' 9".

The Chair entertained a motion on the Mill Road structure. Motion was made by Commissioner Borries that the surveyor's request to seek invitational bids on the Mill Road structure be approved. A second to the motion was provided by Commissioner Cox. So ordered.

Middle Mt. Vernon Rd. (at Lemay Drive): Mr. Jeffers said the same situation basically exists on Middle Mt. Vernon Rd. and Lemay Drive. Lemay Drive lies midway between Agathon and Cort Lane on the west side. They had a call from a resident (fellow who built a lake on the south side of the road about eight years ago -- just before you get to Cort Lane.) Prior to the lake, there was a water problem that ran underneath Middle Mt. Vernon Rd. thru a 4' x 5' concrete box culvert. His lake now retains the largest amount of the water. He has a 3 ft. pipe for outflow, but it never runs full. He is holding most of the water there. In response to his call, the surveyor's office went out and examined it. His assessment was correct; the box is collapsing. The structural steel inside the concrete is all exposed on the east wall and the east wall is kicking under and actually moving into the creek, and the water is going up underneath the footer and it is in imminent danger of collapse. Because the water no longer runs full thru there, we may not need a 20 sq. ft. opening. They feel we could probably get by with less than a 20 sq. ft. opening, and they propose to purchase a 48-inch diameter metal pipe and request that the Board allow them to seek invitational emergency contract to have this repaired immediately. The roadway is sinking on each side of the culvert and, because of the amount of concrete removal and the time element involved, the surveyor's office does not feel they can do this themselves in a reasonable amount of time. They might be able to do it in 21-30 days, but they feel it needs to be done quickly.

(continued)

Mr. Jeffers said they were thinking in terms that when Kramer's Lake opens, a lot of county motorists will be using that road -- and they don't want it to give way then.

Commissioner Cox said a lot of motorists use this road now -- because Posey County has upgraded the County Line Road, and they use that as a cut-off to go down that way and get onto Highway 62.

Mr. Brenner said they would present a set of drainage calculations to the Board next week. And whatever size pipe goes in there, it should be installed forthwith. They will size the pipe according to the water that runs thru there, whether or not it goes into a lake.

The Chair entertained a motion. Motion was made by Commissioner Cox that the surveyor's office advertise for emergency invitational bids, as requested. A second to the motion was provided by Commissioner Borries. So ordered.

Millersburg Road (over Blue Grass Creek): As the Board is aware, the bridge on Millersburg Road over Blue Grass Creek has to be built this summer. Mr. Jeffers said he assumes there is agreement that it should be built between the time school is dismissed and the beginning of the new school year to eliminate any hardship for the school bus drivers. SIGECO has guaranteed us that they will supply gas to the residential customers on the east side of the bridge, who now use a gas service from a line on the bridge. They will provide an alternate service to them, but only during non-heating months. They have been working on this project for over a year and gave up on it last year only because we were unable to obtain all of the right-of-way agreements within the time frame of being able to build it during the summer months. There are seven (7) right-of-way grantors and we've received signed right-of-way agreements from four (4) of the seven (7). They're negotiating with two (2) of the grantors this week, and it will require an addendum to the right-of-way agreement, making them certain guarantees of other considerations, all of which are reasonable. Mr. Jeffers said he would request permission to work with the County Attorney during the balance of the week to get these addendums in the proper form so as to benefit the county as well as the grantors. They need all of the signed right-of-way agreements by the first part of next week..so we can let these bids and get going.

Commissioner Willner said Mr. Jeffers has the Board's permission to work with the County Attorney on the necessary addendums, etc.

Mr. Jeffers said we should be ready to let bids for the bridge on Millersburg Road around April 1st.

Kansas Road Bridge (at Blue Grass Creek): Mr. Brenner said the Board will recall that some time ago he said it would be cheaper for the county to purchase the farmer's property on the county line. The state has never moved; they have never appraised this. Our other option was to remove the bridge period. He said he believes it would be a smart move for the county to take the structure out and leave it out. All the bridge serves is one (1) farm which, if it is out, the state will appraise it as landlock land and pay the man that way. If I-164 is never built, he is serviced from the other direction. If I-164 is built, they buy it as landlock land. We're looking at 78.5 ft. bridge and we're going to pay \$120,000 to serve one portion of one farm. The best move we could make would be to bid this work out (Mr. Brenner said he doesn't think he can take it out for \$15,000) and he'd like to go ahead with the bidding process to remove this structure. The bridge needs to be replaced. The bridge report gave it a remaining life of five (5) years in 1979 and said to take it out in 1985. And, they are absolutely correct. Mr. Brenner said the farm is not worth what it would cost the county to replace the bridge. (We have \$120,000 in the budget to replace that bridge. We also have \$80,000 to replace the bridge on County Line Road.) Mr. Brenner shared photos of the bridge with the Board members, saying that either we have to replace the bridge or tear it down.

Commissioner Borries asked who will be hurt if we tear that bridge down? Mr. Brenner said the people using it right now would be. Within 200 ft. of the bridge is going to be I-164. Mr. Brenner said we'd be certain to get some squalls from the School Corporation, because he is sure school bus goes across the bridge. But there is an 8-ton limit, and a school bus shouldn't be going across it anyway. That was five (5) years ago. The load limit should probably be reduced anyway.

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County Line Road Bridge: Mr. Brenner said the the other bridge which needs to come out is the County Line Road Bridge.

Mr. Bethel said he came across the County Line Road bridge today; it is dangerous -- and about to fall in. It was noted that school busses also travel this bridge. Mr. Bethel said the trusses are leaning out.

Mr. Brenner said the Heckel Road Bridge is going to have to go, also.

Mr. Easley asked if there is any way the Board can adopt a resolution that we want to demolish these bridges, but that we're going to leave them up for two (2) years for the convenience of the residents in the area -- and reduce the load limit or whatever, so the state would appraise them as though they weren't there?

Mr. Bethel said that County Line Road bridge would fall in before two years....and everyone agreed.

Commissioner Willner said he thinks perhaps the county should do away with both bridges. He would like for the Commissioners to go out and take a look at both bridges -- both should be eliminated...and he wants them to see these two bridges.

There was brief discussion as to whether the same procedure applies when eliminating a bridge as that when abandoning a road. County Attorney David Miller said that if the Board concludes that there is danger to the public as a result of leaving the two bridges in place (Mr. Brenner interrupted by confirming that this is true) -- he thinks that the first step would be to eliminate the danger. Then if anyone complains about abandoning a road, then we can always correct this.

Mr. Brenner said he believes we need to go thru a legal procedure, also, because the state is involved and we want to make certain that this road is going to be a dead-end on both ends and there would be no mistake but that this fellow would be landlocked if I-164 comes through. Commissioner Cox said she definitely thinks that I-164 is going through. Have they done any right-of-way buying from the farmer? Mr. Brenner said he checked as late as today and they have not.

It was the consensus among the Board that the Commissioners would go out and take a look at the two (2) bridges yet today, prior to making a decision.

Abandonment of Bridge on West End of Mill Road: Mr. Jeffers said he wanted to remind the Commissioners that the surveyor's office has submitted all the information available on the abandonment of the bridge at the very western end of Mill Road (the one mentioned earlier by Commissioner Cox) to the County Attorneys. The surveyor's office would encourage them to go ahead and finish the legal description for the abandonment of that bridge. We brought it up to what we believed was acceptable condition to abandon it and turn over to property owners for use as a tractor crossing.

RE: COUNTY ENGINEER - ANDY EASLEY

Posting of County Bridges: Mr. Easley said he had received communication from Mr. R. A. Woods, Division Local Assistance/State Highway Department, information re posting county bridges. Mr. Easley said he'd discussed this previously. It is a project they would very much like to see us participate in and is 90% Federal money and 10% local funds. We can do that with county work force. We can purchase the signs and post them. If the Board recommends that we participate, Mr. Easley will complete the form and forward same. Commissioner Willner requested that Mr. Easley complete the form and return it.

RE: COUNTY BRIDGE RE-INSPECTION PROGRAM

The meeting proceeded with Commissioner Borries stating that after having checked references of same, that the firm submitting proposal for county bridge re-inspection with the lowest proposed fee (Floyd E. Burroughs & Co.) be awarded the bridge re-inspection for a fee of \$20,000.00. This includes Phases I & II and the new report.

Commissioner Cox said she had a question on the breakdown given. They say that it will take 180 days for Phase I and 150 days for Phase II. Mr. Easley explained that Phase II comes two (2) years after Phase I is completed. That is called the Re-inspection. (Mr. Easley said that actually it is a Re-Inspection and Re-Re-Inspection.) Mrs. Cox said that she notes the firm is highly recommended.

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Mr. Easley said he doesn't have any of the firm's sales brochures, but a representative of the firm is in the audience today. He recognized Mr. Donald J. Dudkowski.

Mr. Dudkowski said that he with Floyd E. Burroughs & Associates (consulting engineers) of Indianapolis, IN. He said that his firm has performed similar work for the State, the city of Indianapolis, etc. This project is partially federally-funded. Therefore it all goes thru Mr. Wood's office (Indiana Department of Highways) and they prescribe a contract. That contract has certain terms and conditions. One they prescribe has a 9-month completion period. Mr. Dudkowski said they should be able to complete the project in six months....and they will alter the standard suggested agreement to reflect this.

Commissioner Cox said she knows we were going to do this in-house last year; are we under any kind of a time limit to get this completed? Are days that important here (90 as to 180)? Mr. Easley said he believes they want us to get this done under contract; however, he doesn't believe there is a.....

Commissioner Borries said we hope they will do it as quickly as they possibly can, because if we ever put the 5th Avenue Bridge up for federal monies, that might be added to the tip at some point -- perhaps in the fall whenever the new proposals would go in for federal funding, etc.

Mr. Easley said we had discussed their doing that bridge first -- and then make a special 2-sheet report on that in advance, so we could perhaps get that documented specifically.

Mr. Dudkowski said they had indicated they would submit a schedule and routing plan prior to actually beginning the field inspections. They also indicated that any bridges of particular concern to the county would be given priority. They are not authorized to do any work without a "Notice to Proceed". But when they get to that point, they will be more than happy to take a look at any bridges about which the county is particularly concerned.

The Chair entertained a motion. Motion was made by Commissioner Borries that the bridge inspection contract be awarded to Floyd E. Burroughs & Associates of Indianapolis, Indiana in the amount of \$20,000.00. A second to the motion was provided by Commissioner Cox. So ordered. (Mr. Easley to handle coordination of documents to be signed and submitted.)

RE: KANSAS ROAD & COUNTY LINE ROAD BRIDGES

County Surveyor Robert Brenner had returned to the meeting with maps, which he shared with the members of the board...showing planned I-164. (He commented that we wanted to replace the Millersburg Road Bridge before I-164 goes thru.) The Commissioners spent several minutes reviewing the plans. They subsequently checked with County Auditor Alice McBride as to what was budgeted for the Kansas Road and County Line Road bridges. She replied that \$80,000 was budgeted for the County Line Road Bridge and \$120,000 for the Kansas Road Bridge.

The Chair entertained a motion. Motion was made by Commissioner Borries that the bridges over Blue Grass Creek on Kansas Road and County Line Road be demolished. A second to the motion was provided by Commissioner Cox. So ordered.

Mr. Brenner said he would seek invitational bids immediately. Commissioner Willner requested that Mr. Brenner notify Warrick County as to what we are doing so they can plan their future strategy, etc. Likewise, would he notify the School Corporation and tell them why the decision was made. Further, notify the County Attorney so he can begin legal proceedings. (The School Corporation will certainly understand the dollar figures.)

RE: REQUEST TO TRAVEL - COUNTY TREASURER

Commissioner Willner read the following letter from County Treasurer Patrick Tuley:

February 25, 1985

TO: County Commissioners

(continued)

SUBJECT: Permission to Travel

This letter is written to request permission to travel to Indianapolis for a state-called meeting of newly elected Treasurers. Permission is requested for myself and my Head Cashier/Bookkeeper.

Thank you.

Patrick Tuley
County Treasurer

Commissioner Willner said this is a one-day meeting, to be held on March 4, 1985. He then entertained a motion.

Motion was made by Commissioner Borries that the request be granted. A second to the motion was provided by Commissioner Cox. So ordered.

RE: CERTIFICATE OF INSURANCE

The following Certificate of Insurance was received and filed:

Memorial High School & Mater Dei High School - Commencement Exercises at Auditorium on June 2, 1985.

RE: BURDETTE PARK - FINANCIAL REPORT

Commissioner Willner presented the following Financial Report from Burdette Park Manager, Mark Tuley:

1985 STARTING BUDGET

1985 Budgeted	\$ 485,881.00
1984 Encumbered by P.O.	6,319.43
1984 Encumbered by Contract	<u>14,445.01</u>
Total	\$ 506,645.44

EXPENDITURES & BALANCE 1/1/85 to 1/31/85

Total Expenditures	\$ 35,058.64
Total Balance	471,586.80

INCOME 1/1/85 to 1/31/85

Pool	-0-
Rink	\$ 3,602.00
Rentals	1,797.38
Misc.	<u>634.55</u>
Total	\$ 6,033.93

1/31/85

Total Expenditures	\$ 35,058.64
Total Income	<u>6,033.93</u>
Total Deficit	\$ 29,024.71

RE: CLAIMS

Patrick Tuley: Claim in the amount of \$62.00 for lodging and subsistence for state-called meeting. Motion to approve claim for payment was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

Patrick Tuley: Claim in the amount of \$80.16 (mileage only Evansville/Indianapolis and return, for state-called meeting. Motion to approve claim for payment was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

(continued)

Jane Berry: Claim in the amount of \$62.00 for lodging and subsistence for state-called meeting. Motion to approve claim for payment was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

(Note: Comment was made that the state-called meeting was cancelled due to inclement weather, after Mr. Tuley and Ms. Berry were enroute. Letter from State indicated that since cancellation of meeting took place after the individuals were enroute, they were entitled to the expenses approved.

David Miller: Claim in the amount of \$314.20 for handling of litigation matters (supported by attachment). Motion to approve claim was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

David Jones: Claim in the amount of \$3,414.00 covering miscellaneous matters of litigation. Motion to approve claim was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

David Miller: Claim in the amount of \$2,520.00 covering miscellaneous matters of litigation. Motion to approve claim was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Kahn, Dees, Donovan & Kahn: Claim in the amount of \$383.40 for litigation work handled by Patrick Shoulders. Motion to approve claim was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: BLUE CROSS HEALTH CARE PROGRAM CHANGES

Commissioner Borries stated that, as the Commissioners are aware, Mr. Jim Lindenschmidt attended a Blue Cross Insurance meeting earlier today. Blue Cross is making some major changes with their health care program, and they held a regional meeting in Vincennes to explain the program. He will be keeping the Board informed as to the ever-changing world of health care. The Commissioners may have some decisions to make by May, 1985.

Mr. Lindenschmidt said that Mr. David ~~Stump~~ had indicated that as soon as he has a couple of more items in his hands, he wants to get together with the Commissioners concerning these changes.

RE: EMPLOYMENT CHANGES - RELEASES

Burdette Park

Paul Short	1628 S. Red Bank Rd.	P.T. Grnd. Crew	\$ 4.00/Hr.	Eff: 2/6/85
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Circuit Court

Karen Miller	926 N. Fairlawn	P.T. Typist	\$ 3.34/Hr.	Eff: 2/22/85
Tom Montgomery	1274 Woodbine Lane	P.T. Intern	\$ 4.00/Hr.	Eff: 2/22/85

Prosecutor

Mark A. Foster	710 E. Christian	Dep. Pros.	\$19,500/Yr.	Eff: 2/25/85
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RE: EMPLOYMENT CHANGES - APPOINTMENTS

Prosecutor

Allen Loosemore, Jr.	8374-A Lincoln Ave.	Dep. Pros.	\$19,000/Yr.	Eff: 2/25/85
Mark A. Foster	710 E. Christian	Dep. Pros.	\$21,770/Yr.	Eff: 2/25/85

Circuit Court

Karen Miller	926 N. Fairlawn	P.T. Typist	\$3.35/Hr.	Eff: 2/25/85
Tom Montgomery	1274 Woodbine Ln.	P.T. Intern	\$4.00/Hr.	Eff: 2/25/85

(continued)

RE: REQUEST FOR SIDEWALK WAIVERS/AREA PLAN COMMISSION

Wildwood Acres Subdivision: Subdivision contains only three (3) lots. Chairman entertained motion. Motion was made by Commissioner Borries that the requirement for sidewalks be waived for Wildwood Acres Subdivision. A second to the motion was provided by Commissioner Cox. So ordered.

Simon Kenton Subdivision: This subdivision contains six (6) lots (located on Mohr Rd. between St. Joe and First Avenues). The Chair entertained a motion. Motion was made by Commissioner Borries that the requirement for sidewalks be waived for Simon Kenton Subdivision. A second to the motion was provided by Commissioner Cox. So ordered.

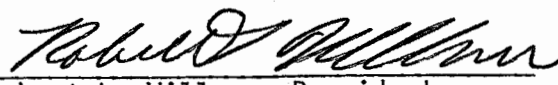
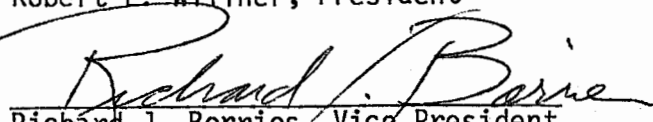
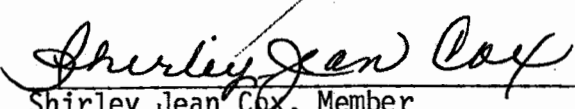
Iris Subdivision: This subdivision is located at Browning & Boonville-New Harmony Rds. This is also a small subdivision. Motion was made by Commissioner Borries that the requirement for sidewalks be waived for Iris Subdivision. A second to the motion was provided by Commissioner Cox. So ordered.

Green River Estates (Section B-2): Ms. Behme asked if the Board recalls that they vacated a portion of this back in November so the owner could give to the Church. Thus, the owner had to replat. There are nineteen (19) lots in this subdivision. None of the rest of the subdivisions in this area have sidewalks. Commissioner Willner noted that this subdivision is going to be in a condensed area. Motion was made by Commissioner Borries that the requirement for sidewalks be waived for Green River Estates Subdivision, with a second from Commissioner Cox. So ordered. (It was noted that this was for Section B-2).

There being no further business to come before the Board at this time, President Willner declared the meeting adjourned at 4:15 p.m., with an announcement that the Drainage Board Meeting would be immediately subsequent to adjournment of the Commissioners meeting.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	Robert L. Willner Richard J. Borries Shirley Jean Cox	Alice McBride	David V. Miller
	<u>COUNTY HIGHWAY</u>	<u>COUNTY ENGINEER</u>	<u>COUNTY SURVEYOR</u>
	Bill Bethel	Andy Easley	Robert Brenner Bill Jeffers
	<u>KNIGHT TRUSTEE</u>	<u>BUILDING COMMISSION</u>	<u>OTHER</u>
	Teri Stokes, Rep.	Roger Lehman	Pamela Jacke News Media

SECRETARY: Joanne A. Matthews


Robert L. Willner, President

Richard J. Borries, Vice President

Shirley Jean Cox, Member

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MINUTES
COUNTY COMMISSIONERS' MEETING
MARCH 4, 1985

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MINUTES
COUNTY COMMISSIONERS' MEETING
MARCH 4, 1985

The Board of Commissioners met in session at 2:30 p.m. on Monday, March 4, 1985, at 2:30 p.m.

Since it was the first meeting of the month, President Willner requested that Sheriff Shepard open the session. Sheriff Shepard called the meeting to order at 2:35 p.m. and declared it in session, pursuant to adjournment.

The Chair entertained a motion concerning approval of minutes of the previous meeting. Motion was made by Commissioner Borries that the minutes of the meeting held on Monday, February 25th, be approved as engrossed by the County Auditor and the reading of same be waived. A second to the motion was provided by Commissioner Cox. So ordered.

RE: OPENING OF BIDS

President Willner asked for a motion to permit the County Attorney to open the bids received on the dump truck for Burdette Park and demolition/repair of county bridges. A motion to this effect was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: RESOLUTION SUPPORTING FOOD & BEVERAGE TAX IN VANDERBURGH COUNTY

The meeting proceeded with President Willner advising that the following Resolution had been received from the Board of Town Trustees of the Town of Newburgh, Warrick County, Indiana:

RESOLUTION 1985-3

A RESOLUTION SUPPORTING A FOOD AND
BEVERAGE TAX IN VANDERBURGH COUNTY
FOR THE IMPROVEMENT OF DRESS REGIONAL
AIRPORT

WHEREAS, DRESS REGIONAL AIRPORT IS LOCATED IN VANDERBURGH COUNTY, INDIANA, AND predominantly supported by the property tax payers of that county, and

WHEREAS, the Airport provides air transportation service availability to many other counties, cities and towns in the State of Indiana, other than Vanderburgh County and the City of Evansville, and

WHEREAS, the airport provides air transportation service availability to counties, cities and towns in the State of Illinois and the Commonwealth of Kentucky, situated on or near the border of those States, with the border of the State of Indiana, and

WHEREAS, business and economic growth in a particular area is dependent, in part, on air transportation service availability in that area, and

WHEREAS, citizens from counties, cities and towns in Kentucky, Illinois, areas in Indiana surrounding Vanderburgh County and other States of the United States regularly use and frequent restaurants and hotels located in Vanderburgh County, Indiana, and

WHEREAS, House Bill 1424 has passed the Indiana House of Representative and is now pending in the Indiana Senate, which Bill provides for the imposition of a Food and Beverage Tax to be collected at all hotels, restaurants and like establishments in Vanderburgh County, Indiana, the proceeds of such tax to be used for the expansion and improvement of Dress Regional Airport, and

WHEREAS, it is fair and equitable that a method be used to raise funds for Regional Airport expansion and improvement that is broader based than a property tax imposed in one county, and

WHEREAS, the proposed Food and Beverage Tax provides such a fair and equitable method of acquiring such funds.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TOWN TRUSTEES OF THE

(continued)

TOWN OF NEWBURGH, WARRICK COUNTY, INDIANA:

Section 1. That any committee of the Senate of the State of Indiana before whom House Bill 1424 shall come for hearing and action, should report said bill to the Senate with the recommendation of "Do Pass".

Section 2. That the Senate of the State of Indiana should pass said Bill enacting the same as a law of the State.

ADOPTED this 27th day of February, 1985, at 9:00 o'clock P.M.

Signed: Daniel C. Bradley, President
Wilmer E. Wells, First Vice President
Norman E. Dahmer, Second Vice President
Shirley J. Burnett
Robert A. Hamm

ATTEST:

Sally K. Diaz, Clerk-Treasurer

The President advised that the "gold seal" copy should be filed in permanent record book in the County Auditor's office. Extra copies are available, should any of the news media want a copy.

RE: KANSAS ROAD & COUNTY LINE ROAD BRIDGES/QUENTIN STAHL

Mr. Quentin Stahl was recognized by the Chair and approached the podium to speak concerning the Kansas Road and County Line Road Bridges.

Mr. Stahl said he resides in Center Township. All he can gather is what he learns hearsay and by talking with members of county government. It is his understanding that the county proposes to remove one (1) structure on Kansas Road over Blue Grass Creek and one (1) structure over the Dennis Wagner Ditch on County Line Road. Both of these bridges are posted well below maximum carrying capacity of the bridges. They are both serviceable bridges at the time and both carry local traffic to and from the AMAX mine, St. John's and Zoar churches, school busses, mail carriers and paper carriers. The proposed I-164 spur will deadend at Kansas Road. Therefore, there will not be a need for the public to use the bridge over Blue Grass Creek. Mr. Stahl's concern (and to others of the area) is that the bridges remain intact until such time as the spur is built and the State does properly and duly close Kansas Road. They see no reason why Vanderburgh County should go to the additional expense of taking out these structures and depriving the community of the use of said structures. Therefore, he asks that the Board reconsider removing these structures and leave them intact. If they are defective in any way and a hazard to the public, then the County could re-post the load limits on the bridges or barricade them, but leave them intact. The bridge on Kansas Road will have useful purpose for what will be landlocked farmland after I-164 is complete. It will have a purpose then and can be used at that time. He said that perhaps there are others present who would also like to address this matter.

Mr. Manfred Stahl approached the podium and said he resides in Knight Township, but farms in both Knight and Center Townships. His concern is that he understands the purpose of closing these bridges --and it is probably rightful that someday they should be closed. However, at the present time they are usable bridges and they are necessary for people in the community to use. It would seem to him that to do the same thing the county intends to do -- serve notice to the State Highway that at the time they close Kansas Road for construction of the proposed I-164, that we are going to close the bridge on Kansas Road simultaneously and possibly the bridge on County Line Road. However, Mr. Stahl said he thinks that if there is need of people in the area to use the bridge on County Line Road that we could put a culvert in there and forget about the bridge....and it would still be serviceable to people. If the county would serve notice to the State Highway that we are going to close the bridge on Kansas Road at the same time that they close Kansas Road, then the State would know that that is part of the proceeds that will happen at that time and all the county would have to do would be to notify the State Highway and the adjacent land owners to these defective bridges. This way, the people in the community could

(continued)

use these bridges up to that point in time. When that time comes and the State Highway closes Kansas Road, there would be no need for the county to provide a bridge on Kansas Road. Mr. Stahl said he believes closing the bridge this early would be a bit premature. But if the State Highway and adjacent landowners were notified, then the county could still get the job done that is intended.

The Chair then recognized Mr. Wayne Fehd. He approached the podium and said he resides in Center Township and is interested in the same two bridges mentioned by Messrs. Manfred and Quentin Stahl. He feels the bridge on County Line Road if unsafe it could be replaced with culvert structures and keep that road open. As for the bridge on Kansas Road, if I-164 proposed spur does become a matter of fact (we don't really know that definitely at this time) -- but if it does and the county goes ahead and closes Kansas Road since there isn't a bridge structure in the planning for I-164 project, the bridge on Kansas Road would be useful to Mr. Fehd on some property he has there (he has about 39 acres on the east side of the interstate highway) -- he could use the bridge for small equipment. He was in about one and a half years ago and asked the Board to use some of the bridge money to update this particular bridge so they could use the farm equipment and get across the bridge to subject property. At this time, there is nothing in the provisions from the State Highway Department indicating his property will be landlocked. If the county is not going to update the bridge and make it acceptable to carry 20-ton limit, then he'd like to see the county go ahead and barricade it and revert it back to the property owners. Part of Mr. Fehd's property is the county road....and barricade the bridge in a manner that it is notified to the publicbarricade it well so they know they cannot get thru it. At the present time, he sees no reason to close the bridge and remove it. It currently has an 8-ton limit and most passenger vehicles do not approach this weight limit....so a lot of people could use the bridge. It may be a matter of 4-5 years before the interstate does become a matter of fact. He definitely wants to see the bridge remain. Again, if the county has to do anything, he requests that they barricade it (if they deem it unsafe for 8-ton or automobile limit).

Mr. Willner asked Mr. Fehd that if the county did decide to dismantle the bridge or let it revert back to the property owner, would he accept that bridge -- if it came to that? Mr. Fehd said he would have to give the Board an answer on this at a later date. Commissioner Willner said he believes this would be of vital interest.

Mr. Fehd asked what happened to the thoughts of taking the bridge that would have no use on the Boonville-New Harmony Road (with the new bridge that is going to be built over Blue Grass Creek at that point) and moving it and bringing it down to Kansas Road?

Commissioner Willner said that if he remembers correctly, the bridge at Boonville-New Harmony Road is a concrete beam and we can use those anyplace. We will save the beams, there is no question about this. He doesn't think we can save the bridge footing or anything like that, but we can save the beams and will. In fact, we purchased 20-some odd beams about five or six years ago and had them stored -- so we will always use the beams. There are no problems with this.

Mr. Fehd said this is something he has been awaiting an answer on for about two years and he's heard nothing. He was really surprised to learn the county plans to come in and move the bridge without offering an alternative. He knows there was discussion about keeping the Boonville-New Harmony bridge and bringing it down. Mr. Fehd said we spent a goodly sum of money on the Boonville-New Harmony bridge and it would accommodate the farm machinery to farm his 39 acres that are on the east side of the highway. This is what he would like to see the county do.

Commissioner Willner said he believes the cost would be prohibitive for what Mr. Fehd is proposing, but he will let Mr. Brenner discuss the matter of cost.

Mr. Brenner asked Mr. Fehd if he has a letter from the State indicating that his land will be landlocked when the I-164 spur becomes a matter of fact. Mr. Fehd said he has received nothing to this effect. Mr. Brenner said he didn't think that Mr. Fehd had received anything to this effect, as at the current time they do not intend for that to be landlocked. Rather, they intend for the county to put a new bridge there. This, however, is not the county's intention. The county would be better off to purchase the farmland than to build a new bridge(money-wise).

(continued)

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Mr. Fehd said he realizes what Mr. Brenner is saying. However, if the county closes the bridge, the property will be landlocked. Mr. Brenner said that if the county takes the bridge out, and the state has not appraised Mr. Fehd's property and made him an offer -- then the 39 acres would be landlocked land. Mr. Fehd said it wouldn't be if the county left the bridge there and barricaded it. Mr. Brenner said he doesn't know.....(conversation between Messrs. Brenner and Fehd became inaudible).

Commissioner Willner stated that the meeting needed to move along. He said that he thinks Mr. Fehd needs to study the proposition and determine if he would accept that bridge if it were abandoned to him. Mr. Fehd said he would like a written, certified letter stating what the Commissioners intend to do. Commissioner Willner said this could be done.

The Chair then asked if anyone else was present who wanted to address either of the bridges (Kansas Road or County Line Road)? There being none, Commissioner Willner called on the County Surveyor's office for their report.

RE: COUNTY SURVEYOR

Bridge & Guardrail Repair Report: Mr. Jeffers submitted copies of the Weekly Bridge & Guardrail Repair Report, indicating that it is self-explanatory.....report received and filed.

Hirsch Road Right-of-Way: Mr. Jeffers expressed thanks to County Attorney David Miller and his co-workers. He had called them last Thursday evening and sent over right-of-way agreements to Tom Massey. He produced them by Friday at noon; the surveyor's office was able to take them out to the people on Millersburg Road (these were the two remaining grantors from whom we were trying to obtain land). Unfortunately, the father of one suffered a stroke over the weekend who was other's brother-in-law and he didn't want to bother them for a day or so. But he will see how that develops.

Any new business will deal with drainage board matters, unless the Commissioners have questions concerning work in progress by the surveyor's office.

Commissioner Willner said he has a note from Arvin Grace, who said one of his employees tore down a section of guardrail on Boonville-New Harmony Road during the snowstorm. He would like to pay for it in installments (Gayle Johnson, a 19-year old). Mr. Brenner said Mr. Johnson had no insurance and the State is pulling his operator's license. Mr. Brenner said the only process he's ever been through is that he sends them to the State and tells them the damages are paid. Commissioner Willner asked the amount of the damage? Mr. Brenner said he does not even have an estimate back on this particular damage case. He will stay in touch on this. Mr. Brenner said he doesn't know how to handle this, as we release any rights we have if we tell the State that he has paid his bill (which is what they want him to do). Mr. Johnson hasn't paid his bill and his boss certainly isn't going to sign for him. Mr. Johnson wants to deduct the installment payments for the damage from his paycheck.

Lisa Kirkwood Claim: Mr. Brenner said he has another claim he'd like to pass along to the county attorneys. Individual had \$390.00 damages and had no insurance. She declined to pay and the State has already pulled her license. Our only recourse at this time is to take this to Small Claims Court to see if we can collect the amount of the damages. Commissioner Willner asked that the record reflect that this claim was turned over to the County Attorneys for action.

IDOH Contract Lettings: Mr. Brenner said he wished to bring to the attention of the Board that we'd just received a copy of the IDOH contract lettings. In March (this month) they're bidding two (2) bridges on I-164: one is over Morgan Avenue (Southern Railroad and Lockwood Creek, which is Kelly Ditch to us); the other one is right below Heckel (which would put the bridge across Pigeon Creek). Mr. Brenner said these are pretty extensive bridges; so, it's coming -- and not as far away as the Board might think. He believes the contract letting date is March 19th.

RE: BUILDING COMMISSION - JESSE CROOKS

Request to Move Houses: Mr. Crooks said he believes the Commissioners received a copy of the following letter:

(continued)

February 20, 1985

Building Commissioner
City-County Building
Evansville, Indiana 47737

Dear Sir:

Elmer Buchta Moving Engineers request a permit to move two (2) houses. They are located at 1905 and 1911 N. Green River Road. They will be moved from N. Green River Road wouth to Morgan, on 62 East about 1/2 mile to Burkhardt Road, north on Burkhardt to Old Boonville Highway, west on Old Boonville Highway to Colonial Garden Road. Comaier will be providing the escorts.

The houses are owned by William Spurling.

Jim Brace
Elmer Buchta, Inc.

Mr. Crooks said he has looked at the houses and followed the route and sees no problems associated with this move. He will notify the mover that this is a flood-prone area and they will have to make provisions for this.

Commissioner Willner asked Mr. Crooks if there is a time limit on this move? Commissioner Willner said the County Highway Department has said there will be no moving on county roads until the thaw is over. He said we're probably talking about one (1) week...or at least a week.

Mr. Crooks said preparation for the move will probably require longer than a week -- so he foresees no problems here. He will keep in contact with Elmer Buchta Moving. Incidentally, Mr. Crooks said that since this involves both city and county roads, the Safety Board has granted their approval. Commissioner Willner said the Commissioners will grant approval, also, if Mr. Crooks will hold them up until the thaw is over. Mr. Crooks said he will tell Elmer Buchta that they will have to notify him in advance -- and wait on road conditions permit.

Motion to grant request, subject to mover's complying with recommendations of County Highway Department/Building Commission insofar as actual moving date is concerned. A second to the motion was provided by Commissioner Cox. So ordered.

RE: BUILDING COMMISSION - HOUSING DEMOLITION, ETC./ ROGER LEHMAN

2407 N. Grove: By way of a progress report on property located at 2407 N. Grove, Mr. Lehman said the car has been pulled, but the lot is not yet cleaned. We do have a contract with Deig Bros. to clean the lot.

2405 N. Grove: The house is down and some debris remains. The majority of it has been hauled off, however. Thus, work on this project is progressing nicely.

2400 S. Red Bank Road & 2408 S. Red Bank Road: Mr. Lehman said that since we are dealing with individuals' houses he doesn't want to go about it lightly; therefore, he request an additional week to attempt to make more communication with the owners. After the March 11th meeting, the Building Commission will take some positive action.

President Willner asked that the record reflect that a one (1) week extension had been granted on the 2400 & 2408 S. Red Bank properties.

RE: MORGAN AVENUE BRIDGE PROJECT

Mr. Brenner said the mail had just arrived and he has another item that requires immediate action. We had executed an agreement reached with the State Highway to pay the \$138,000 for the Morgan Avenue Bridge. We now have a claim from them (which was part of the agreement -- we pay it before they advertise).

Commissioner Willner asked County Auditor Alice McBride if the State has approved our transfer of funds for this? Mrs. McBride stated that they have; she received approval back from the state today.

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The Chair entertained a motion for approval of claim. Motion was made by Commissioner Borries that the claim in the amount of \$138,000 for 100% of the county's share of the Morgan Avenue Project be approved, with a second from Commissioner Cox. So ordered.

Mr. Brenner submitted a copy of the completely executed Agreement between the County and the Indiana Department of Highways concerning the aforementioned project.....copy received and filed.

In response to President Willner's query, County Auditor Alice McBride said that she would make certain the check is forwarded to the State.

RE: BIDS FOR DEMOLITION OF BRIDGES ON KANSAS & COUNTY LINE ROADS

Attorney Miller stated that the following bids for demolition of bridges on Kansas and County Line Roads were received:

- | | |
|--------------------------------|-------------|
| 1) Rig-Mar Contracting, Inc. | \$ 8,000.00 |
| 2) Key Construction Co., Inc. | 11,900.00 |
| 3) David Guillaum Construction | 9,987.00 |

All three bids appear to be in proper order.

RE: BIDS FOR REMOVAL & DISPOSAL OF TWO (2) BOX CULVERTS ON MIDDLE MT. VERNON RD.

Attorney Miller stated the following bids were received for removal and disposal of two (2) box culverts on Middle Mt. Vernon Rd. in western Vanderburgh County:

- | | |
|--------------------------------|-------------|
| 1) Rig-Mar Contracting, Inc. | \$ 6,053.00 |
| 2) Deig Bros. | 5,075.00 |
| 3) Key Construction Co., Inc. | 6,580.00 |
| 4) David Guillaum Construction | 5,845.00 |

All four bids appear to be in proper order.

RE: BIDS ON WIDENING & IMPROVING CULVERT & SECTION OF ROADWAY ON MILL ROAD (EAST OF HAPPE RD.)

Attorney Miller submitted the following bids received for widening and improving culvert and section of roadway on Mill Road (east of Happe Rd.):

- | | |
|--------------------------------|--------------|
| 1) Rig-Mar Contracting, Inc. | \$ 14,144.00 |
| 2) Key Construction Co., Inc. | 11,939.50 |
| 3) David Guillaum Construction | 20,789.50 |
| 4) Deig Bros. | 17,514.50 |

All four bids appear to be in proper order.

RE: BIDS FOR DUMP TRUCK FOR BURDETTE PARK

- | | |
|--|---------------------------|
| 1) Hendrickson Enterprize, Inc. (Chrysler dealer) | \$11,934.00 |
| (This is the only bid which Attorney Miller is certain contains a dump truck body. The other bids may -- but perhaps he doesn't understand.) | |
| 2) Kenny Kent Chevrolet (does have dump body) | \$13,260.00 |
| 3) Hendrickson & Sons, Inc. (GM dealer) | |
| Chev. Cabin Chassis Dump Body | \$12,032.00 (wood floor) |
| | \$12,090.00 (steel floor) |
| 4) D-Patrick & Sons | \$12,462.78 |
| (If wood floor not desired, add \$63.00 to bid price) | |

It was noted by Attorney Miller that all of the bids offer wood floor alternative. Commissioner Willner commented that salt does not bother the wooden floor models nearly as much as it bothers steel floor models.

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RE: AWARDING OF CONTRACT ON WIDENING OF MILL ROAD

In response to President Willner's query, Mr. Brenner said he would recommend awarding the contract on Mill Road project to Key Construction Company, the low bidder. The Chair then entertained a motion.

Motion was made by Commissioner Borries that Key Construction Company be awarded the contract on Mill Road project in the sum of \$11,939.50. A second to the motion was provided by Commissioner Cox. So ordered.

RE: AWARDING OF CONTRACT ON MIDDLE MT. VERNON ROAD PROJECT

It was Mr. Brenner's recommendation that contract for culvert project on Middle Mt. Vernon Road be awarded to Deig Bros., the low bidder.

Motion was made by Commissioner Borries that Deig Bros. be awarded the contract for culvert project on Middle Mt. Vernon Road in the sum of \$5,075.00. A second to the motion was provided by Commissioner Cox. So ordered.

RE: DUMP TRUCK FOR BURDETTE PARK

President Willner entertained a motion to take the bids on dump truck for Burdette Park under advisement for one (1) week. Motion to this effect was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: DEMOLITION OF KANSAS & COUNTY LINE ROAD BRIDGES

County Surveyor Robert Brenner said he thought the bids received on demolition of Kansas and County Line Road Bridges were excellent.

President Willner said he would like to get his thoughts straight -- and would ask that the Board take the matter of these two (2) bridges under advisement for one (1) week.

Attorney Miller said he wished to comment re the problem on these two bridges. He believes the gentlemen here today seeking to maintain the existence of those two bridges should talk to either their lawyer or an insurance agent -- because from his understanding of what was reported last week, at least one (1) of those bridges is regarded by County personnel as being very dangerous if left in continuous use. At least with respect to that particular bridge, if the County continues to let it exist on the basis of some understanding with the Stahls group, the County is going to look for some kind of indemnity and insurance policy of some type to protect the County from any collapse or damage that might occur by reason of use of this bridge -- even if it is closed off, the county will have to have something like that. He is certain that the Stahls understand that having made the judgment that the bridge is not safe, the county is going to have to find some protection from the Stahls in the event the bridge is left up. Therefore, they should be talking to their legal and insurance experts so that they are prepared to make that kind of deal. Otherwise, Attorney Miller will have to make a recommendation against it. He understands the Stahl's needs and does not want to jeopardize their economics, but the county would have to have that kind of protection.

President Willner said he agrees completely and believes this is a point well taken. He said he thinks he needs to tell the Stahls that the county is going to do something -- and that they do need to get their "druthers" in line and advise the Commissioners what they are. The Board will be glad to work with them. If one week period is not enough, then let him know and he will make it two weeks or a month -- whatever they want. The Stahls indicated they would like one (1) month.

County Surveyor Robert Brenner interrupted and said the county is remiss if we leave County Line Road Bridge open. (The flooring is rusted and the wood is rotten per Mr. Willner.) In response to President Willner's query, it was noted the county worked on the flooring of that bridge last year. President Willner asked if Mr. Brenner spoke to the Warrick County Commissioner or Surveyor? He said he tried, but they did not return his calls. President Willner asked if Mr. Brenner will try to talk with them within this one (1) month period? Mr. Brenner said he will.

Mr. Brenner said that doesn't really matter...that bridge.....President Willner

(continued)

said that Commissioner Borries had indicated he wanted to check into putting a culvert there. If his understanding is correct, Warrick County would have to participate in that? They did help us pay for that once before, is that correct? Mr. Brenner said that is correct. President Willner said they might be willing to do this once again. They might want the road open. He'd really rather have their input before a decision is made.

Mr. Brenner said he thinks the Commissioners are making a mistake on that one. It is his recommendation that it be closed; he hates to see a school bus go over that bridge again.

Mr. Fehd suggested that Mr. Bethel (county highway) go out and lay boards longways across the bridge. Every time they've replaced boards on that bridge they have laid them crossways -- and when vehicles cross the bridge the full weight sits on each board.

Commissioner Willner said that when an engineer such as Mr. Brenner says it is not safe for vehicle traffic, the insurance company says we will close it tomorrow. It is out of the Commissioners' hands and out of everyone else's hands. He is an engineer, has an engineering license -- and that's the way it is. If he wants to recommend boards, then the Commissioners would take his recommendation. But if he doesn't, then we'd follow that recommendation -- because the County is going to cover itself.

Mr. Brenner said it is his job to make the recommendation -- and if the county lets that bridge remain open, then they are hanging themselves out there. He said he has already talked to the School Board and told them the closing of this bridge is coming. There is only one student involved on that road (a senior in high school).

Commissioner Willner asked if there is a turnaround for the school bus? Mr. Brenner said there is only a driveway. Commissioner Willner asked if we can help that situation by widening the driveway, etc.? Mr. Brenner said we've already told them that we would do this. (There was an exchange of comments between Messrs. Brenner and Fehd, but it was inaudible.)

RE: CLOSING OF COUNTY LINE ROAD BRIDGE

President Willner said he thinks the Commissioners should honor Mr. Brenner's suggestion and close the County Line Road at the bridge for further traffic for a period of one (1) month until we decide what is best for the county and what the county wants to do.

Mr. Brenner asked that the bridge be closed until further action. Commissioner Willner asked if he will accomplish this via use of a guardrail? Mr. Brenner said he will -- and it will be done tomorrow (March 5th). The Chair entertained a motion.

Motion was made by Commissioner Borries that the County Line Road Bridge be closed effective tomorrow, with Mr. Brenner handling the details. A second to the motion was provided by Commissioner Cox. So ordered.

President Willner pointed out that what the county is actually going to do is close the bridge. It will not be torn down until the month requested by the Stahl's is up?

Commissioner Borries asked if Mr. Brenner's office can begin to work on a design for a culvert on County Line Road? Mr. Brenner said they can do this.

President Willner said he would ask that the surveyor's office begin work on a design for a culvert on County Line Road and also provide a cost estimate.

RE: PROPOSED CLOSING OF KANSAS ROAD BRIDGE

Mr. Brenner asked if the Commissioners remember why we were closing the Kansas Road Bridge? It is not because we want to take the bridge down. It's due to the fact of who becomes responsible for the bridge after I-164 is there. That's pure economics. The bridge is in sad need of repair -- and it could be repaired. President Willner said he believes the Commissioners fully understand this. But they want to give the residents the opportunity to enjoy that bridge.....Mr. Brenner interjected.....but Commissioner Willner said he believes the Board should write to

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the State Highway Department and advise them concerning our decision of last week on this bridge. He asked that Mr. Lindenschmidt make certain that this letter is written.

RE: VANDEBURGH AUDITORIUM

Mr. Bitz said he had two items requiring the Board's attention today. First, in comparing first two (2) months' income for 1984 and 1985, we saw a \$7,758.01 increase in 1985. Hopefully that increase will continue as the months go by.

	<u>1984</u>	<u>1985</u>
January & February Income	\$ 24,092.78	\$ 31,850.79

Auditorium Parking Lot: President Willner said he had asked Mr. Bitz to get with the Purchasing Department to draw up a set of specifications, taking into consideration everyone's wishes, and we will bid a coin, card and token system -- all combined -- for the Auditorium Parking Lot. When we get the prices, this will help the Commissioners make a decision as to the new system to be installed. Further, he asks that Mr. Bitz mail a copy of these specs to companies whom he feels would not otherwise see the advertisement in the newspaper. Mr. Bitz said there are several and he will handle this.

Continuing, Mr. Willner said he has talked with Mr. Vezzoso and he has assured him that we can use the exit on Walnut Street if we had a right-turn only, and providing it is used only during non-peak hours. In other words, during peak hours we would open the entrance gate and use that as an exit he has indicated this would be permissable. Thus, this is the way it will be bid.

Commissioner Cox asked if Mr. Bitz would again repeat the three systems? Mr. Bitz confirmed they are bidding a coin, card and token system.....three (3) options. No combinations are being bid (such as coin-card). Three options are being bid -- and prices will be submitted on each, allowing us an opportunity to choose which system we prefer.

President Willner said that County Councilman Mark Owen had a company in mind to whom he wanted the specs sent, as he thinks their equipment is very good -- will Mr. Bitz make certain that this firm receives a copy of the specs? Mr. Bitz agreed to do so.

The Chair entertained a motion to approve the specs and advertise for bids. A motion to this effect was made by Commissioner Borries, with a second from Commissioner Cox.

President Willner asked that Joanne Matthews make certain the bids are advertised two (2) times.

RE: REVISED AGREEMENT - AUDITORIUM MESSAGE CENTER

County Attorney David Miller submitted a revised agreement with respect to the message center at the Auditorium & Convention Center. It has been revised to provide for a reporting procedure so that each month Moving Media would report to us what they sold, what their gross receipts were and from whom, and they would remit their monthly check along with that report. It provides for 20% of the gross receipts payable to the county; it provides that Moving Media will be responsible for all the statements that appear during the County segment and that they will indemnify the county from any liability that might arise as a result of the content of any of their advertisements. It says that if during the first ninety (90) days the county fails to receive any income, then the county can cancel. After the first ninety (90) days, if the county fails to receive any income during any 45-day period, the county has a right to terminate the agreement. The contract is for a term of one (1) year; as long as Moving Media complies with it, it is renewable from year to year for five (5) successive years after the first year. So, it is possibly a six (6) year contract. Moving Media agrees not to engage in any conduct which violates our agreement with Ad-Craft, who put up the sign. The county agrees to use its best efforts to maintain the operational capacity of the sign, but does not agree to be liable if the sign breaks down and certain advertisements cannot be run, and it gives the county the right to terminate this agreement upon a breach by Moving Media if we notify them in writing and they fail to correct their breach within ten (10) days.

Attorney Miller said the revised agreement is a bit more extensive than the Letter Agreement being proposed, and he recommends that it be submitted to Moving Media and, if they approve it, then the Board authorize the approval of the agreement immediately and thereby avoid losing another week on this contract. He does not know whether Moving Media has begun any sales, but if they have, it wouldn't hurt to back-date the agreement to March 1st. But he would not go back farther than March 1st. For purposes of the contract year, March 1st is also a good cut-off date.

Mr. Lindenschmidt interrupted by saying he had just talked with Mr. Jim Knauff, president of Moving Media, and he is trying to get to the meeting before it adjourns to look at the revision.

Attorney Miller indicated the Board could execute the agreement -- and if Mr. Knauff does not arrive before the meeting adjourns, he can handle it subsequent to the meeting. President Willner entertained a motion.

Motion was made by Commissioner Borries that, subject to the changes suggested by the County Attorney and the approval of Moving Media, the contract be signed. A second to the motion was provided by Commissioner Cox. So ordered.

RE: FROST ORDINANCE

Attorney Miller submitted a draft of what has been called the "Frost Ordinance" for consideration by the Board. (the ordinance whereby the County, pursuant to the power invested by the county by the Indiana Code, would have the power to close county roads during periods of thaw and during period of time when great harm could come to the road by virtue of heavy weight vehicles being driven on said roads).

Commissioner Willner said he had an opportunity to travel this past weekend and he noticed that almost every county (including as far south as Gibson County) has such an ordinance in effect currently. (He started to stop and get one of their signs -- but thought it best that he didn't!) They are doing it by a 10-ton load limit on all roads posted. Rather than advertising it in the newspaper, they post signs. He thinks we need to do both.

Attorney Miller said the proposed ordinance requires that we advertise and post signs.

Commissioner Willner said he has had numerous calls (all of them from truckers) -- some grocery stores are wondering how they are going to stock their shelves. Some businesses are wondering how they are going to continue to operate while this is in effect -- and they want to know if there is a means by which they could post a bond and go ahead and use the roads and we inspect it thereafter, etc. He has told them all things are possible. Attorney Miller said he does not believe we are able to address all of these in this ordinance, however. If and when that situation arises, he believes it can be solved. But the ordinance, itself, is a good starting point.

President Willner said he thinks this is something that we have to do. There are just not enough dollars.....we have roads in Vanderburgh County that the postman has refused to go down today. We have roads in Vanderburgh County that the school busses refuse to travel.....and that is something that we do not want to happen. Both the postman and the school bus refused to travel Maasberg Road this morning. He has discussed the matter with Mr. Bethel and he has promised to get on this road tomorrow. However, Commissioner Willner said there is no bottom -- and the gravel will just go thru -- so this is simply a stop-gap measure -- and had we had this ordinance in effect, that might not have happened to that extent.

With respect to the proposed "Frost Ordinance", President Willner asked that the record reflect that the Commissioners will take the draft under advisement for one (1) week and discuss it further at that time, prior to advertising.

RE: LAWSUIT RE ELECTION BOARD, ETC.

Attorney Miller said that a lawsuit was filed in U.S. District Court a couple of weeks ago on behalf of Sol Stevenson et al against Edward Simcox (Secretary of State), the Indiana State Board of Elections, Helen Kuebler (in her official capacity as the Clerk of Vanderburgh Circuit Court), Vanderburgh County Election Board and

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the Vanderburgh Recount Commission. Attorney Miller said he advised the Commissioners of the lawsuit last week and they indicated their authority for his firm to enter an appearance for Helen Kuebler, Clerk. The Vanderburgh County Election Board has an attorney -- Tom Terrell. Tom Terrell was a member of the Recount Commission and thus is sued in this lawsuit. It is Mr. Miller's judgment that in that situation -- there being no conflict between Helen Kuebler and the County Election Board and the Recount Commission -- that it is most efficient for the County Attorney to represent all of the county people and the offices named in that lawsuit. Thus, he is looking for the Board's authority to enter an appearance not only for Mrs. Kuebler, but for the Vanderburgh County Election Board (which includes Helen Kuebler) and the Vanderburgh County Recount Commission (which includes the attorney for the Election Board).

Commissioner Willner asked if the State was included in the lawsuit? Attorney Miller verified that they are included...the State Board of Elections and Edward Simcox are named as defendants. Attorney Miller assumes that the Attorney General's office will enter an appearance for those folks.

Commissioner Cox asked if Attorney Miller has been requested to represent..... Attorney Miller interrupted that he has been requested by members of the Election Board (two members of the Vanderburgh County Election Board are law partners of Mr. Miller's -- and both have come up and wanted to know if they are going to be defended); Helen Kuebler, of course, is the client of this body anyway. The only additional people to represent would be the Recount Commission, itself, consisting of Tom Terrell, Chris Weaver and Paul Arnold. Attorney Miller said he believes it would be appropriate for the County Attorneys to represent everyone, because they were acting on behalf of the election.

Commissioner Cox pointed out that the Election Board has no jurisdiction over the Recount Commission whatsoever. Attorney Miller said he understands that.

The Chair entertained questions from the Board. There being none, a motion was entertained. Commissioner Borries moved that the Board authorize the County Attorney to enter an appearance in behalf of those persons named in the lawsuit (other than the State of Indiana). A second to the motion was provided by Commissioner Cox. So ordered.

RE: COUNTY OPTION INCOME TAX/HOMESTEAD RESOLUTION

Attorney Miller said his attention has been called to the fact that the County Option Income Tax Ordinance contains a provision in one of the Resolutions that provides that the ordinance is in full force and effect from January 1, 1985 to December 31, 1985 and each year, under the statute, the increase in the percentage credit allowed for Homesteads has to be passed again. It is only passed for a one (1) year calendar period. There is a credit allowed under the Act for the Homestead Exemption to the extent of 1%. If we intend to keep that Homestead Credit in effect, it will have to be passed again before June 1st of each year. If the Board intends to proceed in this direction, Attorney Miller said he will prepare that particular ordinance and submit to Commissioners for approval. President Willner asked that Attorney Miller proceed.

County Auditor Alice McBride interjected that the Ordinance should go to the City Council for approval first, then the County. Attorney Miller said he will remind the City Attorney and they will work together. Mrs. McBride said the ordinance goes to the City Council and the County Council (not the County Commissioners) and then the Town of Darmstadt.

RE: MOVING MEDIA

Mr. James Knauff entered the meeting and was recognized by the Chair. Mr. Knauff said he had no problem with signing the revised agreement or the effective date of March 1, 1985. There was brief discussion concerning minutes per hour to which the County is entitled. It was the consensus that while the County is entitled to thirty-six (36) minutes per hour, the contract would reflect thirty (30) minutes which could be sold for advertising, leaving six (6) minutes should the County have use for same. Mr. Knauff said the odds are that all thirty (30) minutes will not be sold and, obviously, they will then use the unsold minutes to serve whomever they need to serve, whether it be the County or someone else. Mr. Knauff said the

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reason he'd like to have the thirty (30) minutes is to keep it consistent with everything else.

Commissioner Willner stated the County has thirty-six (36) minutes to sell and Mr. Knauff is proposing thirty (30) minutes, so the County still has six (6) minutes left? Mr. Knauff said that is correct. Commissioner Willner said that is agreeable to him.

Attorney Miller said the March 1, 1985 effective date would make a good cut-off date for accounting purposes.

RE: COUNTY ATTORNEY - COMPLAINT FROM DENNIS LANE

Attorney Miller said he had a telephone call today from a Mr. Dennis Lane, who operates a shoe hospital. Either Mr. Lane or a member of his family was driving the family automobile which had brand new tires on it on Allen's Lane (just west of the railroad tracks) and apparently the car hit large potholes and they lost both of the brand new tires..they blew out. He asked that Attorney Miller advise the Commissioners of this mishap.

Commissioner Willner said the Board, in turn, will ask the County Highway Department to repair the large potholes on Allen's Lane.

Commissioner Cox asked if Mr. Lane can submit a claim?

Attorney Miller said he can submit a claim. But it would not be a claim that under ordinary circumstances our insurance company would recognize. If it were something or a condition caused by the weather, then in the normal course of events it would be corrected. Had it been left there for a long period of time without any attention knowingly, then the county might have some liability. However, he could not in good conscience tell the county they have any legal liability at this point in time. If there were negligence or inattention, that would be another matter. He would like to help Mr. Lane, but if we did this -- everytime we turned around we'd be getting calls from individuals claiming the same type damage. Therefore, while Mr. Lane is free to make the claim, he does not believe the county should honor it.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Absentee Report: Mr. Bethel submitted the Weekly Absentee Report for employees at the County Highway Department for period February 25 thru March 1, 1985....report received and filed.

Weekly Work Report & Work Schedule: Also submitted was the Weekly Work Report for employees at the County Garage for the same period.....report received and filed. Attached to the work report was the following Work Schedule:

PATCH: Old Petersburg Rd., Pollack Ave., Lincoln Ave., Red Bank. Upper Mt. Vernon, Broadway, Old State Rd., Burkhardt, Wallenmeyer, Millersburg Rd., Green River Rd., Oak Hill, Mesker Park Dr., Boonville-New Harmony, St. George, St. Joe., Church, Schissler, Heppler, Allen's Lane, West Chapel, Schutte, Browning, Petersburg Rd., and Whetstone.

GRADALL: Wallenmeyer, Boonville-New Harmony, Heppler and Yard

GRADER: Burkhardt, St. Joe and Church

ROLLER: St. Joe, Burkhardt and Harmony Way

Commissioner Willner asked if the patch pile is holding up, or are we going to have to purchase some mix? Mr. Bethel said he has already started buying some.

Mr. Bethel said that with regard to complaints on potholes, in some cases they are patching the roads.....and the next day another pothole has cropped up in another location on the same road. It's just a matter of keeping at it. In response to Commissioner Willner's query, Mr. Bethel said his crew is not working overtime on patching potholes, because there is no money left in the budget for this.

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RE: COUNTY ENGINEER - ANDY EASLEY

Claim/Morley & Associates/Burkhardt Road Improvement: Mr. Easley said he has a claim to Morley & Associates, Inc., in the amount of \$175.00 for construction engineering in connection with the Burkhardt Road improvement project. He has checked it, it is correct and he recommends that it be approved for payment. Motion to this effect was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Accidents at County Intersections: Mr. Easley presented a preliminary tabulation of the county intersections which, in 1984, had five (5) or more accidents (this information had been requested by Commissioner Willner a couple of weeks ago). Mr. Easley said he did not put a date on the preliminary report, but believes the info will be close to the final tabulation results. Report read as follows:

TABLE 3
VANDERBURGH COUNTY INTERSECTIONS
WITH
5 or More Accidents - 1984

<u>Intersections</u>	<u>Accidents</u>
1. Allen's - St. Joseph	25
2. Ruffian - U. S. 41 (Busler's I-164 & 41)	13
3. Diamond - St. Joseph	12
4. Boonville/New Harmony - S.R. 57	7
5. Oak Hill - S. R. 57	7
6. Mt. Pleasant - U. S. 41	6
7. St. George - U. S. 41	6
8. Burkhardt - Division	5
9. Lynch - U. S. 41	5
10. S. R. 65 - S. R. 66	5

Commissioner Willner noted that there is a traffic light at I-164 and U.S. 41 (by Busler's Truck Stop) and it is still one of the highest accident intersections.

It was noted by President Willner that a lot of intersections include State Roads, and there isn't too much we can do. Mr. Easley pointed out that these are intersections within the county. Mr. Willner said he still wants to know these -- but the list needs to be refined to include county roads, the ones we can do something about. Mr. Easley apologized and said he will refine the list a bit further. Mr. Willner said Allen's-St. Joe intersection is a good example; we can relate to that one (because both intersections are county). U. S. 41 intersections are beyond the Commissioners' control.

Commissioner Cox said that perhaps there other county intersections that have four (4) three (3) or two (2) accidents per year. Does Mr. Willner want a report on these? He responded that he does. Mr. Easley agreed to prepare a revised report in accordance with these guidelines.

RE: DRAFT OF EASEMENT/DEDICATION OF VOGEL ROAD

Mr. Easley presented a draft of easement concerning dedication of Vogel Road. He said the Commissioners will recall that Mr. Harp agreed to dedicate that (just east of Green River Road). Mr. Easley has checked the legal description and he would like for county legal counsel to check the phraseology on the dedication (it is just the upper paragraph which needs checking). This is an important easement. After checking it will be signed -- if the Commissioners are satisfied with it.

RE: NEVILLE/HATFIELD PROJECTS - NORTH GREEN RIVER ROAD

Mr. Easley submitted a drawing prepared by the City Engineer's office for the North Green River Road improvement project. The Board will recall the easement acquired west of Green River Road to go back to get the water into Pigeon Creek. We have two (2) projects ready to start in the area (Messrs. Neville and Hatfield) and the developers agreed to pay the equivalent of their share of independent storm drains. The City Engineer's office and Mr. Easley have agreed that the cheapest way to get this in immediately would be for the county to purchase the pipe and then to take informal bids to have it installed. Mr. Easley presented a summary showing

what the materials cost would be. Mr. Easley is seeking permission to purchase approximately \$30,000 worth of material. Also shown on the summary (third line) is what the county will recoup from the two developers. Mr. Easley said there is money in the pertinent account to purchase needed material and make it available for labor and equipment to install. If we were to wait until we take the plans and have them approved to get a 75%-25% split, we will have to virtually take the pipe up that would be laid independently perhaps by Mr. Neville or Mr. Hatfield. There is no need to wait for two, three or four years from now; our net cost is going to be 25%.

Commissioner Willner said this comes as a surprise to him. He thought the developers were going to do the work themselves. Is it better to do it the way Mr. Easley proposes? He said that, in his opinion, it is better to do it this way.

Commissioner Willner asked when the developers will pay for their portion? Mr. Easley said they have agreed to payhe heard that we could probably bill them and the county would get paid April 10th. With the Board's permission, he will get an invoice in the mails.....Commissioner Willner said he thinks we would have to bid the labor out first, and then bill them. Mr. Easley said he understands the city engineer's office came up with these unit prices on their costs. They seemed reasonable; he doesn't have said costs at today's meeting, but he believes it is a correct tabulation. He understands they had bid it and presented their proposals to the city engineer's office and they were checked, reviewed, etc., and the city engineer's office believe these costs are correct. Thus, Mr. Easley thinks these prices are considered a rather firm payback proposal.

In response to Mr. Willner's query if this was via invitational bid, Mr. Easley said they invitational bid for their storm drains that are on their plans.

Commissioner Willner asked if the city is going to purchase the material? Mr. Easley said they are not. The city wants the county to purchase the pipe and make it available to a contractor to install, and the county's obligation will be the difference between our recoupments and the cost of the materials, which is about \$2,000 plus the installation labor and material. Thus, the county will have about \$17,000. This is 16" pipe and is very expensive, but it is needed for the Green River Road improvement.

Commissioner Willner said he understands about the materials. Does Mr. Easley know who the contractor is for the installation? Mr. Easley said we do not yet have a contractor; we have to bid it. Commissioner Willner said then that Mr. Easley is not certain of the price? Mr. Easley said that is correct; the price given is an estimate. Commissioner Willner asked how we can bill the developers for an estimated price? Mr. Easley said the developers have agreed to pay --apparently it has been negotiated -- \$10,181.00 plus \$550 which was a stub-out. The other is a \$25,000 plus stub-out. All those figures added together -- our recoupment will be nearly \$37,000. Mr. Willner said it had better be more than that, as the materials will cost \$38,000. Mr. Easley said the developers were only going to pay for the size pipe needed for their property, alone, which is a much smaller drainage area than the length that will be going into the storm sewer which we're constructing. They each have about forty (40) acres.

Mr. Willner said the developers were supposed to pick up the total for this project. The county was not involved dollar-wise. Mr. Easley said he thought we were paying the oversize. Mr. Willner said, "Absolutely not!" Mrs. Cunningham said she thought the developers were joining forces and would each contribute.....by joining forces they could install a larger pipe. Mr. Easley said it was his understanding that they were going to contribute the equivalent cost of a pipe diameter to serve their property -- each of them. There are three (3) parties who need a drain line (the county for Green River Road, Neville and Hatfield....and we were pooling....the county gets the best deal on it. Commissioner Willner said he just doesn't remember it that way.

Mr. Brenner interjected that Mr. Neville agreed to put in his pipe; then Hatfield came in and he agreed that if Neville would pay for his pipe that size then he would size it up for his ground and pay the total cost. Now, comes the Green River Road Extension project (the widening the county is going to do with federal funds) and that project wants to enlarge it, again. Mr. Easley said this drain will go all the way down to Theater Drive. Mr. Brenner said the additional cost comes from the fact we're widening on Green River Road. Neville and Hatfield are committed...if their project was alone, Neville would pay for his pipe (it was 24", then it went to 40", and now you're picking up the drainage of Green River Road, which shot it up again) that's the way it is.

(continued)

Commissioner Borries suggested the Board obtain confirmation letters from Messrs. Neville and Hatfield (they know how much they're going to have to build) -- and then the county do the rest. Mr. Brenner said he is not certain but what we should ask for a percentage.....because it is easy to figure a percentage of the total project.

RE: EUTS MEETING - ENVIRONMENTAL ON GREEN RIVER ROAD

Commissioner Borries said a EUTS meeting is scheduled for Thursday, March 7th. He will talk with David Gerard. He had wanted to do the environmental on Green River Road. If he is unable to do this, then we may need to look at hiring an outside firm to do this.

Commissioner Cox said she believes developers Neville and Hatfield pretty well know what their estimated cost would be on an individual basis; thus, she does not think they are going to agree to a percentage of the total cost. Mr. Easley said he has not seen their plans nor their bids the city engineer's office has handled the negotiations on this. But he will get documentation....and asked for an extra week to do this.

Commissioner Willner noted that the portion paid by the county for widening of Green River Road has never come before the Board of Commissioners prior to today's meeting. Mr. Easley said it probably did not. Commissioner Willner said he can assure him that it did not.

Commissioner Cox said it was mentioned during Board meeting that we wanted improvement on North Green River Road and wanted estimates, etc., but that is what Mr. Easley is telling us now. Mr. Easley said he had not heard any figures himself until just this past week.

RE: NOTICE TO PROCEED ON CREASEY CO. PROJECT/LYNCH ROAD

In the area of good news, Mr. Easley said he talked with Mr. Steve Dilk of IDOH about an hour ago; he advised they are typing the letter to send the county a "Notice to Proceed" on the Creasey Company warehouse door -- and they will be advising Seaboard to proceed with the switching location. We should receive this this week.

Commissioner Borries expressed appreciation to Mr. Easley for his work on this project. The county has had more criticism on this; people do not understand what it has taken over such a long period of time to resolve all the problems in regard to this project.....engineering problems, change of ownership with the railroad, etc. Commissioner Cox pointed out that there has been a change on the Board of Commissioners since Lynch Road was begun and completed and acceptance of same.

RE: BURDETTE PARK - FINANCIAL REPORTsubmitted was the February Financial Report for Burdette Park, as follows:

1985 STARTING BUDGET

1985 Budgeted	\$ 485,881.00
1984 Encumbered by P.O.	6,319.43
1984 Encumbered by Contract	<u>14,445.01</u>
Total 1985 Budget	\$ 506,645.44

EXPENDITURES & BALANCE - 1/1/85 to 2/28/85

Total Expenditures	\$ 69,015.54
Total Balance	437,629.90

INCOME - 1/1/85 to 2/28/85

Pool	-0-
Rink	\$ 6,807.30
Rentals	2,631.38
Misc.	<u>816.89</u>

Total	\$ 10,255.57
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(continued)

COUNTY COMMISSIONERS
MARCH 4, 1985

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RE: COUNTY TREASURER - REPORT ON INVESTMENTS

The following report on investments had been submitted by Pat Tuley, County Treasurer.....
report received and filed.

TO: COUNTY COMMISSIONERS
COUNTY COUNCIL

Reassessment (249)--Invested \$1,000,000.00 January 7, 1986, at 8.8%.
Estimated interest at Maturity is \$86,288.89. Maturity date is
December 26, 1985.

Monies on Deposit -- Invested \$500,000.00 (\$100,000 to each of the 5
Savings and Loans) January 8, 1985, at 8.1%. Estimated income at
Maturity is \$20,025.00. Maturity date is July 5, 1985.

Revenue Sharing (506) -- Invested \$150,000.00 January 15, 1985, at 8.05%.
Estimated interest at Maturity is \$5,500.83. Maturity date is June 28,
1985.

Local Roads and Streets (216)--Invested \$1,000,000.00 February 8, 1985,
at 8.45%. Estimated interest at Maturity is \$42,250.00. Maturity date
is August 7, 1985.

Cumulative Bridge (203) -- Invested \$2,000,000.00 February 8, 1985, at
8.45%. Estimated interest at Maturity is \$84,500.00. Maturity date is
August 7, 1985.

Monies on Deposit - Invest-d \$1,500,000.00 February 22, 1985, at 8.35%.
Estimated interest at Maturity is \$4,870.83. Maturity date is March 8,
1985.

Monies on Deposit -- Invested \$1,000,000.00 March 1, 1985, at 8.75%.
Estimated interest at Maturity is \$28,923.61. Maturity date is June 28,
1985.

Actual Interest Receipted to Date:

Local Road and Streets -- \$3,276.00

County Revenue -- \$30,246.22 (reflects \$6,222.22 received March 1, 1985,
from \$2,000,000.00 invested February 15, 1985 for 14 days at
8%)

Advancement of Taxes Collected to Date:

Evansville-Vanderburgh School Corporation -- \$200,000.00 on March 1, 1985.

Patrick Tuley
Vanderburgh County Treasurer

RE: TRAVEL REQUEST - CIRCUIT COURT

President Willner read the following Travel Request from Judge William H. Miller:

March 1, 1985

County Commissioners
Vanderburgh County, Indiana

Gentlemen:

I am requesting your approval of my traveling expenses to be incurred in
attending Documentary Evidence and Criminal Law Sessions sponsored by the
Indiana Judicial Center, a State agency, on the 22nd day of March, 1985.

I am enclosing a notice which explains the program.

Sincerely,

William H. Miller, Judge
Vanderburgh Circuit Court

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

RE: BUILDING COMMISSION - MONTHLY REPORT

Building Commission monthly report for Permits Issued during January, 1985 was submitted.....report received and filed.

RE: CERTIFICATES OF INSURANCE

Marble Construction, Inc. dba Elberfeld Cable T.V., Lynville Cable T.V., Winslow Cable T.V. and Wells Cable T.V., Inc.

Evansville Civic Theater: For play to be held on March 16, 1985 at Auditorium.

Brallier Productions: Debbie Boone Tour March 12, 1985 at Auditorium.

RE: LETTER OF RECOGNITION/JIM LINDENSCHMIDT

Mr. Willner read the following letter of recognition re Jim Lindenschmidt, which had been received from CreditThrift Financial, Inc.:

February 11, 1985

Mr. Rick Borries, President
County Council
City-County Building
Evansville, Indiana 47708

Dear Mr. Borries:

Just a brief note to give recognition to Jim Lindenschmidt for his excellent work as a Section Leader of the Public Service Division which I headed during the recent United Way campaign. Jim's assistance in our Division helped us reach over 100% of our goal.

Thanks to Vanderburgh County for giving Jim time off to aid in this very worthwhile campaign. As you know, over \$2,250,000 was raised to help "others" in the community.

Once again, my personal "Well Done" to Jim Lindenschmidt for his contribution.

Sincerely yours,

John Bolger
Vice President

cc: Mr. Jerry DeLucia
United Way

RE: CLAIMS

The following claims were presented for approval:

The Home Indemnity Company: Claim in the amount of \$1,287.50, settlement for reimbursement of deductible provisions (Ray Clark). Motion to approve claim for payment was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Pulse Systems: Claim in the amount of \$30,000.00 for NCR software conversion in Auditor's office. Motion to approve claim was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Bob Steel: Claim to Bob Steel, County Recorder, for mileage (Indianapolis/return) in the amount of \$80.16. Motion to approve claim was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

(continued)

RE: REQUEST TO GO ON COUNCIL CALL - COMMISSIONERS

President Willner advised that the County no longer has funds for demolition purposes. Since we will be needing monies for demolition of properties located in the county in the not-too-distant future, the Board wants to go on Council Call in April to request \$2,000 for account 130-269. This account was omitted the last couple of years, so nothing was budgeted for 1985.

Motion to appear on Council Call for April to request \$2,000 for demolition fund was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: VACATION OF OLD HIGHWAY 57

Following brief aside conversation among the Commissioners, President Willner said the Board had promised Mead Johnson that the county would take over that section of old Hwy. 57 to their new hangar. He then noted the following letter received from the State:

February 28, 1985

Barbara Cunningham
Area Planning Commission
312 City-County Building
Evansville, IN 47701

Re: Jct. Old SR57 at US41

Dear Ms. Cunningham:

In response to your phone call of February 27, 1985, and the letter from Rudd Equipment, which was forwarded to this office, the status of Old SR57 at the intersection of US41 has been reviewed.

The State of Indiana entered into an agreement on January 10, 1983, with the Evansville-Vanderburgh Airport Authority, whereby the State shall, upon completion of the construction of relocated SR57 and the acceptance thereof by the State, convey by quitclaim deed the right-of-way for existing SR57 between approximately 0.2 mile East of US41 to approximately 1800 feet southwest of the intersection of SR57 and Oakhill Road to the Airport Authority.

The portion of old SR57 from US41 east for approximately 0.2 mile shall then be relinquished to Vanderburgh County.

The assigning of a local street name should be done by the local authority.

If we can be of further assistance, please contact this office.

Very truly yours,

Aden B. Carr
District Engineer

RE: EMPLOYMENT CHANGES - RELEASES

County Highway Department

*John Keown 1429 Judson St. Equip. Oper. \$16,015/Yr. Eff: 3/1/85
*Leave of Absence from 3/1/85 to 9/3/85 (6 mos.) due to illness

Prosecutor

Debbie Wallace	816 W. Idlewild	P.L. Secy.	\$13,500/Yr.	Eff: 3/11/85
Brenda Robbins	1201 Old Post Rd.	"	"	Eff: 3/11/85
Nancy Schmitt	5122 Snyder Rd.	"	"	Eff: 3/11/85
Mark A. Foster	710 E. Christian	"	\$21,770/Yr.	Eff: 3/11/85

Superior Court/Juvenile Div.

Virginia Lomax	Cler. Asst.	\$11,972	Eff: 2/25/85
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(continued)

Superior Court

William W. Deems
Michelle A. Link

Court. Adm.	\$33,334/Yr.	Eff:	3/8/85
Mis. Ref.	\$35,300/Yr.	Eff:	3/8/85

RE: EMPLOYMENT CHANGES - APPOINTMENTS

Prosecutor

Debbie Wallace	816 W. Idlewild
Brenda Robbins	1201 Old State Rd.
Nancy Schmitt	5122 Snyder Rd.

P.L. Secy.	\$14,500/Yr.	Eff:	3/11/85
"	\$14,500/Yr.	Eff:	3/11/85
"	\$13,500/Yr.	Eff:	3/11/85

Superior Court

Michelle A. Link
Mark A. Foster

Court Adm.	\$32,334/Yr.	Eff:	3/11/85
Mis. Ref.	\$35,300/Yr.	Eff:	3/11/85

Superior Court/Juvenile Division

Virginia Lomax
Dana Harpole

Prob. Off.	\$14,489/Yr.	Eff:	2/25/85
Cler. Asst.	\$11,972	Eff:	2/25/85

RE: MISCELLANEOUS

Southern District Clerk's Association Meeting: Commissioner Cox said she would like it reflected in the record that she did attend the Southern District Clerk's Association meeting on Thursday. At that time they had representatives there from the State Board of Accounts, Bureau of Motor Vehicles, State Election Board, State Department of Welfare etc. It was an informational seminar and they did bring up two (2) points that are of concern to the Commissioners:

- 1) If we are going to divide or change precinct boundaries, then they recommend that this be done as early as possible in fiscal year 1985, due to the impact that it has on registration officers and those candidates who are filing for office -- plus the fact that when you now change precinct boundaries, this also has to be approved by the State Election Board. Thus, they urged that all counties who are going to change precinct lines to get this done as soon as possible to eliminate any burdensome workload on any of the offices.
- 2) The second point deals with a House Resolution that was passed on the Federal level, which is effective immediately. For all Federal Elections, all polling places shall be (it is not a may be bill) made assessible to the handicapped. We have a federal election coming up next year with a senator -- so this is one thing we'll need to do; take a look at our polling places and make certain they are assessible to handicapped individuals.

Commissioner Willner noted that both points are well taken. Commissioner Cox said the Board will probably hear more about these two items later on via Helen Kuebler. Commissioner Willner said they were discussing this the other day, and someone said that rather than all the precincts, they might have a special place for the handicapped to vote (such as the Civic Center).....but he doesn't know if this would suffice. He pointed out that this was not a suggestion, but rather a wonderance.

There being no further business to come before the Board at this time, the meeting was declared adjourned at 5:10 p.m. by President Willner.

PRESENT:

COMMISSIONERS
Robert L. Willner
Richard J. Borries
Shirley Jean Cox

AUDITOR:

Alice McBride

COUNTY ATTORNEY

David V. Miller

(continued)

COUNTY COMMISSIONERS
MARCH 4, 1985

COUNTY ENGINEER

Andy Easley

COUNTY SURVEYOR

Robert Brenner
Bill Jeffers

COUNTY HIGHWAY

Bill Bethel

AREA PLAN

Barbara Cunningham
Beverly Behme

AUDITORIUM

Kim Bitz

BUILDING COMMISSION

Jesse Crooks
Roger Lehman

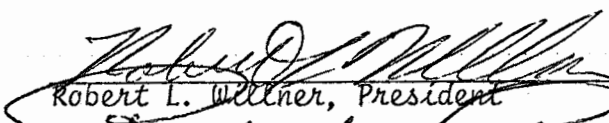
OTHER

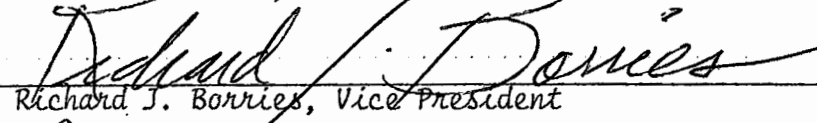
Quentin Stahl
Manfred Stahl
James Knauff/Moving Media
Wayne Fehd
News Media

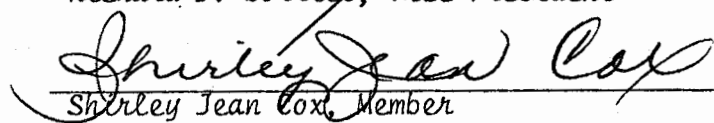
SECRETARY:

Joanne A. Matthews

BOARD OF COMMISSIONERS OF
THE COUNTY OF VANDERBURGH


Robert L. Wellner, President


Richard J. Borries, Vice President


Shirley Jean Cox, Member

MINUTES
COUNTY COMMISSIONERS' MEETING
MARCH 11, 1985

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COUNTY COMMISSIONERS
MARCH 11, 1985

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1015 Cherry St.	-	John Thompson
1123 Chestnut St.	-	John Thompson
26 Powell Avenue	-	William Hamilton
806 S. Governor	-	James Julian
907 S. Garvin	-	James Julian
600 E. Illinois	-	Claude Wiseman
Melody Lane	-	John Dycus
Covert Avenue	-	Claude Wiseman
3105 Claremont Avenue	-	Tim Thurgood
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MINUTES
COUNTY COMMISSIONERS' MEETING
MARCH 11, 1985

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, March 11, 1985.

The meeting was called to order at 2:45 p.m., with the Chair entertaining a motion concerning approval of the minutes of the previous meeting. Motion was made by Commissioner Borries that the minutes of the meeting held on Monday, March 4th, be approved as engrossed by the County Auditor and the reading of same be waived. A second to the motion was provided by Commissioner Cox. So ordered.

RE: SALE OF COUNTY-OWNED SURPLUS PROPERTY

The meeting proceeded with President Willner announcing that the sale of county-owned surplus property would commence immediately. There were approximately forty (40) interested bidders on hand for the auction.

502 Olive Street (11-5-41-28-17) - Mrs. Dorothy Joest, Real Estate Officer for the DMD, indicated she was bidding on this piece of property because it is in the area of Phase II of Walnut Centre -- and she opened the bidding by offering \$200.00. Bidding proceeded with Mr. William Hamilton of Mt. Vernon bidding \$250; Mrs. Joest \$300; Mr. Hamilton - \$350; Mrs. Joest - \$400. The Chair entertained further bids. There being none, the Chair entertained motion. Motion was made by Commissioner Borries that subject property be sold to the Redevelopment Commission for \$400, with a second from Commissioner Cox. So ordered.

1015 Cherry Street (11-6-21-42-8) - Bidding opened by Mr. John Thompson, who bid \$50.00. Bidding continued, with high bid coming in at \$300 from Mr. Thompson. The Chair entertained further bids. There being none, a motion was entertained. Commissioner Borries moved that the property at 1015 Cherry Street be sold to Mr. John Thompson of 1030 Cherry Street for \$300. A second to the motion was made by Commissioner Cox. So ordered.

1123 Chestnut Street (11-6-21-43-5) - Bidding was opened by Mr. William Hamilton of Mt. Vernon, IN, who offered \$50.00. Bidding continued, with Messrs. Hamilton and John Thompson offering bids; high bid was \$400 from Mr. Thompson. The Chair entertained further bids. There being none, a motion was entertained. Motion was made by Commissioner Willner that subject property be sold to Mr. John Thompson of 1030 Cherry Street for \$400, with a second from Commissioner Cox. So ordered.

26 Powell (11-9-21-70-13) - Bidding opened by Mr. William Hamilton of Mt. Vernon, IN, who bid \$50. Bids continued, with high bid coming in at \$150 from Mr. Hamilton. The Chair entertained subsequent bids. There being none, a motion was entertained. Motion was made by Commissioner Borries that subject property be sold for \$150 to Mr. William Hamilton. A second to the motion was provided by Commissioner Cox. So ordered.

806 S. Governor (11-9-21-74-30) - Bidding commenced with offer of \$50; Mr. James Julian bid \$100. The Chair entertained further bids. There being none, a motion was entertained. Motion was made by Commissioner Borries to sell subject property to Mr. James Julian for \$100, with a second from Commissioner Cox. So ordered.

907 S. Garvin (11-9-21-88-9) - Bidding opened with offer of \$50; Mr. James Julian subsequently bid \$100. The Chair entertained further bids. There being none, a motion was entertained. Motion was made by Commissioner Borries that subject property be sold to Mr. James Julian for \$100. A second to the motion was provided by Commissioner Cox. So ordered.

660 E. Illinois (11-25-24-8-16) - Bidding opened with \$100 bid. Mr. Claude Wiseman of 500 E. Illinois subsequently bid \$150. The Chair entertained further bids. There being none, a motion was entertained. Motion was made by Commissioner Borries that subject property be sold to Mr. Wiseman for \$150, with a second from Commissioner Cox. So ordered.

Melody Lane (5-2-7-75-27) - Mr. John Dycus approached the podium and stated that he is an adjacent landowner. He resides at 5383 Melody Lane in Perry Out Township. Subject property is the old sewage treatment facility. Out of regard for safety, he plans to purchase subject property and make an attempt to dismantle the open lagoon that is there. This is the sole purpose for his bidding today on subject property. Therefore, he opens bidding with a bid of \$25.00. Mr. Don Neidig of

(continued)

707 N. Main subsequently bid \$50.00 indicating he bid with the assumption the property is clear of any liens. Attorney Jones interrupted by stating that the county does not sell clear titles. If someone else has a mortgage on the property, the buyer takes it as it is. Commissioner Willner stated that the county does give the buyer a title, but does not guarantee that it is clear. Upon learning that the county does not offer a "clear" title, Mr. Neidig withdrew his bid. The Chair entertained further bids. There being none, a motion was entertained. Motion was made by Commissioner Borries that the subject property be sold to Mr. John Dycus for \$25.00, with a second from Commissioner Cox. So ordered.

Covert Avenue (9-72-17-124-14) - Bidding was opened by Mr. Claude Wiseman of 500 E. Illinois who bid \$50.00; there were several subsequent bids, with high bid of \$1,000 coming from Mr. Wiseman. The Chair entertained further bids. There being none, a motion was entertained. Motion was made by Commissioner Borries that subject property be sold to Mr. Wiseman for \$1,000, with a second from Commissioner Cox. So ordered.

3105 Claremont (10-5-18-56-11) - Bidding opened at \$25.00; there were subsequent bids, with the highest bid being \$150 from Mr. Tim Thurgood of 3700 E. Negley. The Chair entertained further bids; there being none, a motion was entertained. Motion was made by Commissioner Borries that subject property be sold to Mr. Tim Thurgood for \$150, with a second from Commissioner Cox. So ordered.

211-213 E. Chandler (11-9-21-72-23) - Bidding started at \$50.00 and progressed to bid of \$550 from the Redevelopment Commission. The Chair entertained further bids; there being none, a motion was entertained. Motion was made by Commissioner Borries that subject property be sold to the Redevelopment Commission for \$550, with a second from Commissioner Cox. So ordered.

In the sale of all foregoing properties, subsequent to motion and second, a roll call vote was taken, with three (3) affirmative votes being cast in each instance.

President Willner advised that anyone wishing to pay the County Auditor for property/properties purchased at this time may do so. There was no indication given by any of the buyers that they desired to make payment immediately.

County Auditor Alice McBride stated that individuals who purchased sale properties should bring Cashier's Check to the Auditor's Office (Room 208) and at the time payment is made, that individual should also provide complete information as to whom the property deed is to be made. (Attorney Jones had commented that individual who purchased the property may want the deed made to the purchaser, or to another party, etc.) The County Attorney will prepare the deeds and the Auditor's office should have them ready for pick-up within a couple of weeks.

Mr. James Julian took exception to having to provide a Cashier's Check, saying the Auditor's Office had two (2) weeks to clear any checks given before the deed is given to the buyer. Mrs. McBride said there had been problems previously, and cited an example where a buyer might give a bad check and subsequently determined he did not want the property...and another bidder had wanted the property.

Attorney Jones asked that the Auditor's office provide him with a list of buyers and legal descriptions of the properties sold, so he can prepare deeds.

The property auction ended with President Willner expressing his appreciation to all who had displayed their interest by attending the auction, etc.

In conclusion, he asked that Mr. John Dycus (who purchased the old sewage treatment facility) let the Commissioners know if they can help him in any way; his job of dismantling the open lagoon is not going to be easy.

RE: COMPUTERIZED AUTOMATION - COUNTY CLERK & COUNTY SHERIFF

President Willner said both County Clerk Helen Kuebler and Sheriff Clarence Shepard are present to discuss computerized automation.

(continued)

Mrs. Kuebler said that she and Sheriff Shepard had been discussing the matter of getting warrants on the computer, which would certainly simplify the system for the Sheriff's department and the Clerk's office, if they could obtain approval from the Commissioners. A representative of Pulse Systems is also present at today's meeting, should the Commissioners have questions. Mrs. Kuebler said what they are trying to do is get the warrants on the system from the court room and they would go directly to the Sheriff's office, eliminating a lot of handwork and handcarrying, signing, etc. If they could get a new system put on the computer which they now have for the Small Claims and Circuit and Superior Courts, when they put them on in the Court Room they would go directly to the Sheriff's office -- and they'd be able to print one out simultaneously.

Mr. Shepard said by going straight to the computer, if someone wants a copy of a warrant they can look it up in the computer and they have a printer. The warrant can be withdrawn without sending a hand-delivered paper down to the Sheriff's Department who, in turn, would have to hand-deliver the papers back to the Clerk. The warrant can be put in the computer in the Clerk's office and withdrawn in her office. If the Sheriff's office needs a hard copy after 4:00 p.m., the radio operators can put it on the viewing screen. If it is a valid warrant, all they have to do is push a button and out comes a hard copy on the printer. There is a lot less chance for error.

Commissioner Willner said he does believe that this would also hold down some of the lawsuits. He just received a copy today of a lawsuit filed.

Attorney Miller said we have several more tort claims on the way for this kind of thing.

Mr. Shepard said the one to which Commissioner Willner is referring can be simply explained. It was issued in 1980 and was a valid warrant. The Court here said it was an invalid warrant and they dismissed the person. He went out four (4) years later and was arrested on another charge. Locally the City police ran an MCIC on him and found a hit from that out-of-state warrant from four years ago. Had we had the proposed system, it would have been shown and there wouldn't be any problem on it.

Commissioner Willner said he agrees with the system, but we'll have to see if we can come up with the required dollars.

Sheriff Shepard said they have had a number of meetings on this automated system and are keeping it to a minimum amount of equipment needed. The Commissioners had been presented copies of a proposal and cost estimate on the subject system. Commissioner Borries asked if the software estimate of \$2,500 is a one-time charge? It was noted that this is correct.

Attorney Jones asked about the City, asking if the City Police can plug into this system, because they have the same problem. Sheriff Shepard said that all warrants go to the County Sheriff. If the City wants a warrant, they have to come to his office to get it. The City can interface with the Sheriff and see if there is a warrant on the machine -- and then they can go to the Sheriff's office and get a hard copy. But separate warrants are not kept; the Sheriff's office keeps all warrants..and if the City wants a copy of a warrant, they have to pick it up from the Sheriff.

With regard to down time and repair work, Sheriff Shepard said his office is on a pager system currently; his command officers and some of the other officers have pagers and they use their own radio system. Pulse is willing to buy one pager and the Sheriff will put them on our system at no cost, insofar as locating them on a 24-hour basis during the weekend.

Mrs. Kuebler said she thinks the only extra equipment includes three (3) printers and one (1) terminal.

Commissioner Borries said that in the past, in order to assist in some of these developments (and he knows this is a pressing need) -- we normally look for some direction from our Data Processing Board as requests come in, and thru the Commissioners' budget we've been able to pay for the main-frame contract and some software additions. He doesn't know, however, how they'd be able to address the monthly charges. There would be nothing in the Commissioners' budget to handle that.

(continued)

Quarterly billing would be \$416.79. Annual Maintenance would be \$437.50 (based upon 7/1/85 installation).

With regard to funds available in the Data Processing Account, Commissioner Borries said we have some maintenance charges billed to the Commissioners' account; if we do get the intern to assist us with Data Processing Board, the one-time charge would come from the Data Processing account. We started with \$350,000; the main-frame was somewhere around \$320,000, leaving around \$30,000. Some software has possibly been charged to that account since the first of the year.

In response to Commissioner Willner's query as to whether either the Sheriff or the Clerk have funds in their budget available, both indicated they did not. Sheriff Shepard said he had just been informed by Pulse that there would probably be a \$100 per month savings on paper, alone.

Commissioner Borries asked Mr. David Goad (Pulse representative) that when we look at the monthly charges of \$416.79 per quarter....the software and annual maintenance, we're talking about approximately \$4,000.

RE: REQUEST TO GO ON COUNCIL CALL - SHERIFF AND COUNTY CLERK (April)

President Willner entertained a motion to authorize the Sheriff and the Clerk to go on Council Call for April to request additional appropriation of \$4,000 for computerized automation of Arrest Warrent System. While the money will come out of the Commissioner's budget for data processing, both Mr. Sheriff and Mrs. Kuebler should be present to answer questions. President Willner asked that Mr. Lindenschmidt see that appropriation request letter was written. Commissioner Willner said he thinks the newly proposed system is a good idea and we should install this system. He is certain that just one lawsuit alone -- to defend it -- would cost more than the installation of this system.

RE: BUILDING COMMISSION - CONDEMNATION/ROGER LAYMAN

President Willner announced that Mr. Lehman of the Building Commission is not present... but has requested an additional one (1) week extension re S. Red Bank Road properties.

RE: PRESENTATION ON VOTING SYSTEM - LARRY L. LAZART, DEPUTY AUDITOR

Having been recognized by the Chair, Mr. Lazart approached the podium to submit a presentation on voting equipment. He said he undertook this study at the request of the Commissioners. The criteria by which he went into the study was to make it a non-partisan effort and, hopefully, as objective as possible into the current voting system and to make an inquiry as to other available systems both within the State of Indiana and outside the State of Indiana. Among the states contacted were Illinois, Kentucky, Ohio. He also sent an inquiry to the Federal Election Commission but has received no response to date.

Additional data was garnered thru a national data search via the good offices of the I.S.U.E. Library. The criteria for certification and approval of systems in the State of Indiana is covered under Indiana Code 3-2-4-3. There are essentially five (5) basic criteria out of which all voting systems used in Indiana must meet. They are:

- 1) The system must enable the voter to cast the vote in secret for all offices and measures to which he is entitled to vote and the automatic tabulating equipment must be set to reject all votes for any office when the number of votes exceeds the number to which the voter is entitled to cast.
- 2) To permit the voter at other than primary elections to vote for all the candidates of a political party by a single mark or punch or to vote a split ticket for candidates of different political parties.
- 3) To permit the voter to write the names of persons who do not appear on a printed ballot.
- 4) Prevent the voter from voting for the same person more than once.
- 5) The system must be suitably designed for the purpose used, of durable construction and may be safely, efficiently and accurately used in the conduct of elections.

(continued)

Those are the five (5) basic criteria. Those criteria are essentially the same in all the states contacted. There are some modifications, but those criteria serve as the bases by which all election systems are certified in the states of Illinois, Indiana, Kentucky and Ohio.

Mr. Lazart's primary concern in the study was to address the issue of restoring credibility to the voting process, given the protracted delays that we have had in the current undecided election and also there have been concerns voiced with some repetition on the CEF system. As part of the study, Mr. Lazart interviewed local participants in the political process...both republicans and democrats. There were concerns voiced by both. The concerns regarding the CEF system stem from both the local and state level. Mr. Lazart contacted CEF and asked them if they could in any way refute the charge that keeps reappearing that the system can be tampered with... and asked that they talk with their technical people and advised that he would present their response and have it incorporated into the record. Their response was as follows:

February 27, 1985

Larry L. Lazart, Deputy Auditor
Vanderburgh County
Courthouse
Evansville, IN 47708

Dear Mr. Lazart:

In reference to the recent conversation I had with you about the security aspect of Punch Card Voting, the enclosed information will hopefully "lay to rest" your concerns and "the growing sentiment to do away with the system".

The following are comments from John Ahmann, who is the technical expert in Punch Card Voting. Note the enclosed company background.

Any system can be fixed.

Punch Card Voting and the programs associated with the tabulating of Punch Card ballots are so orchestrated that it would require the computer operator, programmer, and or election official, Registrar of Voters, County Clerk., etc., to be involved in any fraud.

Most states require a duplicate program deck be submitted and retained by the States' election office so that the programs may be tested, verified, and held for recounts when necessary.

In addition, a Blue Ribbon Committee, which was impaneled by the County Board of Supervisors in Los Angeles in 1969 concluded that Punch Card Voting was in fact the most secure voting system yet developed.

A few of the typical safeguards required by many states are:

- 1) Mandatory manual recount of randomly selected precincts,
- 2) Party observers (computer experts) to observe and verify the accuracy of the computer operation on election night, including certification and testing of the program and the computer, both before and after the tabulating is completed.

Annual safeguards are precinct pre-punching of the ballots, sequentially numbering of the ballots, and changing the pre-punch each election so that nobody outside of the election officials know the codes.

In some states such as Ohio and Indiana, the same pre-punch code is used in every election, whereas in most states this pre-punch code is changed between elections to safeguard tampering with the system.

In summation, the Single Punch Card System of voting is still the most fraud-proof, auditable system of voting in use today.

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If you have any further questions, please don't hesitate to call.

Sincerely,

Jedd Craig
Marketing Representative
Election Supplies Limited
Napa, California

Mr. Lazart said that perhaps two things from the letter should be specifically mentioned:

- 1) "Any system can be fixed."
- 2) "In some states such as Ohio and Indiana, the same pre-punch code is used in every election, whereas in most states this pre-punch code is changed between elections to safeguard tampering with the system."

CES does not come out and refute the allegation, at least to Mr. Lazart's satisfaction, that somehow the system can be tampered with.

There are in the State of Indiana currently, eight (8) systems certified by the Indiana Election Board as of 12/14/84. Of those systems, Thornber is used in ten (10) Indiana counties; that is basically a punch-card system. We have the automatic voting system (which is the old lever machine) used in thirty-four (34) counties exclusively and two (2) additional counties, along with paper ballots....or, thirty-seven (37) percent of the counties. CES is used in thirty (30) counties in the State of Indiana. Shoup Voting System is used in eight (8) counties; Data Vote is used in two (2) counties, and paper ballots are still used exclusively in eight (8) counties and in combination in two (2) other counties.

Again, since the adoption of this system, there have been concerns voiced about CES. My position to the Commissioners was to basically present data which he has -- and he will present following the conclusion of this presentation. Based on his research, he has come up with some recommendations regarding CES.

An article appeared in the Indianapolis Star on June 26, 1983, where the electronic voting system was discussed and particularly CES. There is somewhat of a paradox in that at the time to show that the report was bi-partisan....at the time the Marion County Democratic Chairman, John B. Livingood (who is now State Chairman) came out in favor of the CES system. Yet, in a new release in supporting data that was released on October 31, 1984, he was diametrically opposed to the CES system and asked the Governor to convene a special session of the Election Board to have that system decertified. Based on the data Mr. Lazart has seen, he would make the following recommendations. Some are made for discussion purposes and others he would hope would be adopted -- in some form:

- 1) It would be important to increase the pay for election officials. Currently, in the last election an inspector made \$55.00, the Republican Judge made \$30.00 (because he had to go with the Inspector to the Civic Center); the Democratic Judge made \$25.00 and Clerks and Sheriffs made \$25.00. This is based on a 13-plus hour day (anywhere from around 5:00 a.m. to depending on where you sit over here, you could eventually meander to the Civic Center at an hour much later than 7:00 p.m.). Sometimes you get what you pay for.
- 2) A two (2) year limit be placed on absentee voter teams and precinct workers and that no individual could serve on an absentee voter team for more than two (2) years without a one (1) year break. The same with precinct workers; you could not work in the same precinct for more than two (2) years in a row. The more you work the system the more you know where the loopholes lie.
- 3) That schooling on the election laws be made mandatory for every precinct worker. (Mr. Lazart spoke with Suzie Kirk at some length, and she indicated that the County Clerk would have been more than willing to have schooling --either morning or afternoon session, or both -- for a two-week period, which would allow anyone an opportunity to attend schooling on the current status of Indiana Election Laws. (It is Mr. Lazart's recommendation that this be made mandatory and anyone who does not attend schooling would not be allowed to work in the precinct at election time.)

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- 4) The Commissioners must decide --since it is a legislative prerogative -- and must weigh the cost benefit of the present system. Does the cost warrant retaining the present system or are the Commissioners in their collective judgment so dissatisfied with the present system that they would be willing to bite the bullet and look into a new system that would be costly? The crux of the issue is the restoring of credibility to the voting process. (Mr. Lazart said he says this -- and this is not a condemnation of any individual or any specific political party. He makes this statement because it is a dual-edge sword which swings in both directions. If the Commissioners decide to retain the CES system, then he would make the recommendation that a technician and repairman be present from CES on election night. This would allow the process to move along; if the system were down, then there would be a qualified individual to attend to that immediately. That would involve a cost of approximately \$500 to \$575.)
- 5) The Commissioners should invite the vendors of all those who responded to Mr. Lazart's inquiry to show their systems that are currently certified by the Indiana State Election Board. This would allow the Commissioners an opportunity to see those systems in action and, just as in anything, he would advise a certain amount of skepticism since Vanderburgh County would represent a sizable account -- and any vendor is going to want to "blow smoke up your dress" to get the account. However, he basically recommends that the Commissioners invite the vendors to make a presentation.
- 6) While Mr. Lazart has not seen a copy of House Bill #1670 (he has seen all House and Senate bills regarding some facet of election reform) which is targeted as an election reform bill -- pending final action on the part of the Legislature regarding any kind of election law, he would make the recommendation to the Commissioners (and perhaps to be passed along to higher powers that be) that the whole issue of election laws be referred a legislative study commission for their intensive review; and, if there needs to be any modification, that the entire Indiana election laws be scrapped and that the State start at the beginning rather than a piecemeal or mosaic approach to election reform.

Mr. Lazart said he must express his thanks to the Commissioners for allowing him to conduct this study without any sense of political pressure. He is very indebted to the Commissioners for this. He would also publicly like to thank the many individuals interviewed or contacted, who shared their insight and expertise. And last but not least, he thanks his current employer (Alice McBride) and former employer (Quentin Davis) for allowing him the opportunity to conduct this study....and allowing him the time to do so.

Mr. Lazart said he has supporting data concerning specific election laws and the criteria for certification. In conclusion, Mr. Lazart entertained questions from the Commissioners.

President Willner said Mr. Lazart is to be commended on his very thorough presentation and the effort put forth in this matter. The Commissioners would also ask that he proceed to invite those companies who are certified in the State of Indiana to visit us on a two-per-month basis, until the Commissioners have had an opportunity to view the products of all. At that time, the Board may then ask.....

County Clerk Helen Kuebler interrupted by stating that the vendors now have new tabulators far above what we have...and they would be more than willing to bring those down for demonstration, etc. Commissioner Willner responded by saying the Board is aware of that; the state-of-the-art has been upgraded extensively. When each of these companies have tentatively agreed to visit us on a certain date, he asked that Mr. Lazart advise the Clerk, the Election Board, the Chairman of each political party, the Commissioners, the Council, the public, etc. Mr. Lazart asked if President Willner would like to begin those presentations in two (2) weeks, and Mr. Willner responded in the affirmative. Mr. Lazart said he would get the letters out to the vendors on Tuesday.

RE: DUMP TRUCK FOR BURDETTE PARK - MARK TULEY & TOM DORSEY

Mr. Tuley advised that Mr. Dorsey is ready to make a recommendation re purchase of dump truck for use at Burdette Park.

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Mr. Dorsey said four (4) bids were received on the dump truck advertised for use at Burdette Park. The lowest bid in dollar amounts was \$11,934.15 from Hendrickson Enterprizes. In reviewing the specs for the bid, the specs requested that the rear springs on the vehicle be able to handle at least 5,000 lbs. per side. The truck bid by Hendrickson Enterprize was listed at 3,800 lbs. per side. Since that does not meet the specs, it is Mr. Dorsey's recommendation that that specific bid not be considered.

The second lowest bid in dollar amounts was \$12,095.00 from Hendrickson & Sons. On bid specs, a scissors hoist with 12 ton capacity was required. The scissors hoist bid by Hendrickson & Sons was listed as a 7 ton capacity and did not meet specs. Thus, it is his recommendation that this bid not be considered.

The third lowest bid was from D-Patrick. Their bid did meet all the specifications and in many instances exceeded specs. The total price for their bid for the vehicle with the dump body manufactured by Midwest is \$12,462.78. It is Mr. Dorsey's recommendation that this bid be accepted.

President Willner asked if Mr. Tuley agrees with Mr. Dorsey's recommendation and he responded in the affirmative. The Chair entertained questions. There being none, he asked for a motion. Motion was made by Commissioner Borries that the bid recommended by Mr. Dorsey and Mr. Tuley be approved for acceptance and awarded to D-Patrick in the amount of \$12,462.78. A second to the motion was provided by Commissioner Cox. So ordered.

Mr. Tuley said in talking with Mr. Dorsey, it will probably be around four (4) months before the truck is received. But since Burdette has waited this long, they can certainly wait another four (4) months.

RE: REQUEST TO GO ON COUNCIL CALL - APRIL

It was noted by Mr. Tuley that he doesn't know whether it was his error or the Council's-- but last year he had to go back and do the same thing -- for funds in overtime account. He probably overlooked it at budget time. He did not allow for funds for the overtime account and they are definitely needed. The park has union employees and from time to time they do have to work overtime (holidays, etc.) and this is what the funds are for. The needed monies for overtime account and contractual services will be transfers. The repair on the pool filter is not going to cost as much as anticipated, and Burdette will need to have the extra monies in contractual services -- \$3,000.00. That money is used for a variety of things; basically, they use it for private security when the park has all-night functions....and they need someone from the Sheriff's department at the park to provide needed security. The Sheriff doesn't have the manpower to cover some of Burdette's functions. Additionally, they are working more and more travel shows now -- and they need to hire someone to specifically work those shows. They don't work part-time for the park; they are contracted to work "x" number of hours for "x" number of shows.

RE: FEASIBILITY STUDY - WATER SLIDE FOR BURDETTE PARK

Mr. Tuley said he had also handed copies of a feasibility study on water slide for Burdette Park to the Commissioners earlier. He is confident, based upon the study, that a water slide will do well at Burdette and thinks it will help them reach the point where they no longer have a deficit. They have reached the point now that without a major revenue-producing item, such as the water slide, they have gone as far as they can go in cutting the deficit. Mr. Tuley then introduced a drawing of the proposed water slide. It is a two-flume, fibreglass slide. General specs will be for a minimum of each flume to be 350 ft. in length and it will feed into the existing pool. There are several ways of approaching the cost factor. One of the approaches is the possibility of finding a used slide; the other is to build a new slide. The used slide would have to be torn down, transported and placed at Burdette. There is an opinion that we might be able to do that for under \$100,000. If we're looking at a new water slide, then that would be in the neighborhood of around \$150,000 to \$200,000. This would be a total turnkey job; that is, the company to furnish the slide and complete installation -- ready for operation.

Of major consideration is the fact of how soon we want it? If we want to get it in for the 1985 season, then it will be in the middle of the summer -- due to the fact that we have to go to Council to obtain the money, then come back (he already has the general

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specs ready for bidding -- and he can give those to the Commissioners today for review). That process will put us in the middle of July. People in the industry have told him that for the endeavor to be successful the first summer it is installed, efforts should be made to have the slide completed by July 4th. Mr. Tuley said he believes we can do that if the Commissioners so desire.

The other option would be to seek the funds, construct the slide this fall -- or put it in at budget time -- and have it completed by the 1986 season.

President Willner said if he had his "druthers", he'd certainly like to have the water slide ready for the opening date of the park in 1985. He is of the opinion that we could ask for quotes on the slide. But without the dollars being available, we certainly couldn't let the contract. The Board has polled the Council and received good response from all but one (1) member. He is for a water slide; he just wants to finance it via a private sector, which the rest of the Council does not want to do. We have some batting cages out there now which have been financed by a private sector. Mr. Willner said he is not too sure that we want to continue that trend to a large degree. On a small item, that is good. But when you talk about a major improvement to the park, you run into a problem of whether the personnel are working for the park or whether they are working for the company who owns the water slide -- and you have an overlapping of dates and times, an overlapping of personnel who are working the jobs -- and he doesn't want this to become a factor at our park. Thus, he'd like to see us go ahead and advertise even though this is not quite the way it should be done.

Attorney Jones asked if Commissioner Willner is just asking for approval of specs and not advertising for bids?

Commissioner Willner said, "Yes, we're advertising to receive bids...but not letting the contract." We took bids on the dump truck two weeks ago, but did not let the contract until today. Both Attorney Jones and Commissioner Cox pointed out that funds were available for subject dump truck, however. Mr. Willner said that it is stated at the bottom of each bid that the Commissioners reserve the right to reject any or all bids. Attorney Jones said that is correct. But when we do not have the capacity to contract it, we are in effect causing wasted effort when we can't buy. Commissioner Willner said we would not want to accept the bid until we have the funds. Would it be possible to so state in the ad that we are seeking "informational bids"... the money is not available at this time?

Attorney Miller said he would advise that the water slide only be advertised on this basis....in order to let any prospective bidder know that we do not currently have the funds.

Mark Tuley asked Attorney Jones that if the bidder responds to the advertisement and quote a price, will that price hold good? Once we go to Council and get the money, can we use that price? Otherwise we'd have to go thru the whole process again.

Attorney Jones said the Statute says that you have to do something on the bid within so many days after it is accepted...and we can't do that, because we don't have the money; thus, we don't have the legal capacity to contract.

Mr. Tuley said that in talking to several people in the field, basically what they say is that if we can award the contract sometime in April, they are saying they can guarantee installation by June 1st. Thus, he assumes that if we don't get the money until April 5th or 6th, then we go thru the process (which will push us back another three weeks), he would think we could still do all right as long as we got the slide in by July 4th. The only problem he sees here is that the contractor would have to be made aware that the pool would be open --and keeping construction closed off for purposes of insurance, etc. All of this would have to be worked out. Mr. Willner said they would have to start working on that portion before they worked on the remaining portion.

President Willner said a motion could be entertained to approve the specs and place the funds for the water slide on council call in April. Attorney Miller said this could be done. President Willner asked Mr. Tuley if the specs cover a new slide? Mr. Tuley responded that a new or used slide is not included in the specs. However, the matter of a guarantee is coveredso he would think that an individual would qualify whether they were bidding on installation of new or used slide. Basically, he supposes the specs do address a new slide, as certain limitations are listed on Page 2 of the specs (fiberglass requirements, etc.). He would think it would be

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difficult for someone to go out and find a used slide that will meet all the specs (not that it can't be done; he has a man out in the field now trying to locate one to meet the specs). If we find one, we're going to cut the cost. There is not, however, a company that goes around and does this for a living; so if we have a problem with a used slide, maybe you can track the individual down and maybe you can't. Mr. Tuley said he would imagine that we'd have to send a topography map of the Burdette Park area to each company -- so everyone is bidding apples to apples -- showing them what we want, where we want it to go, etc. That will have to be included with the specs.

The Chair entertained questions. Commissioner Cox asked if "completed prior to June 10th" should still be included in the specs? Mr. Tuley said that since we're going to be delayed, he would assume we'd want to back that date off to July 4th. The June 10th deadline might prevent someone from bidding on the job. On Page 3 at the bottom, there is another area the Commissioners may want to address. "This bid is considered a turnkey installation and the price should reflect a total installed price for the slides, support system, pumping system in a mechanical room, the grading, cut and fill and landscaping to be completed for a full operational water slide installation. Wherever possible, local labor -- both skilled and unskilled -- are to be used and local contractors are to be employed for specialized trades; i.e., electrical work, carpentry, concrete footings and plumbing. Prevailing labor rates will apply to this contract." Mr. Tuley said he believes they tried to address everything the county normally addresses in their bids.

Motion was made by Commissioner Borries that the specs be approved, with a second from Commissioner Cox. She said she did have one question, however. While she hasn't read the consultant's report, can Mr. Tuley explain how physically this operation will work? A person will pay -- a coin operated system? Or, will they buy a ticket that is good for one half hour, or twenty (20) minutes of one (1) hour or what? Mr. Tuley said that is a good question, as around the country the various parks use several different means of charging for their water slides. Our consultant discussed several methods. His approach to it was that we have a large clientele who come to the park basically to lay out. If you front load it and say that everyone who comes in pays one price, whether they do or do not use the slide -- then we have a chance of running off that portion of the business. Mr. Tuley said he thinks we should keep the admission fee basically the same, charge a separate fee for the slide and make it an all day ride. We could go with a wrist band similar to that used by hospitals. Several parks are going with those now -- they can't be transferred -- and they are good for one (1) day. Mr. Tuley said they would pay at the existing cashier's station as they enter. "If they wanted to ride the slide, they would make that intent known at the time they paid the pool fee?" asked Mrs. Cox. Mr. Tuley said that is correct. Burdette is not like a start-up operation where there'd have to be an extra cashier. He can also do some restructuring of the guards -- and he believes this can be handled without hiring additional personnel.

President Willner said the motion that specs be approved had been made and seconded. He then asked Mr. Tuley if he knows from his dealings what companies are in the running for this bid? Mr. Tuley said that basically two (2) companies have agreed to come in and go before Council to answer any questions, etc. Some of the companies have just been in business a year or two; what he has tried to do is stay with the ones who have been in the business for years and have the technology. According to the insurance consultant, the safety factor has been a big thing, and we're trying to adhere to that. Commissioner Willner suggested that Mr. Willner consult with these companies, advise that the specs have been approved, but that the money is not available. This may help us -- but not having to wait three (3) weeks for the bid process -- if they are apprized of this. Mr. Willner said he believes we can still advertise, as no one in the water slide business is going to read the local paper -- so Mr. Tuley can move this along by notifying the companies.

Commissioner Cox asked when the batting cages are going to open? Mr. Tuley said the tentative date for opening batting cages is April 6th.

Mr. Tuley said we have discussed several different times the accumulation of the Advisory Board. He would hope that the Commissioners would go ahead and make their appointments....with the main goal being to help us put together a five (5) year master development plan for the park. Mr. Willner asked that Mr. Tuley go ahead and do this. His appointee is Les Lantaff. If the other Commissioners have their appointees, fine; or, then can get those names to Mr. Tuley. Commissioner Cox said her appointee is Doris Eicher (Schutte Road; phone 424-6194). Mr. Tuley said he had not received a

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return call from the gentleman whom Commissioner Borries had asked him to contact. He will perhaps be able to let Mr. Borries know his response by the middle of the week -- and he can make his recommendation at next Monday's meeting.

RE: COUNTY ATTORNEY - David Jones

RESOLUTION AUTHORIZING BURDETTE PARK MANAGER TO NEGOTIATE AND EXECUTE FACILITY LEASES AT BURDETTE PARK --Attorney Jones said he had prepared the following Resolution for consideration and approval by the Board:

WHEREAS, the Board of Commissioners of Vanderburgh County, Indiana, has approved a Lease Agreement prepared for renting certain facilities at Burdette Park in Vanderburgh County, Indiana, to members of the general public in the following words, figures and form, to-wit:

(H.I.); and

WHEREAS, the Board of Commissioners of Vanderburgh County, Indiana has authority under the acts of General Assembly of the State of Indiana (I.C. 36-1-3-1, et seq.) to conduct the effective operation of government as to local affairs; and

WHEREAS, the Board of Commissioners of Vanderburgh County, Indiana have appointed Mark T. Tuley, Manager of Burdette Park in Vanderburgh County, Indiana as its representative to conduct the effective operation and maintenance of the said County property;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Vanderburgh County, Indiana, that Mark T. Tuley, duly appointed Burdette Park Manager, or his successor, be hereby authorized to negotiate and execute in behalf of the Board of County Commissioners of Vanderburgh County any and all leases for the temporary possession and use of facilities at Burdette Park by members of the general public, subject only to the further supervision and control, if necessary or appropriate, of the said Board of Commissioners.

PASSED by the Board of Commissioners of Vanderburgh County, Indiana on the 11th day of March, 1985, and upon said day signed and executed by the members of the Board as appears by their respective signatures hereto and all as attested to by the Auditor of Vanderburgh County, Indiana.

BOARD OF COMMISSIONERS OF
VANDERBURGH COUNTY, INDIANA

Signed: Robert L. Willner
Shirley Jean Cox
Richard J. Borries

Attest:

Alice McBride, Auditor

Attorney Jones said he also had a Lease Agreement form for Burdette Park facilities (cabins) for review.....received and filed.

The Chair entertained a motion that Mr. Tuley be empowered to sign leases for facilities at Burdette Park. Motion to this effect was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

RECIPROCAL EASEMENT AGREEMENT/MILL ROAD BRIDGE VACATION: Attorney Jones said he had forwarded a Reciprocal Easement Agreement with landowners on the Mill Road Vacation Project to President Willner. He doesn't know the status or who is submitting that copy to the landowners. President Willner said the County Surveyor is handling this with the Doerners, Riggs, Deigs, Muellers, etc. Mr. Jeffers said he would make some contacts via telephone tomorrow morning.

LAWSUITS: Attorney Jones said we have several lawsuits where the insurance company has not entered an appearance. We have a \$5,000 deductible and we've had to answer several of these. Therefore, he is going to compile the amount of the attorney fees,

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set that off against the deductible and submit a bill for the difference. President Willner asked which insurance company is involved? Attorney Jones said it was the Home Insurance Company.

WHEEL TAX ORDINANCE: Attorney Jones said he had previously advised the Commissioners and all the members of the Council that the Wheel Tax Ordinance will have to be renewed or something done to it -- or it will expire by its own term. Attorney Jones said he was out of the country during the last Council meeting, but Paul Wallace attended the meeting in his behalf. Attorney Jones knows of no response; he does have some indication that there is some interest in renewing it. If there is to be any change in the Ordinance, he will need some advance warning as to what changes are to be made. Some people want to add additional categories and classifications of vehicles; others may want to change the rate schedule that is there for the existing coverage; or what we already have can simply be renewed. There are an infinite number of possibilities, but each would take a separate ordinance. Therefore, he needs some guidance from both the Commissioners and the Council as to what they want done.

County Auditor Alice McBride said there is going to be a discussion meeting concerning this (a Public Hearing) on Wednesday, March 27th. They are going to leave the matter open until that time.

FROST ORDINANCE: Attorney Jones had submitted a draft of an ordinance concerning the operation of vehicles upon county roads during periods when roads could be seriously damaged or destroyed. The Commissioners had an opportunity to review subject ordinance before taking action. The Chair entertained questions. There being none, the Chair entertained a motion. Motion was made by Commissioner Borries that the Ordinance be approved, as submitted, and advertised. A second to the motion was provided by Commissioner Cox. So ordered. The Ordinance read as follows:

ORDINANCE REGULATING COUNTY
ROADS DURING PERIODS OF THAW

WHEREAS, Acts 1980 of the General Assembly of Indiana, P.L. 74, amending Indiana Code 9-4-1-125 provides express authority to units of local government to prohibit by ordinance the operation of vehicles upon any highway under their jurisdiction or to impose restrictions as to the weight of vehicles to be operated upon any such highway for a total period of not to exceed ninety (90) days in any one (1) calendar year, whenever any such highway by reason of deterioration, rain, snow, or other climatic condition will be seriously damaged or destroyed unless the use of such vehicles thereon is prohibited or the permissible weight thereof reduced; and

WHEREAS, Indiana Code 9-4-1-125(c) further provides that units of local government may prohibit by ordinance the operation of trucks or other commercial vehicles, or may impose limitations as to the weight, size or use hereof, on designated highways provided that such prohibitions and limitations shall be designated by appropriate signs on such highways and provided that suitable and convenient routes shall be provided for traffic so diverted and approximately marked; and

WHEREAS, the Board of Commissioners of Vanderburgh County desire to implement the provisions of Indiana Code 9-4-1-125 in order to protect the Vanderburgh County highway system;

BE IT ORDAINED by the Board of Commissioners of Vanderburgh County, Indiana, as follows:

There is hereby created a new Chapter 73 of Title VII of the Traffic Code of Ordinances of Vanderburgh County, Indiana, as follows:

Section 1. Whenever the Board of Commissioners determine that any highway in the Vanderburgh County highway system will be seriously damaged or destroyed by reason of deterioration, rain, snow, or other climatic condition unless the use of vehicles thereon is either prohibited or the permissible weights thereof reduced, the Board of Commissioners may declare any such county highway temporarily closed to all traffic, or they may prohibit the operation of trucks or commercial vehicles on any such county highway or may impose limitations as to the weight, size or use thereof on designated highways which they may determine

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in their sole discretion.

Section 2. Any such county highway closure or imposition of limitations as to weight, size, use or type of vehicles shall not exceed a total period of ninety (90) days in any one calendar year.

Section 3. Whenever the Board of Commissioners shall determine that the need exists to close any County highway or to impose weight, size or use restrictions upon any county highway, notice of each such closure or restriction shall be given to the news media and appropriate signs shall be erected and maintained designating the applicable restriction and penalty pursuant to provisions of this ordinance at each end of the portion of each affected highway and at intersecting highways. This ordinance shall become effective upon erection of said signs.

Section 4. The Board of Commissioners shall designate routes for traffic to be diverted and all such routes shall be appropriately marked.

Section 5. Public safety and emergency vehicles shall be excepted from the provisions of this ordinance.

Section 6. Penalty.

Violation of the closure of any County highway or of the weight, size or use restriction imposed upon any county highway hereunder may be punished by a fine not to exceed \$2,500.00.

PASSED by the Board of Commissioners of Vanderburgh County, Indiana, on the 11th day of March, 1985, by the members of the Board of County Commissioners as appears by their respective signatures and all attested to by the Auditor of Vanderburgh County, Indiana.

BOARD OF COMMISSIONERS OF
VANDERBURGH COUNTY

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

Attest:

Alice McBride
Auditor, Vanderburgh County

Approved:

David L. Jones
County Attorney

The foregoing Ordinance passed on roll call vote, with three (3) affirmative votes.

President Willner said this is a very good ordinance, but we must start thinking about some alternatives...there is no question about it. What do the Commissioners want for alternatives? As an example, say there is a business located in the county that needs a tractor-trailor daily---do we want the County Highway Department to assess the damage done and make him pay for it? Do we have him post a bond? Or, what sort of criteria do we want to establish for letting person use the road and subsequently pay for the damage? Mr. Willner asked that each of the Commissioners give this some thought -- and he requests that the County Attorney do the same. If the Commissioners wish, he will ask that some of the pertinent companies contact the Commissioners and share their thoughts.

With regard to the signs to be posted, Attorney Jones said he should be consulted before any actual printing of signs is done...because if the sign is not worded correctly, then the whole thing is invalid. He stressed that nothing happens until such time as the signs are posted; the ordinance cannot be enforced or anything done until the signs are posted.

President Willner instructed the County Highway Department to obtain correct wording

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for the signs from the County Attorney, have the signs printed and stakes made.... so signs can be posted in this manner. He again urged the Commissioners to give the alternatives some serious thought.

Attorney Miller said the trick is that the county must provide an alternate route. The way the statute is worded, we can't just shut down all the roads and say that nobody can use them. If you're going to close roads, then you have to channel the traffic. It seems as though we'll have to take some roads and risk them -- we can't simply cut them all off.

County Engineer Andy Easley asked what would be done if someone wanted to haul oil from an oil well or salt water?

Attorney Miller said that if the signs prohibiting traffic are posted on the particular road(s) involved, then the individuals would be subject to the maximum fine. If they go ahead and use the road, then they have violated the ordinance. The only exceptions would be emergency vehicles.

Mr. Easley said he does not think it would be possible to always offer an alternate route. Attorney Jones said there must be some means to get to the major arteries -- such as a route to the hospital. Further he views it as not a total shut-down situation; the county may shut down certain roads where others will simply have a weight limit posted, depending upon what type of road it is, etc. It will not be the same thing on every road or every sign posted...rather, it will be a combination. Some roads may indicate that everything is banned, dependent upon the type of road. Other roads may simply indicate no traffic above a certain weight limit until such time as the sign is removed.

Attorney Jones said he gathered a number of ordinance from various counties and states; the weight limit is the better route. The farther north you go the lesser problem you have -- because they invoke the ordinance by a time period since they have a hard and fast season when the ground freezes and thaws. In Michigan, from certain months to certain months all roads are posted....and nothing above a certain weight limit travels. We are in a more temperate area -- so it will be a matter of getting the signs up and back down, etc. We have more of a problem than other areas.

Commissioner Cox asked if we're going to enforce the Ordinance? If so, how?

President Willner said we will enforce the Ordinance. "How" we enforce it will depend upon the form approved by the Commissioners. Certainly, the Sheriff will do it. He has calls from individuals now who complain that a certain party is tearing up a specific road. These individuals usually tell you the license plate number, the name of the company, etc.

Mr. Easley asked how the implementation of the Ordinance will work? Will we advertise? Commissioner Willner said we will advertise via newspaper and post the signs. Attorney Jones said this will be on the books like any other Ordinance; the whole world is on notice that we have now approved an ordinance when it is advertised. However, in order to enforce it on the road, the signs have to be posted.

As a practical thing (and this matter came up a few years ago) the county is going to have to purchase some portable scales, because you have to be able to weigh the vehicles. You can't force the vehicle to travel to a scale more than one (1) mile from the point at which the vehicle was stopped. Unless they've changed it (and we checked this several years ago) -- there were only a couple of places where the weighing could be done. So to put any teeth into this thing, the county is going to have to "pop" for some portable scales.

Commissioner Cox asked if we could also set up a system whereby an emergency permit could be obtained from the County Highway Department? As an example, suppose people were moving -- and a moving van had to come into the area. Would we issue a permit or simply say the individual can't move during a specified period? Or suppose an individual were doing some cleaning around his property, which could or could not wait?

President Willner said that just prior to coming into today's meeting, there was a similar problem. An oil rig wanted to move into Vienna Road to No. 6 School Road and to Hillview Road. That is the route he wants to take and he wants to bring it in tomorrow. Hillview Road is about gone and Vienna Road is brand new. The Board had to make a decision since the individual is operating on a deadline. He owns the

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rig and has been hired to punch a hole in the ground for oil within a certain time limit -- and he needs to move in tomorrow. The Commissioners advised that he would either wait one (1) week or pay for any damage which occurred to the road. This had to be a quick decision on the part of the Board and this was their decision. If he moves in tomorrow, County Highway Superintendent Bill Bethel will follow him and check for any damage. If any is done, he will have to pay for same; he has indicated he would be willing to pay any damage costs within reason.

Attorney Jones asked if a weight limit is posted on the road currently? Mr. Willner said there is not. It was noted that a sign could be posted yet today.

Commissioner Cox stated that she has received calls for the past five (5) years about people going thru Daylight and using North Green River Road as a pure cut-off to get down to either Morgan Avenue, Division Street, etc., rather than take U.S. Highway 41 which is an established truck route to Diamond and Morgan and around. They cut through there all the time and beat the county roads to death. She personally is glad that the Board is finally going to do something to protect our roads and look out for the citizens. Her question now is -- we've got to enforce it! We can't just write a law and not enforce it. And, she's been told for five (5) years that we couldn't stop the trucks going down North Green River Road....there was nothing to cover it and you couldn't keep them off North Green River Road. Again, she is glad that we can at least catch them via a "frost" law. If they have a local delivery that is different. But to use our roads and streets as a cut-thru is not right. But the Ordinance has to be enforced. We can't adopt an Ordinance, put it on the books and just let it sit there.

Attorney Jones advised that if there is a total ban on the road, sight does it. If it is a weight limit situation, then we must weigh the vehicle. That is the only way to enforce any restriction based on weight. That is why we have not been able to do anything, because we did not have the capability of weighing the trucks.

President Willner said that in speaking with the Sheriff's department, they have advised that if they have a truck that is suspected of being grossly overweight they can call the State Police and they have a portable scale. If they have time, they will bring the scale down and make the arrest if truck is in violation. But that is not a permanent thing. Commissioner Cox said we could always make the truck driver go out to the scales.....President Willner interrupted that we can only make the truck driver drive one (1) mile out of his way. Commissioner Cox said she did not know that the State Police had their portable scale available again.

Commissioner Cox asked how we're going to post a sign for a trucker that has varying weight limit? All you can read on these signs is "WARNING" and "Board of Commissioners"..in order to read the sign, you almost have to get out of the vehicle. In response to Attorney Jones' query, President Willner said the signs will be similar to political signs -- they will be on a wooden stake. He said that Gibson County has a weight limit of 5,000 pounds, and this is posted as you enter their county on both ends of the road.

In conclusion, President Willner again asked that the Commissioners and the County Attorney give the matter considerable thought for one (1) week and then the matter will again be addressed. So agreed.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Absentee Report and Work Report: Copies of the Weekly Absentee Report and Work Report for employees at the County Garage were submitted for the period March 4, 1985 thru March 8, 1985.....reports received and filed. Attached to the Work Report was the following Work Schedule:

Patch: Schutte, Peerless, Burkhardt, Green River Rd., Burkhardt Rd., St. Wendel, St. Joe, Old Princeton Rd., Harmony Way, Chapel Hill, Browning, Camelia Drive, Old 460, Boonville-New Harmony, Barton Rd., Kirchoff Rd., and Schraeder Rd.

Gradall: Kirchoff Rd.

Grader: Harmony Way, Chapel Hill, Browning Rd., Barton Rd., Maasberg Rd., and Camelia Dr.

Rocked: Chapel Hill, Armstrong, Schmitt Rd., Kirchoff, Barton, Schraeder and Harmony Way.

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Request to Go Before Council for Paving Funds: Mr. Bethel said he is seeking permission to go before Council in April to request \$325,000 to continue road paving. President Willner asked if Council asked him to come back? Mr. Bethel responded in the affirmative...and said this is transfer of funds.

Commissioner Willner asked County Engineer Andy Easley if Council also asked him to prepare a report for next month's Council Call reMr. Easley interrupted saying he received a call asking questions about road-paving materials. Mr. Willner asked if Mr. Easley's participation is over, or does he have to prepare something else for Council? Mr. Easley said the question was rather complicated, and concerned hot-mix, cold-mix, etc. He indicated he would try to give Council some general answers, but it will be difficult to be detailed.

The Chair entertained questions of Mr. Bethel. There being none, the Chair called for a motion authorizing Mr. Bethel to go before Council. Motion was made by Commissioner Willner that Mr. Bethel be authorized to appear at Council Call in April to request \$325,000. A second to the motion was made by Commissioner Cox. She said she would also like to see the Commissioners also consider their going on Council Call to request a professional road study for Vanderburgh County, so we know what kind of base is on a specific road, whether cold-mix will last us 5, 6, or 10 years; whether it should be hot-mix, or whether it should be reduced to a good gravel base or what. We need to have a professional study done. We have an upstart of one that was done by EUTS....the surface condition....which is about three (3) years old now..and there is also a traffic count. But we need recommendations as to paving. Middle Mt. Vernon Road was paved in 1980 (or at least a section of it from Jobe's Lane out to Boehne Camp Rd.) and it is almost completely gone...and it's just been four (4) years. Middle Mt. Vernon Rd. from Boehne Camp Rd. to Highway 62....not much has been done to it and we're about to lose that entire section.

Mr. Bethel said this winter has torn up a number of roads. Commissioner Cox responded that a lot of this is a pure drainage problem along Middle Mt. Vernon Rd. The water comes off the hill and right across the road...and the ditches along there need to be cleaned. Cold-mix is good on some roads; but there are others which should be hot-mixed. Mr. Bethel said hot-mix would be better on every road. Commissioner Cox said she knows; but she is certainly not an engineering professional and she doesn't think her two fellow cohorts nor Mr. Bethel are either. If the County Engineer would have time to do all of this -- fine; but she thinks this is the place we should start. She is personally getting calls from irate people like the woman who was concerned about the closing of the bridge on County Line Road. Additionally, she was concerned about when the county is going to pave the County Line Road. It seems that oftentimes it is the squeaky wheel that gets the grease and she does not like the taint there of political favoritism.....she does not think it is fair to any of the Commissioners to have those statements made. The only way we can get the best use out of our dollars and remove the political favoritism is to have a study done....based on a ten (10) year plan with an allowance for emergencies. She's said this before. Every plan is not foolproof; but she thinks we spend money for other things and feels we have done this on a trial and error basis. Even though it may be cheaper in the long run, she does not believe in this.

Commissioner Willner said he has no problem with the study; we could ask several engineering firms just what a road study would cost. He has a problem with their drilling down into the center of a good road to determine what is underneath....but if that is what has to be done, then so be it. He asked that Mr. Bethel obtain a general price on a road study so we'll know what we're talking about.

RE: COUNTY SURVEYOR - BILL JEFFERS, CHIEF DEPUTY

Bridge & Guardrail Repair Report: Copies of the bridge and guardrail repair report for period March 3, 1985 thru March 8, 1985 were submitted.....report received and filed. County Line Road Bridge over Dennis Wagner Creek was closed. Last week we had several concerned taxpayers from that part of the county; as Mrs. Cox indicated, there were many, many phone calls made to the three Commissioners as well as to the Surveyor's office regarding the closing of County Line Road. However, the surveyor felt it was a necessity to recommend the closing to the Commissioners at that time.

Drainage Calculation of Area Served by Dennis Wagner Creek: As requested, the surveyor did a drainage calculation of the area served by the Dennis Wagner Creek. Some of the farmers present last week made statements that indicated that it was a small ditch serving very little ground and did not have much flow. When Mr. Jeffers selected area to designate as watershed for this particular creek..it is all in Warrick County ...

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and included areas now being mined by AMAX Coal Company in Ayrshire Mine, he drew these out of the watershed as AMAX mine currently is retaining the water that previously went into Dennis Wagner Ditch. A large area of the watershed that previously went to this ditch was scratched out of the study. Yet, we still come up with the necessity for an 18 ft. diameter corrugated metal pipe or 255 sq. ft. opening.

Commissioner Cox asked exactly where this is located? Mr. Jeffers said it is approximately 300 ft. south of Kansas Road on the Warrick County line....the bridge that was closed....County Line Bridge. It is just under one (1) mile north of Millersburg Road.

Mr. Jeffers said the Fehds and Stahls are most concerned about keeping this bridge open. The Commissioners agreed to a one (1) month extension, which gives them about three weeks to look at this. 18-ft. diameter pipe will not fit in there simply because there is only a 12-ft. difference between the roadway and flow line, so we have to go to an elliptical pipe. The one that will fit in the approximately 255 sq. ft. opening is 31-ft. by 11 ft. corrugated metal pipe, assembled in plates and delivered to the site at approximately \$500 per ft. We'd need about 30-ft., which is \$15,000 for the pipe. These are preliminary rounded-off figures. The installation of the pipe would probably cost the same amount; so we're talking about roughly \$30,000. If we bid the job out, the pipe would cost around \$15,000 and all other (labor for rip-rapping, labor, etc.) would cost around \$15,000-\$20,000. In response to Commissioner Cox's query, Mr. Jeffers verified that total project would cost around \$30,000-\$35,000. So this is what it could cost for the so-called small ditch by some of those who were present last week. He is not criticizing their assessment of it, but he would point out that most of them were from Vanderburgh County and would not be affected by any back-up that would occur in Warrick County if too small a pipe were installed. The people affected would be our Warrick County neighbors who are presently served by the existing drainage structure.

Last year we estimated the bridge would cost \$80,000....and the surveyor will stick by that estimate, though we might get by in the \$70,000's if we replaced it with a bridge. We allowed \$80,000 for a bridge structure and could probably get a pipe structure in there for \$35,000. In any event, he wanted the Board to know we're not discussing some dinky 36-inch culvert; it's an 18-ft. culvert, which translates to 31 ft. x 11 ft. to be able to get it in 12-ft. opening. In response to queries from Commissioner Cox, Mr. Jeffers said it would be done in fashion similar to that on Nurrenbern Road, except that on Nurrenbern Road we had substantial roadway approach or fill that had to be put in there.

Commissioner Willner asked if the pipe structure would be wide enough for farm equipment? Mr. Jeffers said it would; it would be wider than what is currently there. They're guessing that 30-ft. would take care of the slide slopes; the road surface would still be 18-ft. to 20-ft. wide. The guardrails could be set back so there would be a clear 24-ft. roadway.

Ditch Bids: Commissioner Willner asked when Mr. Jeffers needs a Drainage Board meeting re ditch bids? Mr. Jeffers said the bids are due by Monday, March 25th, in the Auditor's office by 2:00 p.m. The Board will probably want a week to review those, awarding them on April 1st.

RE: COUNTY ENGINEER

Claim/Morley & Associates, Inc.: Mr. Easley presented a claim to Morley & Associates Inc., in the amount of \$916.98 for construction engineering on the Burkhardt Road Improvement Project. This includes pre-construction conference held in Vincennes, as well as other meetings re drainage ditch modifications to be made. Mr. Easley has checked the claim and it is in accordance with our agreement and he recommends approval. Motion to approve claim was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Lynch Road/Creasey Co. Modifications, etc.: Mr. Morley submitted copies of IDOH agreement, which has now been executed by the Commissioners and the IDOH re the Creasey Company modifications on Lynch Road. (Original given to Margie Meeks, with copy to Joanne Matthews for permanent record file.) The cover letter received is our "Notice to Proceed" and read as follows:

March 6, 1985

(continued)

Vanderburgh County Board of Commissioners
305 Administration Building
Civic Center Complex
Evansville, Indiana 47708

Re: County-State Agreement
Vanderburgh - IDOH
Project No. MG-E090(2)

Dear Commissioners:

Attached for your records is an original signed copy of a fully executed agreement, dated December 17, 1984, between the Indiana Department of Highways and the County concerning cooperation in the engineering phase of the work on the subject project.

This letter is to serve as this County's notice to proceed with engineering services provided in the subject agreement.

Yours truly

R. E. Woods, Chief
Division of Local Assistance

For: John O. Isenbarger
Director

In conclusion, Mr. Easley said the county's out-of-pocket cost on this project will only be around \$1,200.00.

RE: REQUEST FOR COUNTY ATTORNEY'S SERVICES/KNIGHT TOWNSHIP ASSESSOR

President Willner read the following letter from Knight Assessor:

TO: All Members of County Commission
FROM: Helen Jane Nicholson, Knight Township Assessor
SUBJECT: Permission for the services of David Miller/County Attorney
DATE: March 7, 1985

For the last seven (7) years the owners of Underhill Trailer Court have not conformed to the law -

See New Section 14 (1984) regarding Section 3,
Chapter 7, 6-1.1-7

violation, which is now regarded as a Class C infraction.

See copy of State Form 1, that is required.

County Auditor Alice McBride commented that they have to turn in their schedules and the Auditor's office has to have those figures. Commissioner Cox said she had spoken with Ms. Nicholson. She has talked with David Miller concerning this and would very much like for him to write a letter to owners of Underhill Trailer Court, citing the ordinance whereby they have to turn in these schedules, etc., and giving them a deadline to file the schedules, etc. Motion was made by Commissioner Cox that Ms. Nicholson's request be granted, with a second from Commissioner Borries. So ordered.

RE: REQUEST FROM I.S.U.E. TO USE COUNTY ROADS FOR ROAD RACE

The following letter from I.S.U.E. concerning road race was read:

March 8, 1985

(continued)

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 ISUE is planning for March 23, 1985.

The race is the sixth annual CITIZENS-ISUE Run.

The Sheriff's Auxiliary, Civil Defense and REACT personnel will provide traffic control. I have enclosed maps that outline the proposed course.

Thank you for your consideration.

Sincerely,

Bill Stegemoller
Cross Country Coach

Phone: 464-1710 (School)
477-1755 (Home)

The Chair entertained questions. (It was noted the race course involves roads such as Schutte Rd., Lower Mt. Vernon, Nurrenbern, etc.) There being no questions nor further comment, a motion was entertained. Commissioner Borries moved that the request be granted, with a second from Commissioner Cox. So ordered.

RE: CERTIFICATES OF INSURANCE

Tri-State Association of Grocers: Dance in the Gold Room of the Auditorium on Saturday Evening, April 13th and 14th, 1985.

First District Medical Assistants: Card Party & Style Show on March 21st at the Auditorium.

IFELS: Dinner-Dance at the Gold Room in the Auditorium 3/23 and 3/24.

RE: OLD BUSINESS

Indiana Association of Counties/NACO/Revenue Sharing: Commissioner Cox said she was the only Commissioner in the office when a call came thru from the Indiana Association of Counties (Mrs. Crump) who was contacted by NATO.....(the National Association of Counties) advising that the Revenue Sharing Amendment comes up for vote tomorrow (March 12th) in the Budget Committee. They were asking that we contact Senator Quayle, who serves on this committee, to ask him to support this amendment which is known as the Grassley-Sasser Amendment. It provides for a freeze at present revenue sharing levels through 1988. Telephone Number for Senator Quayle is: 202-224-5623.

Hearings on Bills Important to Our Area:

ISUE Bill: Commissioner Borries said the ISUE Bill will be heard in the House on Tuesday, March 19th.

Food & Beverage Tax Bill: The proposed Food & Beverage Tax Bill re Airport funding is to be heard in the Senate on Wednesday, March 20th.

Commissioner Borries said he had also heard from Mrs. Crump of the Indiana Association of Counties this past week. We will announce this again in the media; but Vanderburgh County will play host to the Southwest District of the Indiana Association of Counties on Monday, May 6th. This is to be held at the Executive Inn beginning at 5:30 p.m. We do not have to do much in the way of arrangements; Alice McBride has talked with Mrs. Crump, also, and she is making the arrangements at the Executive Inn.

(continued)

RE: CLAIMS

President Willner indicated that he had a claim submitted by County Attorney Jones; since he has not yet had an opportunity to review said claim, he will hold it for next week.

RE: EMPLOYMENT CHANGES - RELEASES

Superior Court

Mary Jo Herdman 905 N. Weinbach Prob. Off. \$17,678/Yr. Eff: 2/1/85

Prosecutor

Dana Schuler 51 Taylor Investigator \$17,747/Yr. Eff: 3/15/85

Surveyor (Bridge Crew)

Bradford Scott Bensman 1301 Marshall Labor \$14,192/Yr. Eff: 3/8/85

RE: EMPLOYMENT CHANGES - APPOINTMENTS

Center Assessor

Nancy R. Besing 5115 Bassett Ave. P.T. Deputy \$35.00/Day Eff: 3/5/85

Superior Court

Mary Jo Herdman 905 N. Weinbach Prob. Off. \$18,178/Yr. Eff: 3/4/85

Prosecutor IV-D

Barbara Clark 1132 Brookside Dr. P.T. Sec'y. \$5.00/Hr. Eff: 3/4/85

There being no further business to come before the Board at this time, President Willner declared the meeting adjourned at 4:55 p.m.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	Robert L. Willner	Alice McBride	David L. Jones
	Richard J. Borries	Larry L. Lazart	
	Shirley Jean Cox		
	<u>SURVEYOR</u>	<u>COUNTY ENGINEER</u>	<u>COUNTY HIGHWAY</u>
	Bill Jeffers	Andy Easley	Bill Bethel
	<u>COUNTY CLERK</u>	<u>COUNTY SHERIFF</u>	<u>BURDETTE PARK</u>
	Helen Kuebler	Clarence Shepard	Mark Tuley
	<u>OTHER</u>		
	Dorothy Joest/Redevelopment Commission		
	William Hamilton/Mt. Vernon, IN/Bidder		
	John Thompson/1030 Cherry St./Bidder		
	James Julian/P.O. Box 3663, Evansville, IN (47735)/Bidder		
	Claude Wiseman/500 E. Illinois/Bidder		
	John Dycus/5383 Melody Lane/Bidder		
	Tim Thurgood/3700 E. Negley/Bidder		
	Numerous Other Bidders		
	News Media		

(continued)


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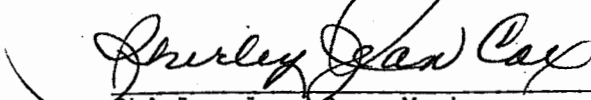
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SECRETARY: Joanne A. Matthews


Robert L. Willner, President


Richard J. Borries, Vice President


Shirley Jean Cox, Member

Distribution:

Commissioners' Office (5)
Surveyor (1)
County Engineer (1)
County Highway (1)
Burdette Park (1)
Area Plan (1)
Purchasing (1)
County Attorney (1)
County Auditor (1)
Chief Deputy Auditor (1)
Claims (1)
Payroll (1)
Harold Elliott (1)
Mark Owen (1)
Betty Hermann (1)
County Clerk (1)
County Sheriff (1)

Outside:

Betty Fehd/R.R.#3, Box 179, Evansville, IN 47711
J. H. Rudolph & Co./P.O. Box 5226/Evansville, IN 47715
John Koch/P.O. Box 97-B/Evansville, IN 47711
News Media

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COUNTY COMMISSIONERS MEETING
MARCH 18, 1985

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EUTS (\$17,000)	Jane Berry (\$59.40)
David L. Jones (\$2,039.78)	Patrick Tuley (\$59.40)
Building Commission (\$14.00)	Patrick Tuley (\$80.16)

MINUTES
COUNTY COMMISSIONERS' MEETING
MARCH 18, 1985

The Vanderburgh County Board of Commissioners met in session at 7:30 p.m. on Monday, March 18, 1985, with President Robert Willner presiding.

The meeting was called to order at 7:30 p.m., with the Chair entertaining a motion concerning approval of the minutes of the previous meeting. Motion was made by Commissioner Borries that the minutes of the meeting held on March 11, 1985, be approved as engrossed by the County Auditor and the reading of same be waived; a second to the motion was provided by Commissioner Cox. So ordered.

RE: REZONINGS

VC-15-84, Petitioner/Clem Frank: President Willner announced that VC-15-84 has been withdrawn.

VC-1-85, Petitioner/Kenneth Alexander: It was announced that this petition has been withdrawn.

VC-2-85, Petitioner/Gary Edwards (3rd Reading): Mr. Roger Lehman of the Building Commission approached the podium and stated that he was representing Messrs. Gary Edwards and Robert DeWeese in subject rezoning petition. M-1 zoning was originally requested for this area and the owner agreed to reduce that to C-4, feeling that that classification would fit his interests at this time. Therefore, C-4 zoning is requested at this time and this is what was approved by the Area Planning Commission.

Mr. Lehman circulated a copy of the APC 1983 comprehensive plan, which shows the area involved, for review....indicating the property is surrounded by agricultural with commercial and industrial to the immediate north and commercial to the south. The property to be rezoned completely surrounds an agriculturally zoned single family residence. At this time, owners propose a commercial use -- which would be lighter than the anticipated industrial use of the area. The other purpose for the rezoning is to legalize a sign (Mr. Lehman presented photos of a previous sign and the replacement sign). The new sign is there -- and rezoning is being sought to cover the sign, also.

Continuing, Mr. Lehman said there have been comments about the property which will be enclosed by this area and there are easements for access to the single family residence that are recorded on all the deeds; thus, the access is there whether the property be zoned commercial, agricultural or whatever. The petitioners feel the commercial zoning will increase the value of the enclosed property in the future, should the owner decide to sell said property. It would probably be more valuable with C-4 zoning than it would be for current R-1 zoning. There are four (4) houses on the south side of Highway 57 between Ruston and Green River Road, three (3) of them being zoned residential and one (1) commercial. The owner had originally planned to put in a woodworking shop, but that did not set well with neighbors. He withdrew that plan and will now simply conform with the requirements for C-4 zoning for whatever he decides to put in there. Mr. Lehman then entertained questions.

President Willner indicated he would hear from any remonstrators present prior to entertaining questions from the Commissioners.

Mrs. Billie Kollé approached the podium, accompanied by her son, and said she is the single resident to whom Mr. Lehman was referring. She does not think she needs a business on the hill -- coming down on her. There would be bad drainage; there is no sewer nor water. Mrs. Kollé presented a letter from her physician to President Willner, which indicated that she has Reactive Airway Disease (which is adversely affected by fumes, pollen, dust and particulate matter). The letter was written by G.A. Sartore, M.D. Mrs. Kollé presented a copy of the deed to her property, which she said she and her husband had had since 1952. Mr. Kollé died ten (10) weeks ago. It was verified that Mrs. Kollé does have right-of-way.

Mr. Kollé asked if a study has been done for drainage, sewage, water, etc.? Mrs. Kollé said that city water is not up that far. Mr. Kollé asked why the owners want to rezone 15 acres for a 20-ft. sign -- it doesn't make sense to him. He feels they have been lied to all along concerning this. Mrs. Kollé said she feels the owners are going to try to pull something on her and that this is a cover-up. In response to Commissioner Willner's query if Mr. DeWeese is present this evening, Mr. Lehman said he is not. Mrs. Kollé said he never has been...

(continued)

Commissioners Willner said that before owners could build, they would have to answer the drainage problem. As he understands it, there are no buildings on this property currently. To get it rezoned, owners do not have to have a building plan per se; they can rezone a piece of property and indicate it is being rezoned for future use -- and it could be 10 to 15 years down the road....that is permissible under the law. But before they could build any buildings, be it homes, workshop or whatevereither C-4 or M-1 they would have to have a drainage plan. That would come back to this Board. With regard to sewage, they have to meet the State requirements re sewage. No matter who you are -- you have to meet state requirements for sewage, whether it be a sewer, septic system or whatever. With regard to water, he does not know whether the business they plan to put in needs water. A well could be drilledif they don't build something on it, they will not need any water. In mentioning these, he is covering the three specific items mentioned by Mr. Kollé.

With regard to Mr. Kollé's question about rezoning 15 acres for a 20-ft. sign, he is inclined to agree with Mr. Kollé. He does not know why the sign was up there to begin with without a rezoning. It was noted that the sign has been there since the 1950's.....and now, all of a sudden, they want to rezone 15 acres because of a 20-ft. sign...and he thinks there is something fishy! According to this, once the property is rezoned C-4.....Mrs. Kollé said she doesn't need anything right up against her property.

Commissioner Willner entertained questions from the Board. Commissioner Borries said there is an unusual property situation here. He asked Mr. Lehman if there is some way -- with the existing sign -- if there is some way (since there is no use at this time proposed for the back part of the property which would surround where the remonstrators live) that the front portion of the property line that would front on Highway 57 (which includes the sign) could be rezoned? Mr. Lehman said that since the owner owns the entire area shown on the plan -- he did not want to rezone that small area -- and he anticipates either selling or developing the property. He has owned the development up at Ruston Lane (M-1 zoning) which is a light manufacturing subdivision and he has similar plans for this in the future and does not want to zone just along the road and then landlock the rest of the agricultural zoning there.

Commissioner Borries said he does not understand the unusual situation of how this particular rezoning occurred. Mr. Lehman said the owner felt it was to his benefit to go ahead and do all of the rezoning at one time, with the anticipation of developing the property. As pointed out by Commissioner Willner, that is an acceptable reason for rezoning. Owner has withdrawn the proposed building on the site, which was shown on the plot plan. That may or may not alleviate some of the problems with the drainage. The owner may not develop property for 5 - 10 years; on the other hand, he may want to go ahead and develop within the next couple of years.

Mrs. Kollé said that when they sold 2.17 acres, it was sold to the individual with the idea that he would build a home there -- that is what he told she and her husband. He said they'd always wanted to live out in the area -- and would build a nice home out there one of these days. Now, they want to box her in. Mr. Lehman said she is boxed in whether the property is commercial, agricultural or whatever. The easements are there -- and she has the right to get back to her property.

Mr. Harold Gansman (R.R.#3, Box 242) approached the podium and said he is an adjacent land owner. He is opposed....the owner doesn't know when he wants to develop the property or anything. All he knows is that he has an illegal sign there -- and all of a sudden he wants to rezone the 15 acres.

In response to Commissioner Willner's query, Mr. Gansman said his property is southwest of the property being discussed. The owner has had no drainage study, etc. All that information is blank on his zoning application. The sign there was illegal to begin with and it just isn't right. Mrs. Kollé said the sign was there when she and her husband bought the property in 1950 and has been there ever since.

Commissioner Cox asked Mrs. Kollé if she objects to the sign being there? Mrs. Kollé said the sign doesn't bother her, as it has been there ever since she and her husband bought their property. But she feels they are trying to pull something with the rezoning. She lost her husband ten (10) weeks ago and this has all come up since that time. Perhaps he is trying to box her in so she will have to sell her property.

(continued)

The Chair then again recognized Mr. Lehman and said he had a few minutes for rebuttal. Mr. Lehman said he feels the requested zoning is in accordance with future plans for the area....the area is planned to be zoned in light manufacturing in the future --within the next 15 years anyway -- and a C-4 use is proposed, which is a less intense use than is anticipated for the entire area. Mr. DeWeese simply wants to develop the area and all development plans have to go thru the APC and the drainage, etc., have to be addressed at that time. Therefore, nothing can go in there that is going to adversely affect anyone. It is Mr. DeWeese's intension to develop or sell the land and feels it is in his best interest that the entire area be rezoned.

Commissioner Borries asked if he'd accept rezoning for front portion of land only where the sign exist....until such time as he has a specific use for the other portion?

The Chair entertained questions; there being none, a motion was entertained. Motion was made by Commissioner Borries that VC-2-85 be approved, with a second from Commissioner Cox. A roll call vote was taken, and the motion failed with three (3) negative votes. So ordered.

President Willner said the Commissioners feel that Mr. DeWeese has put a circle around one (1) home and that they could have business all around Mrs. Kolle and she would be landlocked and could not look east, west, north or south from her property without seeing commercial and do not feel that is fair at this time. There are two ways for Mr. DeWeese to go -- as Commissioner Willner sees it. He can try and buy this property; he could build homes to conform -- which he probably doesn't want to do; or he could wait until something further develops. The Board also feels the sign was there in 1950; that sign would come under the Grandfather Clause and it would be declared non-conforming use and be allowed to stay -- and the Board can make that determination now. A motion was entertained.

Motion was made by Commissioner Borries that the area along Highway 57 north be legal non-conforming (13500 Highway 57) for the pre-existing sign. A second to the motion was provided by Commissioner Cox. The Chair then asked for a roll call vote, with the motion passing with three affirmative votes. So ordered.

VC-3-85, Petitioner/Kenneth Stevens: Mr. Mike Mitchell approached the podium and said he was representing Mr. Stevens, the petitioner. They request a one (1) month postponement (April 15th) to ask for an amendment to the petition to zone down one (1) back portion to C-4, with the front three (3) acres to R-0 and give them an opportunity to have Mr. Easley (County Engineer) re-design, provide new legal descriptions for the two separate parcels and disseminate the information thru the staff and to the surrounding neighbors who were remonstrating (some are present tonight). While it may not satisfy them, it will give the owner a chance to get a new site plan, a new legal, etc., and let the staff look at it; then they will try and answer any concerns.

Commissioner Willner asked how many individuals are present concerning this rezoning and about seven (7) people responded by standing. In response to a question from the audience, Commissioner Willner asked that Mr. Mitchell repeat the rezoning.

Mr. Mitchell said the back two (2) acres off the road would be C-4 and the front two (2) acres where the house and residential office are located would be R-0, which is all now one legal for the M-2 petitioned for.

Commissioner Willner said the front two (2) acres would be reduced to R-0 and the back portion would be C-4, to allow the owner to do what he has been doing. A motion was entertained.

Motion was made by Commissioner Borries that VC-3-85 be postponed to April 15th, with a second from Commissioner Cox. So ordered.

Commissioner Willner said this is a major downgrading of rezoning, and the Board would like some time to study the matter and allow the remonstrators to do likewise.

VC-4-85, Petitioner/R. Foster, Jr.: President Willner announced that VC-4-85 has been postponed to April 15th, also.

RE: DEMOLITION OF S. RED BANK ROAD PROPERTIES - Roger Lehman/Building Commission

Mr. Lehman said the demolition of properties at 2400 & 2408 S. Red Bank Road has been postponed for a couple of weeks due to lack of communication with the owners.

(continued)

He sent a certified letter to the owner in New Jersey last week. He talked with Legal Services last Friday about Mr. Fisher (the individual who is living in a bus at 2408 S. Red Bank Rd.). If the Commissioners will bear with him, Mr. Lehman would ask that this matter be deferred until April 1st, putting it on the agenda with other condemnation hearings scheduled. At that time, some action will be taken. He has made all the contacts he can and is trying to get the thing cleared. Legal Services called him last Friday, as Mr. Fisher's niece has been talking with them and was afraid she was in some kind of trouble. She doesn't have anything to do with the property at all, other than the fact that she is the niece of the individual who lives there.

Commissioner Willner asked if any of Mr. Fisher's relatives are in town? Mr. Lehman said his niece is and he contacted her via phone and letter but was unsuccessful. Legal Services said she contacted them fearing we would do something with her property, house, etc. This is not the case -- as her property/house has nothing to do with the matter.

Commissioner Willner said he understands that this is a tuncy subject and he would like to do anything possible in his power for Mr. Fisher...be he doesn't know at this time what that is. Mr. Lehman said that is the problem; Mr. Fisher doesn't want anyone to do anything for him but rather wants to be left alone.

Commissioner Willner asked if in Mr. Lehman's opinion Mr. Fisher is capable of staying in the bus without harming himself, etc.? Mr. Lehman said things will be better with the weather improving. Mr. Fisher has a woodburning stove in a bus. He hasn't seen it; but from the smoke stack he can imagine what it looks like. That is probably the greatest risk to Mr. Fisher's life -- the woodburning stove in a school bus. The house and junk in the yard doesn't affect way Mr. Fisher is living right now. They could get rid of the house and the junk --but he'd still be in the bus. What the Building Commission is trying to do is cleanup the county and make it safe for everyone else. Commissioner Willner queried Mr. Lehman re Mr. Fisher's age? He responded that he has never seen him; he won't come out of the bus when you go up to talk to him.

President Willner called for a motion to postpone this matter until April 1st. Motion to this effect was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: COUNTY ATTORNEY - DAVID MILLER

Release/Southwest Engineering, Inc.-vs.-County: Attorney Miller said the Board will recall that approximately three (3) weeks ago we reached a negotiated settlement for \$8,500.00 on the Hirsch Road matter. He now has a Release of all claims that has been prepared for approval by Commissioners and the president of Southwest Engineering. It is in proper form and he suggests that it be executed. A claim has also been presented (it will surface when claims are discussed later in the meeting) for \$8,500.00 for settlement in this matter. The Chair entertained a motion. Motion was made by Commissioner Borries that the Release be executed, with a second from Commissioner Cox. So ordered.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Absentee & Work Reports & Work Schedule: Mr. Bethel submitted the Weekly Absentee Report for employees at the County Garage for period March 11 thru March 15, 1985.....report received and filed.

Also submitted was the Work Report for the same period.....report received and filed. Attached to the Work Report was the following Work Schedule:

Patch: Browning, Darmstadt, Old Princeton, Coal Mine Rd., St. Wendel, Old Henderson, Coffee Tree Lane, Magnolia Drive, Westmore Dr., Raintree, Cherry Hill, Harmony Way, Boonville-New Harmony, Middle Mt. Vernon, Allen Lane, Peerless, Mohr, St. George, Upper Mt. Vernon, St. Joe Avenue, Caranza, Bob Court and Oak Hill Rd.

Grader: Coffee Tree Lane, Magnolia Drive, Westmore Dr., Raintree, Cherry Hill, Harmony Way, Baseline, Schroeder, Volkman, Barton, Old Henderson, Middle Mt. Vernon, Peerless, Schutte Rd., Caranza, Bob Court and County Line East.

Gradall: Kirchoff Rd., West Haven, Upper Mt. Vernon Rd., Schraeder, St. Joe Avenue, and Middle Mt. Vernon Rd.

(continued)

Rocked: Schraeder, Volkman, Baseline, Barton, Old Henderson Rd., and St. Joe Avenue.

When Mr. Bethel finished his report, Mr. Kent Roebuck expressed appreciation to him for the times his crew has worked on North Green River Road during the last eleven (11) weeks. Mr. Bethel responded that they try! Commissioner Willner said that actually Green River Road is one of the county's better roads; Mr. Roebuck should see some of the other roads. St. Joe Avenue is a lot worse. Mr. Bethel said he hopes they finished most of the worst parts of St. Joe Avenue today; tomorrow they want to go back over it and spread it and roll it down, etc.

RE: FROST ORDINANCE/County Roads

President Willner said his agenda indicated the Commissioners and County Attorney were to discuss alternatives -- emergency vehicles, school busses, etc. as concerns the Frost Ordinance. Other alternatives would be businesses who must depend upon truck traffic for their livelihood. The Commissioners were going to discuss with the County Attorney whether we should have a permit for those who must travel the roads during the effective period of the ordinance or whether we should not post that particular road or just what alternatives we have.

Attorney Miller said there are some alternatives that have been used by various other counties that have experienced similar problems. In putting together the first draft of this ordinance, what he did was to make it as tight as possible rather than draft into it one (1) exclusion or another or one (1) opportunity or another for heavy traffic to get on the roads during the bad times, causing deterioration. If there is some particular set of circumstances that the Board wants provided for, it can be done; but each time they do it it weakens the strength of the ordinance and the protection of the roads. He understands the need for basic services in outlying areas and would say that is policy matter that the Commissioners have to weigh. It is possible, without any question, to draft into these ordinances an alternative or series of alternatives to provide for the types of things mentioned. It simply does weaken the ordinance, however.

Commissioner Willner said we are already past the frost season for this year -- at least he hopes we are. While we will have about a year to get some of these alternatives in -- we do need to work on them now, so that next year when we begin to experience road damage we can be prepared.

Attorney Miller said all the Board has to do is tell him who they want to exempt and how....

Commissioner Cox said she believes the Board mentioned school busses, fire trucks, moving vans for people who wanted to move in/out of the neighborhoods, trash disposal units, water trucks.....

Attorney Miller said one of the Commissioners had mentioned previously trucks that carry groceries in bulk to outlying grocery stores (food products and necessities of that type). Perhaps the Board would want to consider limiting exceptions to fire trucks, school busses, maybe even moving vans -- if they are going to make the exception they are married to the size of vehicle involved. You can hardly ask people who are moving furniture to move it off one truck onto another to take it a few miles. But in the case of local deliveries for items such as groceries, etc., we might be able to limit the tonnage of those size vehicles...and limit tonnage to a vehicle of a certain size or less. Thus, the Commissioners may want to consider this route for grocery stores, drug stores, etc. Mr. Miller said that since water trucks have been mentioned, this brings to mind that there are folks who keep warm every winter via use of fuel oil and gas....

Commissioner Willner said we need to start working on this so that everything will be ready to go when we need it next year. Attorney Miller noted that we do not want to leave out some essential vehicle and have someone call us when the ordinance goes into effect.

Mr. Roebuck noted that Warrick County has a similar ordinance and during the frost period they limit the weight of the trucks picking up oil, plus they are required to post bond. Commissioner Willner said Gibson County has a similar ordinance, also.

RE: COUNTY ENGINEER - ANDY EASLEY

(continued)

Lynch Road:

President Willner called upon County Engineer Andy Easley for his report -- and queried him concerning Lynch Road. Mr. Easley said he was not out there, but understands that Seaboard was working out there.

Sheriff's Substation: Mr. Easley said he had nothing requiring the Board's attention at this time. He would, however, like to share with them an experience he had last night. His family lives north of the airport -- out in the sticks. His daughter received a call from some friends of hers, advising that they thought someone was in the house and their parents were not at home. He told her to tell them he'd be right over. He asked Mrs. Easley to call the Sheriff -- and he took off for the neighbors, arriving two (2) minutes later. The Sheriff's department arrived two (2) minutes later. Fortunately, there was no one in the house! Mr. Easley said he tells this story merely to say how nice it is to have the Sheriff's department arrive in their area within four (4) minutes -- and he thinks that is very commendable. Commissioner Cox said this is what is nice about having a substation out on Highway 41.

RE: NORTH GREEN RIVER ROAD WIDENING PROJECT/LYNCH ROAD

The Chair recognized Mr. Don Folz who, along with about other twenty-seven (27) residents, was present to discuss North Green River Road Widening Project.

Mr. Folz approached the podium, addressing the Commissioners, the news media and the audience-at-large. He said the residents have something which they think is very hot and a very, very big necessity -- and he would first like to present the Commissioners with a momento (he had prepared individual files for the Commissioners) -- explaining the file contained copies of all the petitions collected against Lynch Road.

Mr. Folz said the file also contains a map of the St. George Road proposed route.

Commissioner Cox interrupted saying, for purposes of clarification, her agenda says "Don Folz - Comment on North Green River Road". Mr. Folz said he will be addressing that, as North Green River includes Lynch Road. Continuing, Mr. Folz said that up to the present time, the citizens in the North Green River Road area and in all other areas over the city of Evansville -- if you get right down to it -- are coming up with dead-end streets; dead-end highways; and improper type planning. What they have discussed is Diamond Avenue. Diamond Avenue should have been -- and still might be -- and ought to be completed out to I-164. This is a very necessity for the traffic flow for that area of town coming out of North Park all the way thru town. Highway 41; how much longer will we live with it not being elevated over Washington Avenue, Bellemeade, Walnut, etc.? This is a very, very big necessity -- because I-164 will not do what people think it is going to do. After truck drivers figure out the shortest distance between two (2) points, when they get into Evansville they will use North and South Highway 41 to get out and get in.

With regard to the widening of Morgan Avenue, Mr. Folz said they do not feel that it should be widened only to Green River Road and stopped. This would cause a big traffic jam. Why not take it to the proposed route of I-164, which is about one half a mile further or all the way into Boonville?

When you get to the subject of Pigeon Creek, that involves North Green River Road. Pigeon Creek drainage has been such for years that it is a clogged mire of log jams, not cleared back, etc. We have all lived with this thru 1937 and 1961. We have a very neat block of water flow at Highway 41 on the Diamond Avenue exit. We will have another neat block of the residents allow the County to put the Lynch Road project thru and build an earthen dam thru that low flood plain area west of Pigeon Creek. We have an earthen dam which will be elevated at Green River Road and the now present bridge. This would be another block unless Pigeon Creek is straightened, re-aligned in some areas in that particular area. It has to be done. Mr. Folz said that we had worked on this a long time (in addressing Mr. Willner) -- way back when they were trying to straighten out the east side drainage. Warrick County has done theirs with a bond issue. Mr. Folz said he doesn't think the Corps of Engineers will help us; but if we aren't careful, the flooding will eventually involve Chandler, Indiana. We're going to have two more spans going across Pigeon Creek or I-164 and the low side in the Blue Grass/Pigeon Creek bottoms is going to raise up and it will flood out in Chandler. The high water in 1961 was higher than in 1937 in a lot of areas out there and it is a necessity that we look at Pigeon Creek.

The other important thing Mr. Folz and his group are going to ask for period -- they

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want Green River Road fixed immediately. If it a 4-lane, then let's have it 4-lane; let's get that this year, please. It is a necessity before someone gets killed. They have had truck traffic which has beat out Bill Bethel's blacktop three or four times and he knows it is a problem for the county to try to write up an ordinance to keep the trucks off Green River Road. These trucks are not coming out of Daylight, IN; rather, they are coming down Highway 57 off of I-164. They use Green River Road because it is a short route to get up to Newburgh to the Young Elevator. Mr. Bethel and his crew have done a commendable job trying to mend the chuckholes; and if we don't keep after it, it is never going to be taken care of. Thus, they'd ask that we'd widen to 4-lanes Green River Road to wherever. They would like to see it go all the way to Daylight, but knows that is far-fetched.

With regard to Lynch Road versus St. George Road, Mr. Folz distributed copies of a map which he had drawn to the Commissioners.....showing proposed Lynch Road route (which comes across at the north end of the Evansville Day School, continues on across Burkhardt Road with an interchange at I-164 and then proceeds on an easterly path across the recreation room of Mrs. Freeson's home up on Boonville Highway -- and if it takes her rec room it will take her whole house; then it jogs and takes a southerly path and comes around the back of Carter Lumber Company to tie in with Epworth and Telephone Roads). Mr. Folz said he doesn't want to be nasty, but he has been lied to and he doesn't like that. The traffic count on Telephone Road is nothing close to what it is on Boonville Highway. He went up there several evenings; it just isn't there. Seven or eight cars turn off on Telephone Road and the traffic is bumper-to-bumper to Chandler.

To Mr. Folz, the St. George route is one of the best routes which would help all without a dead-end road. When you widen Mill Road from St. Joe Avenue to Kentucky Avenue, the master plan calls for a bridge from that across the Wansford Yards to tie to Lynch Road. That is a long bridge across possibly twenty (20) tracks and it is one quarter mile or better to get it across the Wansford Yards. If Mill Road were widened to four (4) lanes and brought to Kentucky Avenue it wouldn't be so hard for him to stand up here tonight and talk against Lynch Road -- if that bridge were across there. But at Lynch Road you have a dead-end; you can do nothing but go left or right; you can't go straight ahead. If Mill Road is widened and you get it to Kentucky Avenue and Christ Road, you come around and hit St. George. Once you get on St. George you have two railroad tracks to cross before you get to Highway 41. At the end of the Whirlpool property, St. George Road is open -- and the impact on the north section of Green River Road from this would be a lot less than dumping it or bringing it across Green River Road where the people want to bring it right now. Because it is north of them, it would be in alignment with the four lanes of Green River Road; it would better serve everyone concerned because there is a way to get to North Park without a deadend and it is a way to get to Eastland Mall and all the shopping centers on either side of town..plus all the way to St. Joe Avenue. In fact, Mr. Folz would like to see St. Joe Avenue taken all the way to Diamond Avenue and hook it in that way and you would, in effect, have an inner loop around Evansville. He brought the matter of a belt line around Evansville to the Commissioners a long time ago.

The new construction of St. George extension would be from Oak Hill Road to the present Olmstead Rd. and then you go 100 ft. and it would tie into I-164 as an interchange. Then you have a good two-lane road already processed to go all the way up into Warrick County to the Daniel Boone Gun Club, which he has depicted on the map. He has talked to some Warrick County officials and they prefer that route to Lynch Road -- much prefer that, because a drop-off at Lynch Road is not going to help anyone going to Telephone and Epworth Roads. What we are really talking about is a convenience road for Whirlpool and the new Airport. St. George is the way to get there. On the end of the airport a frontage road could be put in, and the people using St. George can go right into the airport without getting out on U.S. 41. Further, the people coming to Whirlpool can turn left and be in Whirlpool's parking lot. If they take Lynch Road, they have to turn right on Highway 41 to get to the Whirlpool parking lot and still have to continue on to get to the airport. St. George would, in effect, serve this area. Since we want to expand the airport and make it nice -- let's give people a way to get there.

We have a good way to get to St. George Road; Peter's Road will take us right there with no problem at all. If we wanted to, we could upgrade a bit on Oak Hill Road and get right down to St. George Road. Truck traffic coming off I-164, once in Evansville, will either go south to Henderson on Highway 41 or north back to I-164; they will not go back out to I-164.

In conclusion, Mr. Folz said he leaves the Board with two requests:

- 1) They want Green River Road fixed immediately.
- 2) Resolve Pigeon Creek flooding; if we allow another earthen dam to be put up

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we are going to subject a lot of people from the Iriquois Drive area, Aspen Drive area -- all the way into Chandler.

Mr. Folz then entertained questions from the Commissioners. Commissioner Cox said that at least a year ago the County Commissioners met with the Warrick County and Gibson County Commissioners re the concern of cleaning out the Little Pigeon Creek. They had done extensive work in their counties. Vanderburgh County did enter into an agreement with them and provided the money for them to do our portion. Mr. Folz said Little Pigeon Creek is the one out by Wansford Yards? Mrs. Cox said that is correct. Mr. Folz said what he is referring to is east. Everything is clean to the Warrick County-Vanderburgh County line; it is cleaned out and cleaned back. This can be seen from Stevenson Station Road. Mrs. Cox asked if we didn't clean anything of Vanderburgh County? Mr. Easley said the money was used to clean Pigeon Creek in Vanderburgh County to the Warrick County Line....all the log jams that Warrick County asked us to remove. Mr. Folz asked what about the ones in Pigeon Creek now on our side? Mr. Easley said they were removed last fall. Mrs. Cox interrupted that they were supposed to have been removed! Mr. Folz said they were not and are still there. Every log jam and every mess is still in Pigeon Creek; there has been nothing cleaned out. Mrs. Cox said we spent \$5,000 for this. Mr. Folz said that \$5,000 wouldn't even get us 200 yds. inside Vanderburgh County from Warrick County. Mr. Easley said there were four (4) major log jams that Mike Feldbusch asked us to clean and it was Mr. Easley's understanding that he was happy with what was done. We did exactly what they asked us to do. This was a contract negotiated by the County Surveyor. He requested that Mr. Folz check with Mike Feldbusch and then call him tomorrow. Mrs. Cox said the Commissioners appropriated the money; they got the right-of-way and were supposed to have done the work for the amount of money put up.

Mr. Folz asked Mr. Willner if he recalls the day that he, Mr. Folz and his father started out from the Pigeon Creek mouth on Crawford-Brandeis ditch, which is just about one (1) mile from the Warrick County line? Mr. Willner indicated he does recall that. Mr. Folz said that area is still log-jammed all the way to the Warrick County line; nothing has been done to it, especially around the Pigeon Creek area west of Green River Road bridge. The whole area is absolutely full of log jams.

Commissioner Willner asked Mr. Easley to whom we let that contract? Mr. Easley said there were two (2) firms, one of which was Quentin Stahl. They wanted until August to get it done. Mr. Folz said the Commissioners may want to look into this. If they like, he can walk it with them, but he guarantees the log jams are still present.

Again, he hopes the Commissioners will (1) fix Green River Road, (2) fix Pigeon Creek, and (3) consider helping him and others make St. George the road to go as opposed to Lynch Road. They will help in any way help is needed to make St. George Road fly. But, they will not help the Commissioners to build Lynch Road across their area.

Commissioner Willner thanked Mr. Folz for his presentation and asked if anyone else in the audience wanted to speak?

Mary Ann Schnepfer of 4200 N. Green River Road approached the podium and said that Saturday morning she and her husband, Lee, were going home and all the basketball traffic was going thru town. The traffic was bumper-to-bumper from Morgan Avenue to her driveway -- and some nice man let them turn into their driveway. But this is almost two (2) miles and a lot of things can happen when you have two (2) miles of bumper-to-bumper traffic. Last week she was coming thru the city part (about 1½ blocks from Theater Drive to Morgan Avenue) and they had not done anything to the holes in the road. She stopped because two cars in front of her stopped and the man in a jeep behind her (bless him) went into the ditch to keep from hitting her. She called the City Engineer and told him they had to do something about it; he said he had just talked to the contractor and he has twenty (20) men out there working. She told him that she had just driven thru there and no one was there except a man with a backhoe. They were working on Theater Drive, which does not have the amount of traffic that Green River Road has. Something must be done. There are no shoulders; you can't get off the road; if you meet an emergency vehicle there is no place for you to go -- unless you're lucky enough to be close to a driveway and you can get into the driveway to let the emergency vehicle pass.

Kent Roebuck of 2405 N. Green River approached the podium and also spoke on the traffic jams and chuckholes, etc.; in Green River Road. He said what makes it so bad is that the holes are so deep on both sides that everyone is riding the center -- and drivers

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are driving doorknob-to-doorknob. The main thing he wants to know is whether the County Commissioners can tell him the date that Green River Road will be starting a four-lane and the completion date of same?

Mr. Hatfield is attempting to purchase some property from Mr. Roebuck and his sisters and their Trust at the bank. His complex will create 400 jobs for this community. Also, if anyone needs to see what area he is talking about, he has marked a map. Also included is Neville, because Neville has started on his project. A lot of this is contingent upon what the County Commissioners are going to do. Supposedly, they are going to widen Green River Road.

In addition to the 400 jobs, Mr. Hatfield's project was going to create a fair amount of assessment in the area -- and this is something you could count on now, not down the road a couple of years from now. Mr. Roebuck's family has owned this ground since 1853 (March 16th). Since that time, they have yet to sell a piece of ground that has not been to their betterment. Unfortunately, that is not quite true; because they sold right-of-way to the County for Green River Road on October 27, 1969. He was before the County Commissioners a few years concerning drainage improvements, which eventually were made. The only reason his family sold the right-of-way to the County to begin with was because of the right of eminent domain. The County told them that if they didn't sell they'd come thru and condemn them because they needed to widen Green River Road and the County would have the right of eminent domain. The Roebucks were paid a total sum of \$2,800.00. The agreement says, under pertinent point #1, these improvements would be provided for in 2, 4 to 6 years or when the road is improved. The Roebucks were led at that time to believe that Green River Road would be widened to four lanes in no less than six (6) years and they agreed to sell the ground. Thus, they have been waiting for sixteen (16) years to have Green River Road widened. The County owns all the right-of-way with the exception of a piece of Schnepfer's property at Hirsch Road. Mr. Roebuck said he hates to think what we could possibly do with Lynch Road or any other road if we've had the right-of-way for Green River Road for sixteen (16) years and have done nothing.

With regard to traffic flow, he read in the Evansville Courier yesterday an editorial that said the Courier-Press conducted a study and found that almost 50% of the cars in the Green River Road shopping area were from out of county. Prior to the completion of I-164, they just had Washington, Oakland City, Petersburg coming down here. Since I-164 has been completed they come in here from Jasper, Huntingburg, St. Meinrad, Ferdinand, Dale...all coming down Green River Road.

Mr. Roebuck said he feels the Commissioners made a wise decision in backing the airport expansion. Part of the reasoning was that people who came into Evansville would have a better impression of the city if we had a nice airport. He thinks they would also be impressed if they had some decent roads once they got here...people who drive here on a weekly basis. On Saturday and Sunday there are more out-of-county people drive down Green River Road than come into the airport in a month.

As far as the environmental impact statements, Mr. Roebuck talked with Dave Gerard today. He said that it should be finished late summer and then we could get started. He then checked with the City Engineer's office and Fred Blumenauer said that they have most of their engineering work done. They send it to the state and they find something wrong with it and send it back, etc. Actually, we're looking for some federal money. Mr. Roebuck said he thinks the Commissioners are going to have to face the fact that they are going to have to get a bonding issue out and do Green River Road. A stipulation can be put in the bond whereby Federal funds will be applied for and any received will be used to retire the bond issue. But we can't go on year after year after year waiting for the Federal government to dole out, because we have no guarantee that when everything is completed this time that anything will be approved. The only thing we know is that we will have to pay 25%. The Commissioners are going to have to face up to the fact that we might have to pay 100% and bond for it now. Then if we get the federal funds, we'll retire the bond with the federal funds. But we can't just go on saying that as soon as this gets done and that gets done.... but when? When are we going to do something? The Roebucks sold the land to the Commissioners sixteen (16) years ago and they are about to the point (he, his sisters, his cousins, etc.) where they feel that ground is worth about three (3) times what it was when they sold it to the county. He doesn't know whether they ought to petition the court and have the land returned to them and then they will just start all over with the county. He'd like to know if the Commissioners can give him some kind of an answer.

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President Willner said he will certainly try -- but is sure he won't do it to Mr. Roebuck's satisfaction.

Mr. Roebuck said we're talking about jobs, the overall concept of Vanderburgh County that people have when they come into the area, the roads, safety, taxes, etc., etc. With all of this at stake, Mr. Roebuck said he can see no reason why something hasn't been done -- unless it is because we have an elected board and no one likes to upset the voters. The quickest way to upset the voters is to tell them we need some more taxes or bonds. But some board is going to eventually have to face up to the responsibility because they have a responsibility to the community that elected them and not just the next election

President Willner expressed appreciation to Mr. Roebuck for his comments. He said he will start to respond and encouraged the other Commissioners to "chime in" if they wish to do so.

- 1) Thanks to Mr. Folz for coming to the meeting. The first items mentioned were Diamond and Morgan Avenues. Both Diamond and Morgan Avenues belong to the state ----- and he has about as much input about what goes on at the state ashe just doesn't have any. The Commissioners decided that if they could hurry up Morgan Avenue that they'd pay for that bridge. What we did was really pay for it and not hurry it up -- but that is neither here nor there. The Commissioners also made a trip to Indianapolis to try to get the bridge up out of the flood plain, but were unsuccessful in this endeavor. He said Mr. Folz can take their trouble with the state to the state -- because he doesn't want to hear about them. That is the way it is. He has nothing to say -- his thoughts aren't heard. But he can't control the state, so there is nothing he can say to Mr. Folz and his group. We are getting a lot of dollars from the state. Division Street is the greatest amount of dollars ever spent in the State of Indiana -- so things are happening, and it is not all negative. He is not saying the state is the good guy or they wear a black hat. He says he does not listen to them; they do not listen to him; -- so they have a mutual agreement.
- 2) With regard to Lynch Road, when it was originally proposed in 1972-1973, he was against it. He would rather it had gone to St. George, Mt. Pleasant or even down to Hillsdale Rd. But he was outvoted -- and Lynch Road was never designed to go any further west; it is going to stop there -- there is no question about it. But it is still a viable alternative. If it goes to Green River Road or Telephone Road, it is going to be even more viable. Where was Mr. Folz when this decision was made? Mr. Willner fought the thing off by himself -- Mr. Folz was not here. Mr. Willner was voted down and he accepted that. Now we're trying to make it a viable alternative. Zayre says they are going to have 1,400 jobs and they want that road to I-164; and, they are going to get it as far as he is concerned, because that is the way we progress. And that is what Mr. Roebuck just finished saying, except that he was talking about 400 jobs rather than 1,400. Mr. Willner said he is going to turn Mr. Roebuck's argument right back to him. As far as Mr. Willner is concerned, we do not own all of St. George Rd; we probably could have a right of eminent domain on Whirlpool but we could not on the airport. There are F.A.A. regulations that say we cannot get "x" number of 4-lane vehicles from St. George Rd. So, this is out as far as he is concerned. Mr. Folz has not done his homework or he'd know this. It is just too late. The time to have done it was in 1973 or 1974, before Lynch Road was started.
- 3) As regards Pigeon Creek, where does Mr. Folz want him to get the dollars? He knows Pigeon Creek needs cleaning out -- Mr. Folz is not telling him anything new. But we don't have one penny to do it with. It is against the law to take it from the Highway Department or taxes. In order to do anything with Pigeon Creek, a special conservative district has to be set up and this takes about seven (7) years. We have to have two or three public meetings. Where that has happened in Southern Indiana, it has been voted down something like 80% -- and you don't get them done. Therefore, he doesn't know what Mr. Folz wants him to do.
- 4) We are going to widen Green River Road; it is now "Number 1" on our priority list. Where does Mr. Folz want him to get the money? You cannot bond for roads today and say to the Federal government "pay me back tomorrow" -- it isn't done that way. They would laugh at you and wouldn't give you a penny.

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They let the contract; their specifications are theirs, not ours. It is not what Mr. Folz thinks it is.

Mr. Folz said the county doesn't have a contingency plan. Mr. Willner continued by stating the Commissioners do have a contingency plan -- it's wait until the Federal dollars say build it -- and then we have to worry about our 25%, and that's no small matter.

Mr. Roebuck interrupted by asking what makes Mr. Willner think the federal dollars are ever going to be there? Mr. Willner said he doesn't know that they are ever going to be there. Mr. Roebuck asked doesn't he think the Commissioners should plan in the event that they are not? Mr. Willner said it hasn't happened before. Mr. Roebuck said are we just going to deal with more hindsight?

Mr. Willner asked that Mr. Roebuck please allow him to finish his comments. He said it has never happened; when the environmental and everything is done, that the dollars weren't there. Granted, that might change; but it would be unprecedented if it did. In response to Mr. Folz's question about his contingency plan? He is not going to raise taxes if this is what Mr. Folz is saying. The state might well do so; it is the state's responsibility to give the gasoline tax and set the tax thru the legislature that gives us the right to repair the roads...and we talked about an article in the paper that said the Governor is talking about raising state taxes for roads; but it doesn't say anything about county roads. It is completely non-existent and we have great needs. In fact, it is probably worse than state roads. We passed the wheel tax; it brought us in \$320,000, and he would venture to say that the weather lost that much for us this time...and we didn't gain a thing. Mr. Willner said he cannot control the weather, just as Mr. Folz cannot. So for this year, we're down the tube there.

This year the Commissioners have said that Green River Road and Lynch Road should be done together and should be top priority. As soon as they can physically possibly do it they are going to do it. When that is he is not going to say because he does not know -- and he doesn't think anyone else knows either.

Mrs. Schnepfer said highway traffic was bumper-to-bumper; Mr. Willner said he came down from Haubstadt that same night and the worst intersection in Vanderburgh is Highway 41 and Busler's truck stop before you get to I-164; she should have seen the traffic there. The greatest traffic hazard in Vanderburgh County is at that intersection...and they were all going north because all of the teams were from the north. He knows what Mrs. Schnepfer experienced (but it couldn't have been any worse) but luckily it doesn't happen that often.

With regards to chuckholes in the city -- the county doesn't have anything to do with their crews. Mr. Bethel of the County Highway doesn't have any overtime left in his budget and we're out of blacktop, but buying it. We thought we had enough mix to hold us for the winter -- and it's not in the books because of the severe weather. We're back buying and paying more for it.

As for Mr. Roebuck selling his ground to the County for \$2,800.00, Mr. Willner thinks the county made a good buy and, if he recalls correctly, he believes he voted for it. And, he thinks the county will keep it!

Commissioner Cox said he doesn't want to be pessimistic and a lot of the things we're talking about happened before her time. She agrees that the County has done some very poor planning in our transportation. Mrs. Cox said she was born and raised on the west side of town; anytime you have a major south/north thoroughfare like St. Joe Avenue that stops at an interstate (and she can throw a rock to the interstate where the guardrail is) that is very poor planning. But that is past; that would have been ideal for a west route around the city and improve Ohio Street and install a new bridge over Ohio Street to hook up with Southlane Drive. But it seems like the people down here in Vanderburgh County are unique in that we can never agree on what we want to do. We couldn't possibly do anything to St. Joe now, with all the commercial development that has taken place on Diamond Avenue and Pennsylvania Street we couldn't afford to widen or do anything else to St. Joe. One thing she is proud of that was accomplished

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was that we did get the State to hurry up Morgan Avenue improvement. They weren't even going to consider this until way down the line; Commissioner Borries went up to Indianapolis and she has to compliment him on being able to get them to move on this with the understanding that we would put the bridge in. This is State and County working together. Pigeon Creek isn't seen as an entire loss; she was hoping that when the Warrick County and Vanderburgh County and Gibson County Commissioners met and made an agreement to all do our part to help alleviate everyone's problems, that perhaps now -- and she heard someone make the comment that the Corps of Engineers wouldn't come in and do their part -- they may come in and do their part. They did some work for us down on Old Henderson Road that we'd tried to get done for a long time, that people said couldn't be done -- and this was some rip-rapping. She thinks it won't hurt to try and she would like to see the County Engineer write a letter to the Corps of Engineers telling them that Warrick County and Vanderburgh County have done our share and we need help with this drainage problem. It certainly won't hurt to try. But here, again, we're not talking about tomorrow, next week or next month; these things take time and the rainy season is upon us. She guesses she personally will have to go out and walk to see what they did with the \$5,000.00 we paid to clean out the log jams, because that was the understanding she had and she thought it was done. Thus, she offers her apologies for that.

In addressing Mr. Folz, Mrs. Cox said that his plan mentions using the alternative to Lynch Road and using Mill Road. Again, the development that has happened along Mill Road -- and it has happened very, very rapidly, not only commercial but a lot of residential subdivision developments between Stringtown and Kentucky Avenue -- and right now the Commissioners are working very hard with Mr. Brenner, the County Surveyor, to get a new bridge over Pigeon Creek at Kentucky Avenue, with some improvement to Kentucky Avenue. She feels sorry for the people on Green River Road, as they have experienced some of the same problems as the people on Christ Rd., Mill Rd., Pfeiffer Rd. and Cardinal Drive with the heavy truck traffic that wants to get to commercial areas via the shortest route, cutting up the residential areas, knocking the glasses off the shelves and pictures off the walls -- and she believes it is time we did something to control this. And this is an improvement that we are planning for Kentucky Avenue, which would come in and turn into St. George Rd., and get the traffic off of Stringtown, which is certainly a good road to commute on -- and get it onto Diamond Avenue and then let it go on.

With regard to North Green River Rd., you mention Green River Road and you need a case and a half of Alka-Seltzer before you even get the words out. It is a mess and major headache from one end to the other. She sat on the Area Plan Commission for four (4) years, and one of the things she saw happening during that time was to gain the support of the developers who wanted to do things in certain areas of our community that our community is not quite ready for...putting in dollars and cents of their own money to help with some of these developments. Eastland Mall did it by extending Virginia Street; Mr. Harp at Harp's food and fish market is doing it to Vogel Road. We did get a commitment from Mr. Hatfield and from the Cinema to get in and put some money in the pot for the improvement on North Green River Road, with the light that would be necessary on Morgan Avenue and Green River Road. Personally, she would like for us to proceed with great haste on Green River Road. We're studying it now; the Environmental Studies -- she thinks we could hurry that up and commit the dollars that we have available to this. She does feel that this is necessary. Among the things she would not want to see happen, if she lived there, would be that to her North Green River Road is still residential area -- and she definitely would want to see the heavy truck traffic get off that area and use the designated truck routes. Mrs. Cox said she guesses she talked too much, but she does appreciate the residents coming to the meeting to share their feelings. Again, she does recommend that the County Engineer write a letter to the Corps of Engineers concerning Pigeon Creek. Also, as Mr. Willner said, she would like to see us reinforce the Lynch Road and Green River Road projects. She doesn't see why Green River Road project has to wait on Lynch Road. She believes we could do this with the county-committed monies. With the wheel tax in place now, all the residents have a personal investment in the potholes and road development, because they are paying a minimum of \$7.50 per vehicle to help with these funds. She believes this would be a good place to put the money.

President Willner then called upon Commissioner Borries for his comments. Mr. Borries expressed appreciation to Mrs. Cox for her nice comment on Morgan Avenue. Just to give the residents an update, he also appreciates their attendance at tonight's meeting and certainly would want to share their frustration. He is not going to apologize for decisions made long before he was on the Commission...which even go back to 1969. Decisions were made long before the current Board was on hand. However, the current

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Board is going to try to do the best they can and certainly want to hear the concerns of the residents and consider same. To give some idea of the "big bucks" involved in regards to road building, he would estimate that to currently do new roads (not to maintain existing structures we currently have) we're talking about \$1½ million right off the bat per mile. That is about what Burkhardt Road is going to cost and that is going a bit over a mile from Outer Lincoln Avenue up to State Road #62 (Morgan Avenue). The State has now told us that, based on negotiations we had concerning the bridge ..we were concerned about the size of the bridge; they wanted to build a 3-span bridge there and he believes they're still going to do that. The main problem is that it is not going to be above the flood plain; but that bridge will be built this year and Morgan Avenue (S.R. #62) will go to construction this year. They estimate that when S.R. #66 (the Division Street project, which as pointed out by Mr. Willner is the largest project ever undertaken by the State of Indiana) is finished (1988 or thereafter) the traffic on Morgan Avenue will decrease. Sometime in the future, assuming that I-164 is also built, that is the same projection that could happen to Green River Road. When I-164 is finished, traffic on Green River Road will decrease. However, dollars are so scarce -- we simply don't have \$1½ million to throw away (and our books are always open -- the public is paying the bill and these are their books --) and the residents have to realize that dollars can't be thrown haphazardly about in regards to road taxes. Essentially, we use two funds: Motor Highway Vehicle account, which has two formulas; and, Local Road & Street account, which are dedicated monies that do have to go into roads -- either building new roads or repairing roads. You can't use local property tax money for roads, which is why we did see a need for additional revenue -- and the State said they didn't have any solutions. Thus, the wheel tax is being used by a number of counties so people could see where their money is going. And we are going to try to do the best we can. We are better off than some parts of Warrick and Posey Counties. When we can qualify for Green River Road, Mr. Borries would like to see us go with it. We do have to do that Environmental this year. At that point, if the design work is finished (and the City is assisting us with that design work so we can save on expense there and not have to contract that out) we might be able to do that, assuming the Environmental, etc., is approved by 1986. Mr. Bethel has spent a lot of time on Green River Road; we do not want to pave it at this point and spend perhaps \$17,000 upward per mile on resurfacing and then come back and have that torn up if this road project would go next year. So this has been the choice that had to be made there. The Commissioners do, however, share the residents' concerns. They have his commitment that the County will try to do this as quickly as they can. We live in an instant society and we expect everything to turn on and off as quickly as our televisions and automobiles and road planning is not only expensive, but grows more expensive every year. You have to keep moving along thru this process. He does appreciate the residents' comments and wants them to know the Board is concerned about it and will do something with it as soon as they possibly can.

Mr. Folz asked what about St. George Road? Commissioner Borries responded that he is not certain at this point that with Whirlpool occupying the front end of that (it is their property right at Highway 41). Lynch Road was a strong factor for the Zayre Corporation to locate here. Shortly after they came on the Board, he and Commissioner Cox went with Commissioner Willner to look at that point of Lynch Road being finished. Again, that was probably \$1.2 million planned before they were on the Commission and it was finished except the large gap on the railroad switch at the Creasey Company. We were concerned about that, from a legal as well as safety point, -- that there was a gap which a motor bike, motorcycle, foreign car or small American car might have a problem with that. The railroad said there was no problem; that that was the design done by a design engineer and there was no problem. From that point on negotiations went down hill. It was about as easy to talk to them as it was the Russians from time to time and then the railroad changed hands and we had a breath of fresh air with some very cooperative people on the railroad. At that point, County Engineer Andy Easley entered the scene and offered to do all the design work, the Federal government agreed that since they had funded 75% of this that there was a design error on the road, and now -- over four (4) years later -- we are finally going to get that fixed. Again, that has been the ongoing kind of thing -- no delay on our part, but simply because you have to go thru these processes; you can't forget them but rather have to work thru them. The Commissioners will do the Green River Road project as quickly as they can.

(continued)

Mr. Roebuck interrupted by asking what the County did in the olden days before there were federal dollars to go after? Mr. Willner said he didn't think they built the roads very well. They simply decided to go a certain direction and then put a little gravel on it. That is part of our problems today, because when the frost comes out of the ground -- does Mr. Roebuck understand that process? -- it rains, soaks down and then freezes. When it thaws it heaves ...and then you have troubles. The less base that you have (everybody believes that the wearing surface is what breaks up and that is true) the more likely it is to break up. Whether you put hot mix, cold mix or concrete -- and Mr. Roebuck can well believe that some of our worst trouble in Vanderburgh County is concrete roads. The wearing surface is not the problem but what is underneath it --and the fact that we do not have the width to drain the road sufficiently. We have some roads with only 30-ft. right-of-way and they have 24-ft. of pavement. There is nothing there for ditches -- there is no place to even get off the road. It is not our fault and we can't help it because we don't have the right-of-way and do not have the \$2,800 to go out and buy the right-of-way; so we have to work it within our right-of-way and do the best we can.

Ms. Linda Romaine of 4006 N. Iriguois was recognized by the Chair. She said the road will be somewhere around 300 ft. from her house. They have backwaters that come up down the hill from her; it is her concern that if Lynch Road goes thru where it is currently designed, with the creek not cleared and the water being blocked by the big wall of dirt -- that the water problem will rise. The other plan which came out on the other side of the Evansville Day School was on the other side of the creek from her and the water would still be able to get to the creek. As it is now, there is no way for the water to get there. Before the Board makes a decision on Lynch Road or St. George Road or whatever, there is a 15 ft. to 20-ft. drop from where she lives to where the road is going thru. All of this will have to be filled with dirt -- and it is going to create valleys for the water. They do not need the water problem.

Commissioner Willner said he believes he knows what Ms. Romaine is talking about. Lynch Road is going to have to be built up thru the wetlands. Ms. Romaine said St. George wouldn't have to be built so high.

Mr. Willner said the Federal Aviation Administration says we will not build a road next to the airport period...and, being a Federal agency, they are bigger than we are. Insofar as Lynch Road ponding water, it will not. There will have to be tile under that road that lets the water drain exactly the way it does now or better. As far as drainage, there is no problem with that. They built I-74 across the country.

Ms. Romaine requested that before we go with Lynch Road that we look at the other option one more time. The creek is clogged and it backs up. She and the rest of her neighbors are still going to have water.

President Willner called upon County Engineer, Andy Easley for his comments. He said he came to Evansville in 1966 and Charles Day, the City Engineer, told him that the old Oak Hill Road bridge when they had the 1961 flood had a differential water level of some three (3) ft. The water was rushing to get to the west side of Oak Hill Road. When we had the high water in 1983 (part of which was backwater) -- but he does not believe we'd find the same problem today if we had the same headwater flood. We have a much larger bridge opening and he will do everything he can to see that they have the proper bridge opening under Lynch Road. He thinks the residents' fear of causing widespread flooding are not well founded.

One of the residents (name inaudible) was recognized by the Chair and stated that when the new bridge was built across Green River Road they had to elevate the road. The State came up with specs, but the same problem happened in 1961. The water was 1½ ft. higher on the east side of the road than on the west side. So we can't anticipate how much water comes down thru the drainage area during such a period.

Mr. Roy Kixmiller, who lives just north of Evansville Day School, asked who makes the final decision? It seems to him that the Evansville Day School playground would make just as good a place for the road to go thru as would the Agnew's house. Doesn't a citizen have any input whatsoever in trying to decide? Mr. Kixmiller said he lives right next to where the road will be; he will probably not be harmed....he then presented copies of the letter he had sent to the State Highway Department to the Commissioners to read at their leisure.

Commissioner Willner said that in response to Mr. Kixmiller's query as to who makes the final decision, the Board of Commissioners does make the final decision.

(continued)

Commissioner Cox asked Mr. Kixmiller if he attended the Public Hearing on Lynch Road Extension at the Evansville Day School which was held recently? Did he voice those concerns at that meeting? Mr. Kixmiller said he did attend and those concerns were voiced via Mr. Folz. In response to Mr. Kixmiller's query, Commissioner Cox said she is not certain the period is up yet where they can continue to receive citizen input on any impending road projects. Mr. Kixmiller said he just wants to know to whom to talk to plead his case.

Continuing, Mrs. Cox said this brings up a very good point -- and she knows that Mr. Roebuck gets very impatient. But, Thank God, the Commission had the insight to buy right-of-way sixteen (16) years ago on Green River Road, before it was needed. Had Commissions had the insight to buy right-of-way before we needed it "right now", we wouldn't be in the midst of these problems -- and that's a big point.

Mr. Folz said we moved Lynch Road 100 ft. and use A & B route...which was between the south end of the Evansville Day School and the aluminum company. But why is it that all of these routes are always drawn over the top, when there is plenty of room out there to miss people's home. There is plenty of room on the end of the Day School to miss people's homes--but the Board cannot, he cannot, and Mr. Easley cannot verify and tell anyone tonight that Ms. Romaine's house will not flood. In his opinion, if Lynch Road is built on the present route we will cause flooding all the way back (more so than ever before) to Chandler. If we raise the elevation on Green River Road 6 ft. to 8 ft. and put the four lanes down, we are still going to be subject to flooding unless Pigeon Creek is re-aligned and there is a large span bridge so that the water may flow freely. No one can guarantee that putting Lynch Road across will not flood out the Iriguois/Aspen area, taking it all the way back into Chandler. That is why it is imperative and important that we do something quickly with Pigeon Creek.

Continuing, Mr. Folz said he does not like the idea of a person coming into an open hearing and standing up and stating that the back end of the Day School is a nature center and they would like to keep it that way. Where we're putting the road through is a nature center, too. The whole thing is a nature center -- all tied into Wesselman Park. If you walk right up the creek, you come to Wesselman Park.

Mrs. Pat Kixmiller of 3900 Green River Road was recognized by the Chair. The Agnews and Risleys are her neighbors. She said that together they have walked the streets and talked to numerous people concerning this project. She objects to Lynch Road coming down her driveway....and a four-lane highway at her front door. They have lived out there thirty-three (33) years and thinks it important that they keep their place as a nature center. They try to keep it up; they keep it clean; they pay their taxes and are responsible people. Have they no say-so whatsoever about the situation? As far as Pigeon Creek being cleaned out, it has never been cleaned out behind her home as long as they've lived out there and they have some seven (7) acres. And they've seen a lot of flooding.

Commissioner Cox said she wished to comment concerning Mr. Roebuck's query as to how did they use to build roads? Mr. Willner stated that dollars are very precious and the County is able to do the things we are doing only with Federal participating monies, which means for every \$1.00 we put up, the Federal government puts up \$3.00. But as with everything else, it is not without strings attached. We have these things called "Environmental Studies" and you have snail-darters; you have bats hanging from the trees; you have rabbits; you have wetlands; and there are so many more factors that come into play in this day and age than came into play back when the farmers built the roads or the buffaloes walked around Ohio River and created Red Bank Road. Your hands are somewhat tied. Even if we improved North Green River Road with all County money, we would still have to do environmental studies on that.

Mr. Roebuck said he would like to see Commissioner Borries go with them when they bring the environmental impact study; he'd like to see the Commissioners follow thru, the same way when engineering goes to Indianapolis. He'd like to see people from both the Commissioners' and County Engineer's offices follow these along so we don't have to write the letters back and forth.

Commissioner Cox interrupted by asking Mr. Roebuck if he means face-to-face communication rather than letter-to-letter; or hand-carrying a letter. Mr. Roebuck said that is absolutely correct. He doesn't know when the last traffic count was done on Green River Road, but it is amazing as regards the weekend traffic.

Mr. Paul File of 4116 N. Congress Avenue was recognized by the Chair.

(continued)

Mr. File said that the environmental impact statements as concerns wildlife area and backwater flooding situation, the study done for Lynch Road figured Route A from the Fish & Wildlife Study and this route south of the Day School did much less destruction to the wildlife area along Pigeon Creek and also because it crossed Pigeon Creek out of the flood plain, it would minimize the potential problem if the bridge were designed with long enough a span. This would minimize the impact from headwater flooding and, in addition to that, this was the least costly route to put in Lynch Road. It took out fewer homes; it will require much less filling -- but he really doesn't understand given all the considerations why Route B is the plan preferred at the present time.

Commissioner Cox said one of the major reasons is getting an interchange at the I-164 spur. On your interstate highways they have controlled access where they allow interchanges every so often, and we were faced, again, with what Mr. Folz brought very candidly before us, building a road that went nowhere -- it ended. Thus, the Commissioners felt that Lynch Road was an important enough corridor to have an interchange at I-164 spur. By moving it down to a closer area (Morgan Avenue) would give access to go over, under or around.

Mr. File said he understands that is why they preferred Route B. But there will be no funds for an interchange there anyway and it would probably be cheaper to put in a side access road down from Route A to the interchange at Highway 62.....

Commissioner Cox said she takes a little exception to this. She met with the State Highway officials, along with Vanetta Becker and the Chamber of Commerce (she doesn't know whether Mr. Borries was present or not, but Mr. Willner couldn't make the meeting) and she feels sure we will gain participation funds for an interchange at Lynch Road.

Commissioner Willner said he wanted to express his appreciation to all who came to tonight's meeting. He is certain we can't take care of all the problems, but this Board has been very agreeable to anything that is reasonable, sensible, and if they have not done their jobs, he is certain they will. If there are any changes they can make to help the people they will. He has asked Mr. Easley to provide Mr. Folz with the address of Sebree, Craig & McKnight (the consulting and design engineer out of Indianapolis who is doing this) and he wishes Mr. Folz and his constituents would write to them on Lynch (Green River is being done in-house).

Commissioner Cox said that possibly 50 ft. could be taken off the Evansville Day School property as indicated by Mr. Kixmiller -- that is what Public Hearings are for.

Commissioner Willner said he believes that if Mr. Kixmiller feels strongly enough then he should write to Sebree, Craig & McKnight. The County is paying them enough that he is going to get their ear -- he guarantees he will, or they will not be consultants on the job next week. He wants Mr. Kixmiller to feel that at least what he has done has been heard here tonight. That is important to Mr. Willner...and it is important that the Board hears what he has to say.

An unidentified individual in the audience stood to leave and spoke brieflymost of which was inaudible. She did state, however, that the County should have a plan so when people buy property they will know what is going to be commercial and what is going to be residential....

Commissioner Cox said the Board just went thru that tonight on a rezoning. We have an overland land use development plan (which she thinks has been in effect for about two years now -- there were public hearings, etc.) for Vanderburgh County showing what areas are targeted to be commercial and industrial and what areas should be staying agricultural and residential. Yet, we have people who live in an agricultural and residential area who own property and their home who come before the Commissioners and want it rezoned to commercial.

Mr. Folz interrupted by saying he consulted with individuals at Whirlpool and was told that Whirlpool said they would give half if the city would give half to open St. George and to his knowledge nothing has been done on this. If you go to Louisville you will see an interstate highway 100 ft. from Louisville's air terminal; so, highways can be built pretty close.

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RE: ILLINOIS CENTRAL-GULF RAILROAD/ABANDONMENT

Commissioner Willner said he was informed today that the Illinois Central-Gulf Railroad was asking for abandonment. If his memory serves him correctly, the Illinois Central-Gulf Railroad runs thru the western portion of Vanderburgh County. They want to abandon the track which is behind the County Garage.....it goes thru Armstrong, Indiana. Commissioner Willner said he had a contact number (Area Code 312/565-1600) and asked that County Attorney Miller call them and ascertain that if they are going to abandon the track if it could be deeded to the Vanderburgh County Commissioners for future use as County government might see fit.

RE: AGREEMENT WITH WILD WEST CONCESSIONS, INC. - BURDETTE PARK

President Willner said that the County Commissioners have been working with Wild West Concessions of Rural Route #1, Wadesville, Indiana, to open the Trading Post at Burdette Park to a viable income for the park. We have tentatively agreed to do so with Don and Sandy McCormick (who consist of Wild West Concessions) to put a Trading Post in the old building between the pool and the Burdette Park office on the south side of the parking lot. Mark Tuley will be contacting Attorney Miller tomorrow and we'd like the contract drawn up as soon as possible. They would like to get started so they can be in business when the park opens up.

Attorney Miller asked if that will be a retail outlet? Mr. Willner said that it will. They will offer leather goods, souvenirs, jewelry, novelties, etc., etc.

Commissioner Cox asked what the County's commission is, and Mr. Willner said it is 20%. (They only wanted to pay 15%, but we are furnishing the building and the electricity and they agreed to pay 20% of their gross receipts. He said he thinks this is another step in the right direction to help the park move on. As soon as Attorney Miller has the agreement, the Commissioners want to review same.

RE: VOTING SYSTEM EQUIPMENT

Commissioner Borries said that Mr. Larry Lazart, Chief Deputy Auditor, has presented the Commissioners with a schedule for voting system vendors to make presentations to the Board, interested parties, the media, etc., as follows:

March 25	4:30 p.m.	A. E. Boyce Company
	5:15 p.m.	Automac Voting Machine Corp.
April 8	4:30 p.m.	R. F. Shoup Corp.
	5:15 p.m.	MicroVote Corp.
April 22	4:30 p.m.	Thornber Election Systems
	5:15 p.m.	Computer Election Systems

Commissioner Borries asked Mr. Lazart if the foregoing are confirmed? Mr. Lazart said that two (2) of them are. He set up the schedule on the basis of "If you want our business, you will come at that time." Mr. Lazart said that otherwise we'd be at it until November of 1987! The two confirmations were received from MicroVote and Thornber. He will contact A. E. Boyce Company and Automac Voting Machine Corp. this week. Mr. Borries asked that he advise the Commissioners and news media should anything happen that the first two vendors scheduled cannot be here, so as not to waste anyone's time.

RE: INDIANA LEGISLATURE

Commissioner Borries said this is Vanderburgh County Week and City of Evansville Week at the Indiana Legislature. We are hopeful that the I.S.U.E. bill will pass from the House tomorrow. With the "do pass" recommendation, we hope we will receive some consideration to allow local officials to decide on a proposed Food & Beverage Tax for airport improvements on Wednesday in the Senate. Those bills will be heard this week. There is also a host of other bills that are going to be of concern to us, particularly Senate Bill No. 270 re the changes that the State might have planned for the jails, which do not sound very good. This is one we'll anxiously await. There will also be a "Meet Your Legislators Session" this coming Saturday (March 23rd) at the Civic Center.

RE: BUILDING COMMISSION - MONTHLY REPORT

President Willner asked that the record state that the Building Commission Report for
(continued)

the month of February 1985 has been received.....report received and filed, with copies given to each Commissioner.

RE: CERTIFICATES OF INSURANCE

Green River Productions, Inc.: Country Western Shows on March 17, June 9, and December 15, 1985 at the Vanderburgh County Auditorium.

First District Medical Assistants: Card Party & Style Show at Vanderburgh Auditorium on March 21st.

Spring House Associates, Inc.: Sandi Patti Concert at the Auditorium on April 18, 1985.

RE: CLAIMS

Southwest Engineering, Inc.: Claim in the amount of \$8,500 for settlement of legal action, which was presented by County Attorney David Miller. Motion to approve claim was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Evansville Urban Transportation Study: Claim in the amount of \$17,000.00 for the County's share of the cost of EUTS for 1985 was presented. Motion to approve claim was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

David L. Jones: A claim in the amount of \$2,039.78 to David Jones, County Attorney, with attached correspondence giving breakdown of cost, was presented. Motion to approve claim was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Building Commission/Lewis Electric: Claim in the amount of \$15.00 for refund on Permit #9530-V to Lewis Electric was presented. Motion to approve claim was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

KLF, Inc.: Claim in the amount of \$2,209.22 for installation of two (2) 20-button telephones with flash operation in Sheriff's dispatch to interface with dictaphone recording equipment was presented. Motion to approve claim was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Jane Berry/Treasurer's Office: Claim in the amount of \$59.40 for motor lodge and meals in conjunction with a Treasurer's meeting held in Indianapolis. Motion to approve claim was made by Commissioner Cox, who said the Board had previously approved her attending said meeting. A second to the motion was provided by Commissioner Borries. So ordered.

Patrick Tuley/County Treasurer: Claim in the amount of \$59.40 for motor lodge and meals in conjunction with a Treasurer's meeting held in Indianapolis. Motion to approve claim was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

Patrick Tuley/County Treasurer: Mileage claim in the amount of \$80.16 for attending State-called meeting in Indianapolis was presented. Motion to approve claim was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

Commissioner Cox interjected that she has a question on the KLF, Inc. matter. She thought that when we got our new telephone system that we were going to be able to do so many of the in-house changes ourselves. Commissioner Willner asked that Mr. Lindenschmidt give the Board an explanation. Commissioner Cox said we now have a claim for \$2,209.22 and how much more are we going to pay per month? Mr. Lindenschmidt said he was told that the electronic telephones would not coordinate with the dispatch recording, etc. The only way to overcome the problems being experienced was to install different telephones. Mrs. Cox said that apparently an error was made, as KLF went from office-to-office and then told us what we needed. Mr. Lindenschmidt said, however, that some information had been deleted from the specifications. We will be getting a refund, and they will advise him of the amount. Commissioner Cox said that Mr. Bethel could have filled a lot of potholes for \$2,000!

RE: EMPLOYMENT CHANGES - RELEASES

Circuit Court

Paul Aarstad

626 S. Norman

P.T. Intern

\$3.35/Hr.

Eff: 3/08/85

(continued)

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COUNTY COMMISSIONERS
March 18, 1985

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Debra Hayden	505 Court St.	P.T. Intern \$ 3.35/Hr.	Eff: 3/08/85
Connie Gwaltney	Mill Shoals, IL	P.T. Intern \$ 3.35/Hr.	Eff: 3/08/85

Prosecutor

Dana Shuler	51 Taylor	Investigator \$17,747/Yr.	Eff: 4/12/85
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RE: EMPLOYMENT CHANGES - APPOINTMENTSCircuit Court

Paul Aarstad	626 S. Norman	P.T. Intern \$ 4.00/Hr.	Eff: 3/11/85
Debra Hayden	505 Court St.	P.T. Intern \$ 3.35/Hr.	Eff: 3/11/85

Pigeon Township Assessor

Magdalen Owen	1408 S. Roosevelt	P.T. Deputy \$ 30.00/Day	Eff: 3/18/85
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Clerk of Circuit & Superior Court

Jane Lockyear	2024 Polaris	Deputy Clk. \$ 35.00/Day	Eff: 3/9/85
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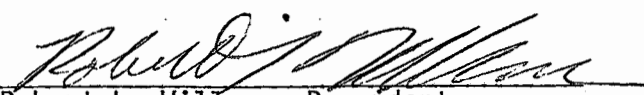
Vanderburgh Superior Court/Probate Division

Stacey L. Wise	406 Bob Court	Cler. Asst. \$ 11,972/Yr.	Eff: 3/06/85
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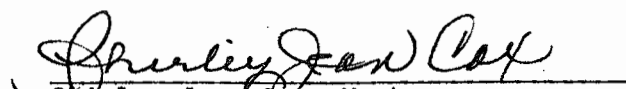
President Willner also had an employment change notice for Vanderburgh Auditorium, but the Board had questions. It was subsequently determined that Mr. Willner will discuss changes with Kim Bitz, Auditorium Manager, prior to submitting for approval.

There being no further business to come before the Board at this time, President Willner declared the meeting adjourned at 10:05 p.m.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	Robert L. Willner Richard J. Borries Shirley Jean Cox	Larry Lazart, Chief Deputy	David V. Miller
	<u>COUNTY ENGINEER</u>	<u>COUNTY HIGHWAY</u>	<u>BUILDING COMMISSION</u>
	Andy Easley	Bill Bethel	Roger Lehman
			<u>OTHER</u>
			58 (Approx.) Remonstrators News Media
<u>SECRETARY:</u>	Joanne A. Matthews		


Robert L. Willner, President

Richard J. Borries, Vice President


Shirley Jean Cox, Member

MINUTES
COUNTY COMMISSIONERS MEETING
MARCH 25, 1985

ACCEPTANCE OF STREETS & DRAINAGE IMPROVEMENTS/Green River Estates, Sec. "A"-- 9 & 10	
ALEXANDER AMBULANCE SERVICE/MONTHLY REPORT---February-----	4
AGREEMENTS	
Coroner's Office & Deaconess Laboratory-----Approved-----to be forwarded to County Council for Approval on 4/3-----	1 & 8
Coroner & Rodney F. Brown, Forensic Odontologist-----Approved subject to availability of funds; to go to County Council for Approval on 4/3--	2,3, & 8
Bridge Inspection Consultant/Floyd Burroughs---A. Easley to forward to IDOH for approval & return for Commissioner's Approval -----	10
CERTIFICATES OF INSURANCE -----	5
International Road Shows/Peter Starr Production Co. Green River Productions, Inc.	
CLAIMS	
Coroner/Post-Mortem Exams for Other Counties (22); see under CORONER above	3
George Ankenbrand-----\$57.60-----Approved -----	5
Helfrich Insurance Agency-----\$1,218.00----Approved -----	5
David V. Miller-----\$2,890.61----Approved -----	5
CLERK OF THE CIRCUIT COURT/MONTHLY REPORTS	
Reports submitted for December, 1984 and January/February, 1985 -----	4
COUNTY ATTORNEY - DAVID V. MILLER	
Notice of Claims (Damages; Paula Riggs & Robert Jochim-----Approved for forwarding to County Insurance Carrier for Defense -----	11
Coroner's Agreements---See AGREEMENTS above-----	8
COUNTY CORONER	
Agreements with Deaconess Laboratory & Odontologist---See AGREEMENTS above--1-3 & 8	
Claims for Post-Mortems for Other Counties; County Atty. to send letter with each claim-----	3
SIDS (Sudden Infant Death Syndrome)----County to receive Assistance; \$400.00 check to go to Treasurer-----	3
Indiana Commission/Forensic Science & Coroner's Meeting/April 15th-----Board authorized C. Althaus to attend -----	4
Deaconess Pathology Seminar/April 22nd ----Board authorized (3) people from Coroner's Office & (2) People from Sheriff's Office to attend at \$10.70 per person -----	4
COUNTY GARAGE - SOIL SAMPLES	
E.P.A. will be sending individual to conduct soil samples on ground where chemicals were stored, etc. -----	10
COUNTY ENGINEER - ANDY EASLEY	
Lynch Road Project-----Modifications, etc.---Not Finished-----	9
Acceptance of Streets in Green River Estates, Section "A"---Approved----- (Surrey Way---1,120 ft.; English Way---1,050 ft; Devonshire Place---480 ft.)	9 & 10
Bridge Inspection Agreement-----Easley to forward to IDOH for Approval -----	10
COUNTY EMPLOYEES - COMPENSATORY TIME -----	
Atty. Miller to submit Written Opinion/Plan for County Offices. In the interim, COMP Time is allowed if slate is cleaned within the same week (not the same pay period, but same WEEK)	11
COUNTY HIGHWAY	
Weekly Absentee Report & Work Report & Work Schedule -----	4
Soil Samples to be taken by E.P.A. where Chemicals were stored -----	10
COUNTY SURVEYOR - BILL JEFFERS, CHIEF DEPUTY	
Bridge & Guardrail Repair Report (2 weeks) -----	5
New Working Hours/Surveyor's Crew---(7:30 - 3:30 p.m.)-----	5
Complaints/Priority List -----	5
Millersburg Road Bridge (#77 over Blue Grass Creek)-----	6
All Right-of-Way Easements obtained-----Approved -----	6
Cover Sheet/Millersburg Road Bridge signed by Commissioners -----	6
Bridge design & Specs approved by the Commissioners-----	6

(continued)

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MINUTES
COUNTY COMMISSIONERS MEETING
MARCH 25, 1985

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, March 25, 1985, with President Robert Willner presiding.

The meeting was called to order at 2:30 p.m., with President Willner entertaining a motion concerning approval of the minutes of the previous meeting. Motion was made by Commissioner Cox that the minutes of the meeting held on March 18, 1985 be approved as engrossed by the County Auditor, and the reading of same be waived. A second to the motion was provided by Commissioner Willner. So ordered. He commented, however, that on Page 3, Paragraph 4, the word "not" needs to be inserted so sentence reads "and do not feel that is fair at this time..." The correction was noted by the secretary.

RE: COUNTY CORONER - CHARLES ALTHAUS

Letter of Agreement Between Vanderburgh County Coroner's Office and Deaconess Hospital Laboratory:

Coroner Althaus presented a Letter of Agreement between Vanderburgh County Coroner's Office and the Deaconess Hospital Laboratory, indicating it was identical to last year's contract. The agreement read as follows:

LETTER OF AGREEMENT

The following understandings and agreements have been established between the Vanderburgh County Coroner's Office and Deaconess Hospital Laboratory.

1. Bodies for Coroner case autopsies shall not be stored at Deaconess Hospital beyond the time necessary to complete the autopsy.
2. Autopsies on bodies which produce a foul odor sufficient to be present beyond the morgue room shall not be done at Deaconess Hospital but shall be conducted elsewhere.
3. Autopsies will be scheduled with Deaconess Pathologists in order to comply (when at all possible) with their work schedules and the schedule of the pathology assistant.
4. Participation in conducting autopsies with the Vanderburgh County Coroner would be a secondary responsibility for the Pathologists at Deaconess Hospital.
5. Overtime for Deaconess Hospital employees due to the conducting of an autopsy for the Vanderburgh County Coroner's Office will be held to an absolute minimum, and then limited to those cases which absolutely could not be postponed until regular work hours for the pathology assistant.
6. The consideration to be paid to Deaconess Hospital shall be paid on a fee for service basis at the rate of One Hundred Fifty Dollars (\$150.00) per case autopsied, plus the normal and usual charges for Lab Tests for Toxicology, x-rays; and other additional testing requested by the Pathologist in order to determine cause and manner of death.
7. In the event that either party shall violate any material provision of this Agreement, the other party may give the violating party written notice of such violation. Either party may terminate the contract with or without cause by providing the breaching party thirty (30) days written notice of termination of this Agreement.
8. The term of this Agreement shall be for a period of one (1) year, commencing effective the First Day of January, 1985 and terminating the Last Day of December, 1985, both dates inclusive. If no mutually satisfactory re-negotiation of this Agreement is reached by the County Coroner's Office and the Deaconess Hospital Laboratory, then this Agreement and the rights, duties and obligations of the parties hereto shall terminate as of the date of termination as set forth above.
9. In order to induce the Deaconess Hospital Laboratory to enter into this Agreement, the Vanderburgh County Coroner's Office does hereby agree to indemnify and hold harmless the Deaconess Hospital Laboratory, its physicians, and employees, against any claims, damages, or liabilities which the Deaconess Hospital Laboratory may become subject as the result of any act, or failure to act, on the part of the

(continued)

COUNTY COMMISSIONERS
March 25, 1985

Page 2

Vanderburgh County Coroner's Office.

DEACONESS HOSPITAL, INC.

By:

Charles R. Althaus, Coroner
Vanderburgh County

Alice McBride
County Auditor

Approved by the Vanderburgh County Council

Approved by the Vanderburgh
County Commissioners

Approved this 25th day of
March, 1985.

Robert L. Willner, President
Shirley Jean Cox, Member

A motion was entertained concerning the Agreement with Deaconess. Motion was made by Commissioner Cox that the 1985 Agreement be approved, as submitted, with a second from Commissioner Willner. So ordered.

Letter of Agreement Between Vanderburgh County Coroner and Rodney F. Brown; a Board Certified Forensic Odontologist:

Mr. Althaus said an agreement had been drawn up between Dr. Rodney F. Brown, a Forensic Odontologist (dentist) and the Coroner's Office. In this age, it is necessary that we get into forensic science; therefore, Dr. Rodney Brown is the only forensic dentist in this area. He is also on the Board at Deaconess Hospital; a member of the National Crime Information Center and has access to all the F.B.I. computers, etc. His fee would be \$250.00 per case for identification plus any laboratory fees that would be necessary. The County has not had his services other than on a contract of \$1.00 per year, and he felt that now with all the crime techniques being brought forth (as does Mr. Althaus) that it is necessary that we have a forensic dentist available at all hours. The Agreement read as follows:

LETTER OF AGREEMENT

THIS LETTER OF AGREEMENT, made and entered into by and between the Vanderburgh County Coroner, hereinafter referred to as the "Coroner" and Rodney F. Brown; a Board Certified Forensic Odontologist, hereinafter referred to as the "Forensic Odontologist".

WHEREAS, the Coroner, in the discharge of his duties, must make every effort possible to "positively identify every person whose death is investigated by his office, to employ a Forensic Odontologist possessing the education and training that meet the standards established by the American Board of Forensic Odontology for certification or a dentist holding an unlimited license to practice dentistry in Indiana acting under the direction of such qualified Forensic Odontologist to perform forensic dental identification procedures; and

NOW THEREFORE, it is agreed by the Coroner and the Forensic Odontologist as follows:

1. The Forensic Odontologist shall be deputized a Deputy Coroner of Vanderburgh County with the designation of Chief Forensic Odontologist for Vanderburgh County.
2. The consideration to be paid to the Forensic Odontologist shall be paid on a fee for service basis at the rate of Two Hundred Fifty Dollars (\$250.00) per case.
3. The consideration by the Forensic Odontologist shall be as follows:
 - a. The Forensic Odontologist shall perform forensic odontology procedures at the request of the Coroner, subject to the Forensic Odontologist's discretion in making arrangements with the Coroner and/or Chief Deputy Coroner as to the time of the performance of these procedures; when practical, the Coroner or his deputy shall be present.
 - b. The Forensic Odontologist shall encode the dental records of all unidentified persons into the Federal Bureau of Investigation's

(continued)

- N.C.I.C. (National Crime Information Center) computer. These dental records shall be collected by law enforcement agencies.
- c. Expenses incurred for special examination such as x-rays, impressions and models, photography, aluwax bites, and analysis of trace saliva - evidence shall be separately billed to the Coroner.
 - d. The handling and retention of items such as items of evidence and/or specimens saved for analysis shall be the responsibility of the Forensic Odontologist.
 - e. The Forensic Odontologist shall provide 24 hour coverage of the Forensic Odontology duties and when not available provide adequate coverage to the Coroner's Office by an Odontologist (non-forensic).
 - f. The Forensic Odontologist agrees to attend pre-trial conferences and provide expert witness testimony at the request of the prosecuting attorney. Fees for these services will be paid by the prosecuting attorney's office.
 - g. The Forensic Odontologist shall provide consultative service to other Vanderburgh County Agencies in regards to: unidentified living persons, bite mark evidence, and child abuse evidence. Fee for these services shall be paid by the individual agencies on a fee for service base.
- 4. The Coroner reserves the right to consult with another Forensic Odontologist in a particular instance when the Coroner deems it necessary and appropriate. The Coroner will pay the costs of this consultative service.
 - 5. The Forensic Odontologist may, at his discretion, request the special consultative service of another Forensic Odontologist and if the Coroner agrees, such Forensic Odontologist shall be retained. In such cases, the Coroner will pay the costs of this consultative service.
 - 6. Either party may terminate this contract by giving the other party notice, in writing, Thirty (30) days prior to the date of termination.
 - 7. The effective date of this contract shall be the _____ day of _____, 1985.

DATED this _____ day of _____, 1985.

Charles Althaus
Coroner, Vanderburgh County

Rodney F. Brown, D.D.S.
Forensic Odontologist

Approved by the Vanderburgh
County Council

Auditor, Vanderburgh County

Approved by the Vanderburgh
County Commissioners

Claims: Mr. Althaus said he has twenty-two (22) claims to be sent out to other counties for post-mortem examinations that Vanderburgh County had to pay for last year and the first part of 1985. He will see that these get to the County Attorney's office. He talked with the County Attorney since he last discussed this matter with the Commissioners. The Attorney will send a letter, along with each claim; if we do not receive money from any of the counties, we will then go to the Attorney General for additional funds.

SIDS (Sudden Infant Death Syndrome): Coroner Althaus said that the Deputy Coroner, Richard Woods, has been very interested in working with the local, State and Federal Health Departments on SIDS. He has been working so close and going back after the death of these babies -- going back and talking to the family -- and sending our report onto the National organization and they are now going to help us start paying for our post-mortem examinations. He currently has \$400.00 which will be going to the County Treasurer for these types of deaths. We've had three (3) this year and all the forms have been sent in one (1) more. We will be getting some return on our work in this area.

(continued)

Indiana Forensic Science/Coroner's Association Meeting: Mr. Althaus asked to attend the Indiana Commission Forensic Science/Coroner's Association meeting on April 15th. He requests permission to stay two (2) nights and travel expenses. In response to Commissioner Willner's query as to how many would be attending from here, Mr. Althaus said he will be the only one -- and it is mandatory by law that he attend.

Deaconess Pathology Seminar - April 22nd: Mr. Althaus said Deaconess is holding a Pathology Seminar on April 22nd, bringing in Dr. Rick Hoover, Forensic Pathologist, to discuss "What is a Coroner's Case and When is an Autopsy Indicated?" He would like to send three (3) people from the Coroner's Office and two (2) from the Sheriff's Office. The registration is \$10.70 per person.

Motion to approve Mr. Althaus' request concerning the Forensic Science/Coroner's meeting and the Pathology Seminar at Deaconess was made by Commissioner Cox, with a second from Commissioner Willner. So ordered.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Absentee Report/Employees at County Garage: Mr. Bethel submitted copies of the Weekly Absentee Report for employees at the County Garage for period March 18 thru March 22, 1985.....report received and filed.

Weekly Work Report & Work Schedule: Also submitted was the Weekly Work Report for the same period.....report received and filed. Attached to the Work Report was the following Work Schedule:

Patch: Old Princeton Rd., Coal Mine Rd., Hogue Rd., St. Joe Avenue, Old State Rd., Mt. Pleasant Rd., Evergreen Rd., Meadowview, Rode Rd., St. George Rd., Holly Hill, Old State Rd., Five Dollar Rd., Martin Station Rd., Green River Rd., Orchard Rd., Upper Mt. Vernon Rd., Creamery Rd., St. Joe Rd., Motz Rd., Kleitz Rd., Schmitt Lane, Baumgart Rd., Old Henderson Rd., Burkhardt Rd., and Mesker Park Drive.

Gradall: Hogue Rd., St. Joe Ave., Darmstadt Rd Nisbeth Station, Mill Rd., Creamery Rd., Heckel Rd., Kansas Rd., Browning Rd., Woodland Hills and Lynn Rd.

Grader: Mann Rd., St. Joe Avenue, Day Rd., Kneer, Kissel, Staub Lane, S. Weinbach, Wright Rd., Miller Rd., Little Schmuck, Roesner, Tree Top Lane, Booker Rd., Melody Lane, Emge, Buente, Millerburg, Schutte Rd., and Buente Rd.

Trash Crew: Shop, Kasson Rd., Hogue Rd., S. Weinbach, River Rd.
Working on Pug-Mill. (Ready to go)
Snow Plows (storage)

Commissioner Cox asked if we will now be making our own cold-mix, rather than buying it, since the pug mill is ready to go? Mr. Bethel said that is correct; he hopes to be able to start by the end of this week or the first part of next week.

Sheriff Shepard had entered the meeting and said he'd like to comment that his officers are making daily reports on potholes, and Mr. Bethel's crew calls in every morning to get a road check. Commissioner Willner said this is good, because they are still popping up. One day you drive down the road and there's no pothole; the next, there's perhaps a big one. Mr. Bethel said that Green River Road is a good example.

RE: ALEXANDER AMBULANCE SERVICE, INC.

Mr. Willner submitted the Monthly Report from Alexander Ambulance Service, Inc., for February 1985.....report received and filed. (Copy given to Jim Lindenschmidt.)

RE: CIRCUIT COURT - MONTHLY REPORTS

Monthly Reports from the Clerk of the Circuit Court for December, 1984 and January and February for 1985 were submitted.....reports received and filed.

(continued)

RE: CERTIFICATES OF INSURANCE

International Road Shows, Inc./Peter Starr Production Co.: Certificate for show/meeting on March 28th at the Vanderburgh Auditorium.

Green River Productions, Inc.: Country Western Shows on March 17th, June 9th and December 15, 1985 at the Vanderburgh Auditorium.

RE: SCHEDULED MEETINGS

County Council/Finance Committee Meeting - 2:00 p.m. March 27, 1985

Commissioner Willner said that Commissioner Borries is in Washington, D. C. today with the School Program.

President Willner also extended condolences to Commissioner Shirley Cox, in the loss of her father-in-law. In response to President Willner's query, Mrs. Cox said that her father-in-law is at Miller & Miller Funeral Home; the funeral is scheduled tomorrow, March 26th, at 1:00 p.m.

RE: CLAIMS

George Ankenbrand: Claim in the amount of \$57.60 (mileage) for Special Prosecutor, George Ankenbrand, in conjunction with case of State versus Hufnagel was presented. County Auditor Alice McBride advised that bookkeeping had checked the claim and verified that money was available in the account to pay the claim. Motion to approve claim was made by Commissioner Cox, with a second from Commissioner Willner. So ordered.

Helfrich Insurance Agency: Claim in the amount of \$1,218.00 for addition of three (3) vehicles to Business Auto Policy was presented. Motion to approve claim was made by Commissioner Cox, with a second from Commissioner Willner. So ordered.

David V. Miller: Claim in the amount of \$2,890.61 for legal services rendered during February was presented. Commissioner Willner said he had reviewed the claim and finds it in order. Motion to approve claim was made by Commissioner Cox, with a second from Commissioner Willner. So ordered.

RE: COUNTY SURVEYOR - BILL JEFFERS, CHIEF DEPUTY

Bridge & Guardrail Reports: Bill Jeffers, Chief Deputy Surveyor, advised that no one from their office was present for the March 18th meeting; therefore, he is submitting the Bridge & Guardrail Reports for periods of March 11 thru March 15, 1985 and March 18 thru March 22, 1985.....reports received and filed.

RE: TRAFFIC SIGN/BASELINE & OLD OWENSVILLE ROADS

Commissioner Willner interjected that before he forgets same, would Mr. Bethel please contact the Traffic Department re traffic sign which has been torn down at Baseline & Old Owensville Roads. Mr. Bethel indicated he would take care of this.

RE: COUNTY SURVEYOR - NEW WORK HOURS

Continuing, Mr. Jeffers said that they have now begun working at 7:30 a.m. and quitting at 3:30 p.m., in hopes that this facilitates the garage a bit better on their change between 1st and 2nd shifts. They are thinking that possibly this summer --when it gets light earlier -- they may start work at 7:00 a.m. and quit at 3:00 p.m., if that is what the County Garage Crew is doing.

Basically, they have been rip-rapping some washouts that have occurred over the winter; repaired guardrail damaged during winter months; installed four (4) new culverts (12-inch, 18-inch, and 24-inch) over the past two weeks, etc.

With regard to complaints from the public, the majority concern complaints to the highway department inspector....and they are trying to get this list in priority order; it is rather difficult when so much is coming in at one time. If the Commissioners have any special problems directed to their attention, he asked that they let the Surveyor's Office know and they will try to move them up higher on the priority list!

(continued)

Millersburg Road/Bridge #77 Over Blue Grass Creek: Mr. Jeffers said they have finally obtained all the right-of-way grantors to sign the right-of-way or Easement Agreements. It ended up costing the county \$757.00 in cash and other considerations, including some new driveway culverts -- which would have had to have been put in if the old ones were damaged when they came out, anyway.

Mr. Jeffers said the bridge is exactly 1/2 mile east of Green River Road and 1/2 mile west of County Line Road.

Commissioner Willner asked if the culvert is to be put in when the contract is let for the bridge -- we're not going to put it in before? Mr. Jeffers asked to which culvert Mr. Willner is referring? He responded he is speaking of Millersburg Road -- Mr. Jeffers said he had a driveway culvert. Mr. Jeffers said that each of the grantors basically has a driveway in front of his house -- and we're going to give them nice new driveway culverts, etc., as part of the "other considerations". Action was taken on the Easements, as follows:

- 1) George Young, Jr.; Cost \$750.00; It is the recommendation of the Surveyor that this be approved. Motion to approve Easement Agreement between George Young, Jr. and Vanderburgh County was made by Commissioner Cox, with a second from Commissioner Willner. So ordered.
- 2) Audie Lewis Hicks; \$1.00 plus Other Considerations, which include a 40 ft. 12 inch aluminum driveway culvert. Motion to approve Easement Agreement was made by Commissioner Cox, with a second from Commissioner Willner. So ordered.
- 3) Robert L. Ewin; Cost \$1.00 plus Other Considerations, which includes one (1) 40 ft. driveway culvert 12 inches in diameter and help in covering up a pipe of his purchase for his front ditch. He will purchase the pipe and we will cover it. Motion to approve Easement Agreement was made by Commissioner Cox, with a second from Commissioner Willner. So ordered.
- 4) Irma Anna Tepool; Cost \$1.00 plus new driveway culvert. Motion to approve Easement Agreement between Irma Anna Tepool and Vanderburgh County was made by Commissioner Cox, with a second from Commissioner Willner. So ordered.
- 5) Lawrence F. & Lucille C. Titzer; \$1.00 plus any surplus sandstones of the abutment are to be placed in a hole to keep the water from Blue Grass Creek from going onto their property. Motion to approve Easement Agreement between Lawrence F. and Lucille C. Titzer and Vanderburgh County was made by Commissioner Cox, with a second from Commissioner Willner. So ordered.
- 6) Vera Dremstedt; Cost \$1.00 plus Other Considerations, which includes a driveway pipe. Motion to approve Easement Agreement between Vera Dremstedt and Vanderburgh County was made by Commissioner Cox, with a second from Commissioner Willner. So ordered.
- 7) Glen W. Dremstedt; Cost \$1.00 plus Other Considerations, including a field entrance pipe and relocation of a fence. Motion to approve Easement Agreement between Glen W. Dremstedt and Vanderburgh County was made by Commissioner Cox, with a second from Commissioner Willner. So ordered.

President Willner expressed appreciation to Mr. Jeffers and said this sounds like a good piece of work.

Mr. Jeffers said the "Cover Sheet" on the Millersburg Road Bridge needs to be signed by the Commissioners so the Surveyor's Office can proceed. The project has already been budgeted. They would like to proceed with seeking bids from contractors for replacement of the Millersburg Road Structure #77 over Blue Grass Creek. Mr. Jeffers said the specs are practically finished; they do have to add some special provisions concerning the driveways, etc. Specs will be completed by April 8th.

It was subsequently determined that the Notice to Bidders will be advertised on April 1st and 8th, with bid opening on April 29th. The project must be begun by June 7 and finished no later than September 1, 1985.....which is included in the specs. The September 1st finish date is just two (2) days before the first day of school. Bid opening would be April 29th, with bids being taken undervisement for one (1) week, and the contract awarded on Monday, May 6th. Commissioners Cox and Willner proceeded to sign the "Cover Sheet".

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The Chair entertained a motion to approve bridge design and specifications for Millersburg Road Bridge (Bridge No. 77). Motion to this effect was made by Commissioner Cox, with a second from Commissioner Willner. So ordered.

Mr. Jeffers said this project is one that has required extensive time to acquire right-of-way agreements. It must be built this summer, due to the I-164 proposed to be built in 1986. He expressed appreciation to the Commissioners for their cooperation on this project.

In response to a query from County Engineer Andy Easley, Mr. Jeffers said the new bridge will be 82 ft. in length; there is about 1,000 ft. of elevating the roadway. They are elevating the bridge approximately 6 ft. above the old bridge to get it out of the 1961 flood plain.

Proposal for Invitational Bids/Pipe Project on Schaeffer Rd. in German Township:
This would be about 850 ft. north of Mohr Rd. and 1,320 ft. west of North St. Joe Avenue. This is an old pipe; actually it is two pipes which they attempted to connect and they have separated and the roadway is caving in on both sides...and the fill is seeping down thru the middle of the roadway, also. In response to President Willner's query as to whether this project is too big for our own crew, Mr. Jeffers said it is 6-ft. diameter iron boiler in place ten (10) ft. underground. Mr. Jeffers then presented copies of the general specs outlined for this project. He said he thinks we could go with the same four (4) contractors previously contacted, as we got some good bids from them. Mr. Jeffers said the existing problem has been a continuing complaint from the public and the highway has been concerned about it over the past year. The Surveyor's office feels that this is something that has to be done.

President Willner asked if Mr. Jeffers has an engineer's estimate? Mr. Jeffers said they are hesitant to release that information on invitational bids. President Willner asked if Mr. Jeffers has sufficient money in the account for this project? Mr. Jeffers said it will come from the Bridge Fund.

The Chair entertained a motion. Motion was made by Commissioner Cox that the Surveyor's Office be authorized to proceed with this project, seeking at least four (4) invitational bids. A second to the motion was provided by Commissioner Willner. So ordered.

Ruston Lane - Bridge #106: Mr. Jeffers said that this bridge is located on County Line Road at the intersection of County Line East and Ruston Lane. It was scheduled for replacement in 1983. We were waiting for Shell Oil and various other companies, property owners, etc., to negotiate with the State to find out what the State route was going to be in that area. They learned today that the State Route for I-164 will be substantially east of the bridge and will not affect the bridge, itself. The bridge needs to be kept open for local traffic from Baseline Road, south along County Line, all the way to Boonville-New Harmony, which will have an interchange. There are several farmers in both Warrick and Vanderburgh counties who would require the use of this bridge, because it would be the only access to their farms on the east side of the new highway.

Mr. Jeffers said the Surveyor's office would like to go on Council Call to replace this bridge (55 ft. long) and the preliminary estimate is \$85,000. They are just notifying the Commissioners at this time that the Surveyor's Office does recommend replacement of the bridge. It was built in 1917 (an iron-truss bridge with concrete floor) and it is definitely in need of replacement.

The Surveyor's Office request permission to go on Council Call at the earliest possible date to ask for approximately \$85,000 to replace the Ruston Lane Bridge.

Commissioner Cox asked if Mr. Jeffers has a traffic count? He said he doesn't have that information with him at the moment...but it is very low.

Commissioner Cox asked what funds we have available in the bridge account? She doesn't want them all used before we get the North Kentucky Bridge over Pigeon Creek and the Fifth Avenue Bridge built. Mr. Jeffers said those are the two (2) big bridges in the future....and Mrs. Cox remarked "near future, I hope!" Mr. Jeffers said the Fifth Avenue Bridge is definitely going to be built and they are hoping the one on North Kentucky can be built. One of their employees will be talking to Seaboard in Jacksonville, Florida to discuss right-of-way acquisition for that one.

Commissioner Willner asked if we're only talking about Federal matching money for Fulton Avenue? Mr. Jeffers said we should get some Federal matching money.

(continued)

Commissioner Cox ask if we could qualify for Federal matching monies on the Ruston Lane Bridge? Mr. Jeffers said he doesn't think that structure is on one of those routes; to be truthful, he doesn't know -- but he doesn't think so.

Commissioner Willner asked that if on a busy day we'd have twenty (20) vehicles there? Mr. Jeffers said that when they surveyed that entire section to determine the bearing on County Line Road, there were two (2) to three (3) cars on a light day....maybe ten (10) on a heavy day. But it is all farm traffic and people who do water samples for the mine, etc.

Commissioner Cox asked how the Ruston Lane Bridge compares to the County Line East Bridge that we're thinking about? Mr. Jeffers said it is almost identical. The deck is different because it is a concrete deck, however. Commissioner Cox asked if Mr. Jeffers is thinking in terms of culverting this? Mr. Jeffers said the \$85,000 figure would be for a bridge. Commissioner Willner said he believes it is too big a creek for a culvert. Mr. Jeffers said this creek is a little larger than the Dennis Wagner Creek. It is the same branch of Blue Grass Creek that goes under the "X" Bridge (Bridge #44) -- it's that very same creek, only about 1½ miles downstream -- so it is a substantial size....probably 60 ft. from top of bank to top of bank.

Motion was made by Commissioner Cox that permission be granted to go on Council Call to request \$85,000 for replacement of Bridge #106. A second to the motion was provided by Commissioner Willner. So ordered.

Drainage Pipe/Green River Road: Mr. Jeffers said he'd been waiting for the City Engineer to come into the meeting to bring a bidding proposal for the drainage pipe along the east side of Green River Road that would service both Hatfield and Neville. However, the fellow who was to bring it in is currently out in the field with the State Highway Commission. If he arrives before the meeting adjourns, perhaps there will be time to explain the proposal to the Commissioners.

Awarding of Annual Ditch Maintenance Contracts/April 1st: Mr. Jeffers said that the ditch bids will be opened at today's Drainage Board Meeting, taken under advisement for one (1) week and awarded on Monday, April 1st. He has told the developers, engineers, etc., to hold off on subdivision drainage plan approvals until April 1st meeting since there are a number of other items which need to be covered today.

RE: COUNTY ATTORNEY - DAVID MILLER

County Attorney David Miller entered the meeting and apologized for being late. He explained, however, that Attorney David Jones was scheduled for today's meeting and had to be out of town -- and he didn't know he would be attending until he was in the middle of another meeting, but had arrived as quickly as possible under the circumstances.

Agreement between County Coroner & Deaconess Laboratory: Attorney Miller said he had noticed an error in the contract, carried over from last year, and that was that the effective date was March 1, 1984 and termination date was December 31, 1984, yet, the contract was said to be for a period of one (1) year. The new agreement had indicated March 1, 1985 thru December 31, 1985 (a period of only ten months). The Agreement (as indicated on Pages 1 and 2 of these minutes) has been revised to show effective date of January 1, 1985 thru December 31, 1985. Commissioner Cox said they have been operating under the agreement since the January 1st date. A motion was entertained concerning the amended agreement.

Motion was made by Commissioner Cox that the Agreement, as amended to reflect effective date of January 1, 1985 thru December 31, 1985 be approved. A second to the motion was provided by Commissioner Willner. So ordered.

Agreement between County & Rodney F. Brown, Forensic Odontologist: Commissioner Willner queried Attorney Miller concerning the agreement between the County and Dr. Brown. Attorney Miller said he had reviewed it and he would recommend the agreement be signed if it is in accordance with the Coroner's understanding and he has already indicated his approval. It tracks substantially the agreement that the County has with independent pathologist -- and the odontologist identifies people via their teeth. Commissioner Willner asked if there is any liability in signing subject agreement? Attorney Miller said only to the extent that the County incurs liability for the odontologist's charges, which he understands is contained in the budget of the Coroner. Commissioner Cox said only \$1.00 is contained in the budget. Commissioner Willner said we're changing the charge from \$1.00 to \$250.00 per case. County Auditor Alice McBride said the budget

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contains \$1.00 for the entire 1985 year. That is what they asked for last year.

Commissioner Willner asked if Commissioner Cox agrees with the Agreement in concept? She responded that she does. President Willner then asked if she would make a motion that the Board allow Mr. Althaus to go before Council to ask funds to implement the contract before it is signed? Mrs. Cox said it was her understanding that he would pay for this service as he does autopsy fees, laboratory fees, etc.

Commissioner Willner said this was a budgeted line item last year in the amount of \$1.00.

Commissioner Cox said wait just a minute!" He was a special deputy and the \$1.00 was his salary. But this is not for personal service....a salary. Attorney Miller interrupted that this agreement doesn't create any liability until such time as we use the service. The Board could approve the agreement, subject to the Coroner's being required to get funding before he calls the odontologist for his services.

There was brief discussion between Commissioners Cox and Willner concerning the purpose of odontologist's services. Commissioner Willner expressed opinion that his services are for "identification" purposes, where an autopsy is for the purpose of determining reason for individual's death. Commissioner Cox said that this is not necessarily true. An autopsy is a complete study of the body -- the eyes, teeth, hair, nails, etc., whatever it might be. And in addition to determining identification of a victim, you could have teeth marks on the body of a homicide victim.

Commissioner Willner asked if Mrs. Cox wants to approve the agreement, subject to funding? Motion was made by Commissioner Cox that the Agreement between Vanderburgh County and Rodney F. Brown, Forensic Odontologist, be approved -- subject to the availability of funds. A second to the motion was provided by Commissioner Willner. So ordered.

RE: COUNTY ENGINEER - ANDY EASLEY

President Willner called upon Andy Easley, County Engineer, for his report -- with a request that Mr. Easley advise the Board concerning Lynch Road. Is it finished?

Mr. Easley said he has a call in for the engineer; he did talk to Robert Townes and he said he would attempt to determine the status of work and get back to Mr. Easley before today's meeting started. As of yet, he hasn't heard anything. He does understand that they did have some trouble. Commissioner Willner said they must have, as we were supposed to have had the road open last Wednesday. Mr. Easley said he checked it last Tuesday and would have thought they would have been finished -- so he cannot provide an answer as to what happened.

Bill Bethel interrupted and said he was out at Lynch Road this morning. They were not working on it, although someone ran into our barricades over the weekend. The fellow was picked up for drunken driving. He flipped his car a couple of times and damaged some of their property as well as ours. Commissioner Willner said, however, that as of this morning we could not yet remove our barricades. He said this has to be the toughest job we've ever assembled.

Acceptance of Streets in Green River Estates, Section "A": Mr. Easley had submitted copies of the following letter:

March 19, 1985

Mr. Robert L. Willner, President
Vanderburgh County Board of Commissioners
305 Civic Center Complex
Evansville, IN 47708

Re: Acceptance of Streets and Storm Drainage Improvements
in Green River Estates Subdivision, Section A

Dear Mr. Willner,

Mr. Bill Bethel and the undersigned have made an inspection of subject street and storm drainage improvements that were repaired in 1984. These street improvements were constructed several years ago.

(continued)

All streets are paved with 6 inches of concrete and have been constructed in accordance with the approved plans. All joints in the pavement have been sealed and the curbs have been properly backfilled. All storm drainage inlets and storm sewers have been constructed in accordance with the approved plans.

The following is a summary of the length of the completed streets in subject subdivision:

Surrey Way -----	1,120 feet
English Way -----	1,050 feet
Devonshire Drive -----	480 feet

Total 2,650 feet = 0.50 miles

We are enclosing a sketch of the subdivision showing the completed streets in Section A of this subdivision.

It is recommended that the streets and storm drainage improvements in this subdivision be accepted for maintenance.

If you have any questions, please contact the undersigned.

Sincerely,

R. Andrew Easley, Jr.
County Highway Engineer

cc: Bill Bethel
Phil Heston, Heston Insurance Agency

Commissioner asked if all the streets are concrete, and the joints have been sealed to the satisfaction of Messrs. Easley and Bethel? Mr. Easley responded in the affirmative. The Chair entertained a motion.

Motion was made by Commissioner Cox that the County accept Surrey Way, English Way and Devonshire Drive for maintenance, as recommended. A second to the motion was provided by Commissioner Willner. So ordered. Commissioner Willner also requested that Mr. Easley make certain the subject streets are added to the highway mileage list -- what month does he do this each year? Mr. Easley said he already has a note in his file -- and the list is prepared each November.

Agreement/Bridge Inspection Consultant: Mr. Easley presented copies of an agreement prepared by Floyd Burroughs, our bridge inspection consultant (and said he needed the two copies back). The agreement follows the flow map that the State wants -- for us to hire a consultant to inspect the one hundred thirty (130) bridges. Mr. Easley asked the County Attorney to review it for form. We are to submit the agreement unsigned for the State to approve and sign, then they will return it. Mr. Easley requested permission to transmit the agreement to the State. Commissioner Willner granted same and said that this goes without a motion. When it is returned for the Commissioners' signatures, then a motion would be in order. Mr. Easley commented that the agreement is in accordance with the \$20,000 figure mentioned previously in a Commissioners' meeting.

Commissioner Willner requested that Mr. Easley keep the Commissioners advised if there is any problem on Lynch Road.

RE: SOIL SAMPLES/COUNTY GARAGE

Commissioner Willner said it is his understanding that the chemicals previously stored at the County Highway Garage are gone. The County has a letter from the E.P.A. asking that we take soil samples in the area where the drums were stored. We need to appoint someone to do that; should we go with Lee Stuckey? Mr. Bethel said the E.P.A. will send an individual down to take the samples. Commissioner Willner requested that Mr. Stuckey respond to the letter from the E.P.A. and work with the State in any way we can to determine if the ground underneath where the barrels were stored is contaminated.

(continued)

RE: NOTICE OF CLAIMS RE DAMAGES - COUNTY ATTORNEY

Attorney Miller advised that he has notice of two (2) claims against the county filed by Attorney Robert John in behalf of two (2) clients with respect to an accident which occurred on December 4, 1984 on North Green River Road, 200 ft. south of Green River Court. The claims will be referred to our insurance company for defense, since this is covered under our insurance package. Claimants are Paula Riggs of 2750 Lodge Avenue and Robert Jochim of 2750 Lodge Avenue, who were apparently in the same vehicle at the time the accident occurred. Attorney Miller noted that this is not an official complaint, but rather a Notice of Claim.

The Chair entertained a motion. Motion was made by Commissioner Cox that the Notice of Claims re Paula Riggs and Robert Jochim be referred to the County insurance carrier for defense. A second to the motion was provided by Commissioner Willner. So ordered.

RE: QUIT CLAIM DEEDS/COUNTY SURPLUS PROPERTY

Attorney Miller said he had received a packet of documents from the Auditor's office re County Surplus Property which was recently sold. In response to Attorney Miller's query, Secretary Joanne Matthews said there was a self-explanatory note attached. The eleven (11) parcels sold at auction of County Surplus Property on March 11th have now been paid for, documents are attached for purpose of providing legal description of subject property, as well as information on how the deeds are to be made -- which was provided by the individuals purchasing the properties.

Commissioner Willner said these properties have been paid for in the Auditor's office to the exact amount for which the properties were sold at the public meeting. What we need now are Quit Claim Deeds. Attorney Miller said his office will handle this.

RE: COUNTY EMPLOYEES - COMPENSATORY TIME

With regard to the recent court case on compensatory time, Commissioner Willner said the Board needs to ask Attorney Miller for a written plan for County Offices to go by -- not only the offices controlled by the County Commissioners, but the Auditor, Treasurer, etc., -- everyone concerned under the County Personnel Policy. The Board would like a written opinion and plan attack to the problem. In departments -- such as Sheriff, County Highway, Surveyor, etc., -- compensatory time is now allowed if you clean the slate within that week. Departments should try to adhere to this until such time as we receive an official ruling from the County Attorney -- without fail. If an employee works extra and he agrees to compensatory time, that time must be taken off in that week according to the recent ruling. Mr. Jeffers asked -- "Not in that same pay period"? Commissioner Willner said he believed the Judge said "within the same week" -- so let's keep it that way until we receive the written opinion from the County Attorneys. Sheriff Shepard said this would create a hardship for their department. Commissioner Willner said he knows it does; but it would create a hardship on Vanderburgh County if they had to pay time and a half, too!

RE: EMPLOYMENT CHANGES - RELEASES

Vanderburgh Auditorium

Jessie Byers	617 John St.	Leadman	\$16,238/Yr.	Eff: 3/14/85
Terry G. Walthall		Part-Time	4.10/Hr.	Eff: 3/15/85
James T. Douglas		Part-Time	4.10/Hr.	Eff: 3/15/85

RE: EMPLOYMENT CHANGES - APPOINTMENTS

Vanderburgh Auditorium

Jessie Byers	617 John St.	Part-Time	\$ 4.88/Hr.	Eff: 3/18/85
James T. Douglas		Part-Time	\$ 4.88/Hr.	Eff: 3/15/85

Commissioner Willner commented that Jessie Byers retired, but asked to be put on part-time, since he can earn "X" number of dollars per year.

Circuit Court

Connie Nalley	R.R.#1, Winslow	P/T Intern	\$ 3.35/Hr.	Eff: 3/11/85
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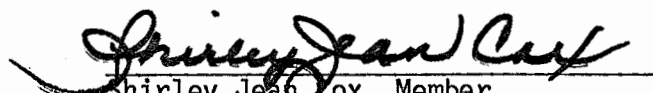
(continued)

There being no further business, President Willner declared the meeting adjourned at 3:35 p.m., with an announcement that there would be a break before the Drainage Board met in session.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	Robert L. Willner Shirley Jean Cox	Alice McBride	David V. Miller
	<u>SURVEYOR</u>	<u>COUNTY HIGHWAY</u>	<u>COUNTY ENGINEER</u>
	Bill Jeffers	Bill Bethel	Andy Easley
	<u>CORONER</u>	<u>OTHER</u>	
	Charles Althaus	News Media	
<u>SECRETARY:</u>	Joanne A. Matthews		


Robert L. Willner, President

Richard J. Borries, Vice President


Shirley Jean Cox, Member

227.

MINUTES
COUNTY COMMISSIONERS' MEETING
APRIL 1, 1985

AGREEMENTS

Between Coroner & Deaconess & Coroner & Odontologist---to Council 4/3----- 6
Between County & Tri-State Fire Protection, Inc. re Auditorium-----App'd.-----14-15
Between County & Tri-State Fire Protection, Inc. re Hillcrest Home -- App'd. ---14-16

APPROVAL OF MINUTES -----March 25th Meeting----- 1

AREA PLAN COMMISSION

Request for Waiver of Sidewalks-TALL TIMBERS SUBDIVISION -----Approved -----19-20
Request for Waiver of Sidewalks-BROOKVIEW SUBDIVISION -----Approved ----- 20
*Note: Rolled Curbs & Gutters are still required

BUILDING COMMISSION/DEMOLITIONS

2408 S. Red Bank -----Bldg. Commission authorized to proceed with demolition
subject to availability of funds----- 4 -5
2400 S. Red Bank -----Deferred for (30) Days--Lehman to report back----- 5
6616 Upper Mt. Vernon -Deferred for (30) Days--Lehman to report back----- 5
2405 N. Grove-----Demolition Finished---Project Complete----- 5
2407 N. Grove -----Deig has signed contract; work should commence ----- 5
2813 N. Grove -----30-Day Extension Granted ----- 5

BURDETTE PARK

Tuley authorized to advertise for bids on WATER SLIDE, subject to Council
approval of funding on 4/3 -----Advertise 4/4 & 4/11; Open bids 4/22----- 7
Tuley authorized to advertise for bids on TRADING POST 4/11 & 4/18; Open
bids on 4/29 ----- 7

CERTIFICATE OF INSURANCE ----- 18

CLAIMS

Jim Patton-----\$Claim for \$15.00 (Permit Refund)-----Approved ----- 18
Deig Bros./Middle Mt. Vernon Rd.-----Approved ----- 13

COUNTY ATTORNEY - DAVID L. JONES

Lawsuit against Board of Zoning Appeals-----Commissioners want City to
participate ----- 7-8
U.S. Supreme Court Ruling re Compensatory Time, etc. ----- 8-9
(Jones to draft letter for all County Offices ASAP)

COUNTY CORONER

Coroner on Council Call 4/3 to request Transfer of Funds -----Approved ----- 6
Letter from State Board of Health re SIDS System----- 6-7
(State will continue to reimburse County \$200 per SIDS autopsy)

COUNTY ENGINEER - ANDY EASLEY

Report on Earthquake Awareness Conference -----13-14
Corps of Engineers/Pigeon Creek---Easley to write Ltr. requesting assistance-- 14

COUNTY HIGHWAY - BILL BETHEL

Weekly Absentee Report, Work Report & Work Schedule----- 9-10

COUNTY SURVEYOR - BILL JEFFERS, CHIEF DEPUTY

Bridge & Guardrail Repair Report ----- 10
Mill Road Widening---Key Construction to commence work late this week or
early next week, as soon as SIGECO has gas lines down----- 10
Middle Mt. Vernon Rd. Project-----Deig has completed work----- 10
Millersburg Road Bridge #77---Specs are being prepared/Finish by 4/8----- 10
Schaeffer Rd. Project---Bid Opening is scheduled April 8th ----- 10
Ruston Lane Bridge #106 ----Bridge is being surveyed & estimate to be
available prior to 4/3 Council Meeting ----- 10
Green River Road/Drainage Pipe---Surveyor authorized to seek Invitational Bids 10
Burkhardt Rd./Installation of Culverts---Board authorized CLOSING of Burkhardt
COMPLETELY during intermittent periods of installation -----10-11
County Line Road Bridge---Board to take estimate under advisement ---Est.
Cost \$60,000 to \$80,000-----11-13
Kansas Road/Bridge-----County to begin proceedings immediately to vacate road
and bridge & give back to Wilbur Fehd-----11-12
North Kentucky Bridge #116-A---Surveyor authorized to seek Invitational Bids
& specs to be submitted for approval next week ----- 12
Claim/Deig Bros. on Middle Mt. Vernon Rd.-----\$4,765.20-----Approved ----- 13

(continued)

228.

COUNTY TREASURER	
Investment Report-----April 1, 1985 -----	3 & 4
EMPLOYMENT CHANGES -----	19
HOLIDAY OFFICE CLOSING -----Good Friday/April 5th -----	20
POOR RELIEF/KNIGHT TOWNSHIP	
Parker, Ramonda/2113 Kathleen Ave.-----	1- 3
Appeal re Schoolbook Assistance Denied; Mrs. West instructed to make a complete home investigation and report to Commissioners on April 8th.	
REQUEST FOR ROAD CLOSING	
SIGECO/Burkhardt Road----Approved----Road to be closed April 8,9 and 10 -----	18
SCHEDULED MEETINGS -----	18
April 3 - Wednesday - County Council	
April 8 - Monday - Voting Machine Equipment Demonstrations(4:30 & 5:15) (R. F. Shoup & MicroVote)	
TRAVEL REQUEST/VETERAN'S SERVICE -----Approved (2 People) -----	17-18
VANDERBURGH AUDITORIUM	
Bids on Parking Lot Equipment---Opening Deferred for (1) Week -----	3
Manager's Report on Expenditures, etc. -----	6
Change in Telephone Switch to same Switch as Convention & Visitor's Bureau-----	
-----Approved -----	16-17

MINUTES
COUNTY COMMISSIONERS MEETING
APRIL 1, 1985

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, April, 1985, in the Commissioners' Hearing Room, with President Robert Willner presiding.

The meeting was called to order at 2:30 p.m., with Sheriff Clarence Shepard declaring the meeting in session pursuant to adjournment.

The Chair entertained a motion concerning approval of the minutes of the previous meeting. Motion was made by Commissioner Cox that the minutes of the meeting held on Monday, March 25th, be approved as engrossed by the County Auditor and the reading of same be waived. A second to the motion was provided by Commissioner Willner. So ordered.

President Willner extended a special welcome to Commissioners Borries, who had missed the meeting on March 25th because he was in Washington, D.C., in connection with a school activity. Commissioner Borries said that during his trip to Washington he had an opportunity to spend some time in the Supreme Court, saw Congress vote on the MX, etc.

RE: POOR RELIEF - KNIGHT TOWNSHIP

Ramonda Parker/2113 Kathleen Avenue, City: The Chair recognized Mrs. Ramonda Parker and requested that she approach the podium, state her name and address and the nature of her request. Mrs. Parker identified herself and said she resides at 2113 Kathleen Avenue. She is requesting school books for her children. In response to query from Commissioner Willner, Mrs. Parker said she has three (3) children, ages 19, 15 and 11. Mr. Willner asked if there are two (2) children in high school and one (1) in elementary school? Mrs. Parker said her oldest child is at home -- she is not working right now. She is asking for school books for one (1) child (her 15-year old). She thought she was also getting books for her younger child (Johnnie) -- but she hasn't heard anything on those -- and doesn't know whether they have already approved books for him. They might already have approved that.

Commissioner Willner asked Trustee representative Emmy West how many children does Mrs. Parker need books for -- just one? Mrs. West indicated that this is correct.

Commissioner Cox asked Mrs. Parker if she has one child in high school, and Mrs. Parker responded in the affirmative. Mrs. Cox said that usually the elementary school/middle school age children on down only pay for school book rentals once a year. In high school, it is on a semester basis.

The Chair then called on the representative from the Trustee's office for her comments concerning the case. Mrs. West said the applications received this spring for school book assistance were for children who were new entries into the school system or high school students who had a change of classes at semester break. She believes that back in the fall the Trustee's office paid for school books for Mrs. Parker in the amount of \$56.91 -- this is shown on her record. She believes that at that point it covered all three of the children, if all three of the children were in school at that time. She did not pull last year's application, because she didn't think she would need it. This year, the Trustee chose to send out letters to the applicants requiring that they furnish proof of income via bringing same to the Trustee's office, showing what the income level was for the 30-day period prior to making the application. They received many, many school book applications for both the fall and spring semesters. They felt this was justified -- asking that they bring proof of income into the office. The letters were sent to the applicants on March 6th. The deadline for letting the Trustee's office know what their income was for the 30-day period prior to making application was March 19th. The applications are taken by the School Corporation and forwarded to the Trustee's office. Indiana Code 20-8.1-9-7 shows that the Trustee shall notify the School Corporation of his action within twenty-one (21) days of receipt of application. If the Trustee does not notify the School Corporation of his action within that period of time, the applicant is considered eligible. Therefore, a deadline is put on the Trustee's office insofar as getting applications processed within the 21-day period in order to know for whom they can and cannot pay school book rental.

What Mrs. Parker's case boils down to is that by the March 19th deadline, the Trustee had not heard from Mrs. Parker, as they did not hear from several others to whom letters were sent. On March 22nd, letters of denial were sent out to the applicants who did not furnish proof of income stating that the application for school book assistance had

(continued)

been denied for failure to provide proof of income for household, as requested via letter.

On March 25th, Mrs. West talked with Mrs. Parker for the first time. She asked how she could make an appeal re the denial concerning school book assistance.

Commissioner Cox asked Mrs. West if Mrs. Parker received the Trustee's letter of March 6th? Mrs. West said that during her telephone conversation with Mrs. Parker on March 25th, Mrs. Parker did acknowledge receiving the letter.

Mrs. Parker indicated that she had not heard Mrs. West's reply. Commissioner Cox explained that she had asked Mrs. West if Mrs. Parker received the letter sent out by the Trustee's office asking that if she needed textbook assistance that she must take proof of income to the Trustee's office before March 19th. Mrs. Parker said that she did receive subject letter. Mrs. Cox then asked, "But you did not reply to it by the March 19th?" Mrs. Parker said the deadline was on March 19th. She was going to the Trustee's office on March 18th, but her husband had to go to the hospital... they thought he had pneumonia. She said she does have papers on her today showing proof of income. She is on SSI and unable to work.

Commissioner Borries said he knows that school books are a big expense for Trustee and that is one of the reasons why the letter was sent to the applicants. How much has Knight Township Trustee's office spent on textbooks this past year? Mrs. West said they spent \$14,330 in 1984. She said she wanted to point out that the Trustee tried to make the letter as clear as possible -- the next to the last sentence states, "Failure to bring this information to this office will mean that the application for schoolbook rental will be denied and not paid."

Commissioner Borries asked that if in Mrs. Parker's case the Trustee did not hear anything? Had she contacted the Trustee on the telephone or the Trustee's office had received a telephone message -- ?

Mrs. West said that prior to March 19th the Trustee's office had a couple of applicants call them and state that they were having problems getting into the office. All the Trustee's office required of them was that they drop the proof of income information into the mails -- and indicated the Trustee would return their payroll stubs or whatever if they wanted it returned. The Trustee's office would simply make a copy and include it in their file. In Mrs. Parker's case, it is simply the fact that they heard nothing. The deadline was long gone, in addition to the fact that the Trustee's deadline for advising the School Corporation as to their intentions was right upon them. Therefore, the Trustee didn't feel that Mrs. Parker's emergency circumstance with her husband was a reasonthey felt that since the applications were mailed out on March 6th and husband's hospitalization wasn't until deadline of March 19th, that Mrs. Parker had ample time to get in touch with the office.

Commissioner Cox said that knowing how human beings operate -- 30% probably do it the first day they receive the letter, 50% wait until the last day, and those who wait sometimes get caught in an emergency situation.

Mrs. Parker stated that she did call the Trustee's office on a Thursday or Friday -- but the caseworker was not in at the time. Mrs. West asked when did Mrs. Parker call? It was determined that it was on a Thursday or Friday after the March 19th deadline. Mrs. West said the Trustee's office would not necessarily have to impose a deadline upon the applicants were it not for the fact that the Indiana Code imposes a deadline upon the Trustee's office. The Trustee's office only has 21 days to either let the School Corporation know or it is automatic that the Trustee's office pay the school book rental.

Commissioner Borries said then that it is the Indiana Code deadline and not the Trustee's? If he does not reply within that time period, then the School Corporation would assume that the applicant is eligible and, in other words, would look for payment from the Trustee.....not the applicant.

The Commissioners held a brief discussion during which Commissioner Borries said he could not see where the Trustee's office had violated any rules at this point; they have to follow the Indiana Statute. Commissioner Cox said they have to have time to get their paperwork in -- they can't wait until the last minute, because they have to notify the School Corporation. She said it is a shame that Mrs. Parker waited until the last minute and had an emergency; an illness can be a disruptive part of one's life.

(continued)

Commissioner Willner advised that the Board has requested that this appeal be denied. They have had two or three similar cases, and this is the first they have denied. In the other cases, the individuals were either out of town or did not receive the notification letter. Had that been Mrs. Parker's circumstance, the Board would certainly have overruled the Trustee's office. However, the fact that Mrs. Parker admittedly received the letter and did nothing with it until after the expiration date is the reason they are denying the request for assistance. They would ask that she not let this happen again. They regret that it happened this time. It is not the Board's or Trustee's deadline, it is a School Corporation deadline. The Board would hope that Mrs. Parker can go ahead and find a way to pay for the books this year. Next year, she should be on time in responding to the Trustee's office re required information, etc.

Commissioner Willner then asked if Mrs. Parker is on food stamps? Mrs. Parker said her husband will not be able to go back to work for six (6) months. In response to Commissioner Willner's query concerning individual who was with Mrs. Parker, she said the woman with her is not a relative -- she simply knows that Mrs. Parker cannot see very well and is hard of hearing. Commissioner Willner then asked Mrs. West if Mrs. Parker is on welfare or food stamps? Mrs. West responded that that information is not one of the required information categories on the school book application.

At the Commissioners' request, Commissioner Willner asked that Mrs. West conduct a home investigation to determine what is going on in the Parker family and report back in a week or two. Mrs. West said that she can conduct the investigation and get back to the Board next Monday, April 8th.

Teri Stokes of the Trustee's office said she went out to Mrs. Parker's husband's place of employment last week and he is working. Mrs. Parker disputed this, however. Ms. Stokes said she checked with Busler's and they said he was on their active file. She further advised that the Parkers are on the food stamp program; they received stamps in both January and February. To date, they have received none for March. Mrs. Parker said her husband was only able to work three (3) weeks during March -- after that he had not worked.....and will not be able to work for six (6) months.

Commissioner Willner advised Mrs. Parker that the Trustee's office is going to conduct a complete investigation and provide the Board of Commissioners with the facts. If there is anything the Board can do for her next week -- they will.

RE: VANDERBURGH AUDITORIUM - PARKING LOT EQUIPMENT BIDS

President Willner asked if any bids had been received on the Parking Lot equipment for Vanderburgh Auditorium? The secretary, Joanne Matthews, replied she had received nothing.

Mr. Bitz approached the podium and said he had requests from the three (3) vendors who replied to the Notice to Bidders that time be extended one (1) more week on the opening of the bids. They need a little more time to pull their thoughts together concerning the separate bids requested. He does have their assurance that the bids will be ready next week. The Chair entertained a motion.

Motion was made by Commissioner Borries that the bids on parking lot gates be extended for one (1) week. A second to the motion was made by Commissioner Cox. So ordered.

RE: TREASURER'S REPORT - PATRICK TULEY

Commissioner Willner said that the County Treasurer is not present today, but the following report on investments had been submitted.....report received and filed.

APRIL 1, 1985

TO: COUNTY COMMISSIONERS
COUNTY COUNCIL

Reassessment (249)--Invested \$1,000,000.00 January 7, 1985, at 8.8%. Estimated income at maturity is \$86,288.89. Maturity date is December 26, 1985.

(continued)

Monies on Deposit -- Invested \$500,000.00 (\$100,000.00 to each of the 5 Savings and Loans) January 8, 1985, at 8.1%. Estimated income at maturity is \$20,025.00. Maturity date is July 5, 1985.

Revenue Sharing (506)--Invested \$150,000.00 January 15, 1985, at 8.05%. Estimated income at maturity is \$5,500.83. Maturity date is June 28, 1985.

Local Roads and Streets (216)--Invested \$1,000,000.00 February 8, 1985, at 8.45%. Estimated income at maturity is \$42,250.00. Maturity date is August 7, 1985.

Cumulative Bridge (203)--Invested \$2,000,000.00 February 8, 1985 at 8.45%. Estimated income at maturity is \$84,500.00. Maturity date is August 7, 1985.

Monies on Deposit--Invested \$1,000,000.00 March 1, 1985 at 8.75%. Estimated interest at maturity is \$28,923.61. Maturity date is June 28, 1985.

Local Option Income Tax (413)--Invested \$300,000.00 March 5, 1985, at 8.65%. Estimated income at maturity is \$8,577.92. Maturity date is July 1, 1985.

Monies on Deposit--Invested \$1,000,000.00 April 1, 1985, at 8.57%. Estimated income at maturity is \$21,675.69. Maturity date is July 1, 1985.

Actual Interest Received to Date: Local Roads and Streets----\$3,276.00
County Revenue--\$43,794.83 (This represents the
\$30,246.22 reported last month
+ \$13,548.61 from interest
received during the month of
March = today.)

Advancement of Taxes Collected to Date: School Corporation---\$200,000.00
City of Evansville---\$191,150.00

RE: BUILDING COMMISSION/CLEAN-UP OF VARIOUS PROPERTIES - Roger Lehman

The Chair recognized Roger Lehman of the Building Commission and asked for his report concerning the clean-up of various properties.

2408 S. Red Bank Rd./Owner; Minnow Fisher: Mr. Lehman said there is a representative from Legal Services (Teresa Finn) here today in Mr. Fisher's behalf. She has talked with him on a couple of occasions and has been very helpful to Mr. Lehman. She and Mr. Fisher have come to the conclusion that it would be in his best interest to allow the County to go ahead and take care of razing his house and cleaning up the property and subsequently placing a lien on the property in the tax rolls. This is what they would like to do today.

Commissioner Willner said he has a little problem with that which he'd like to explain. He went before the Finance Committee --asked for \$2,000.00 for demolition. It will come up before Council on April 3rd. Thus, he does not have any money at this time and cannot let the Building Commission proceed with demolition on said property without said funds. The Building Commission could take it out of their funds until such time as they were repaid. Mr. Lehman asked if Mr. Willner anticipates they will approve the appropriation request? County Auditor Alice McBride advised that following Council approval, it would require approval by the State. The entire process should take about ten (10) days. Mr. Lehman said his department does not have a line item for County demolitions; thus, he thinks it would be better to wait a week or so. Could the Board approve the demolition of Mr. Fisher's house subject to funding being available? The bids previously submitted for subject demolition? Mr. Lehman believes the bidder will stick by his bid. The low bidder was Jim Wicks for \$750.00. The next bid was from Staub Excavating at \$1,700.00. Mr. Lehman said Mr. Wicks' bid was made on February 7th and he indicated effective period of 30 days. He does, however, feel that Mr. Wicks will stand by his bid.

Mr. Lehman asked if Ms. Finn had any comment. She said she would point out that her client did agree to have the house razed for \$750.00, not for any other amount.

Commissioner Borries asked what is going to happen to Mr. Fisher now? Ms. Finn said he had discussed this with Mr. Fisher and his wishes are to stay on the property site in the school bus in which he lives. He does have a coal-burning stove in the bus and he wishes to stay there.

(continued)

Attorney Jones asked if the bus meets Code specs? Mr. Lehman said they took Mr. Fisher out of the trailer last winter when the weather was freezing and had him placed in a temporary home -- because he was freezing to death. He spent the cold weather either at the Salvation Army or Rescue Mission, because the bus did not have adequate heating for cold weather. In response to query as to whether the bus had indoor plumbing, Mr. Lehman said he does not know. There is no question that the bus does not meet the Code specs. His impression was that we would deal with one problem at a time. The house is literally caving in ----- and presents a hazard to the public. While Mr. Fisher is creating a hazard for himself living in the bus, he is not really harming the general public.

Commissioner Cox asked if Mr. Fisher has any relative of whom Ms. Finn is aware? She said he does have relatives in Evansville. She talked with him and advised that he may have to do some things with the bus to make it meet Code specs, and she would be willing to work with him to have this accomplished. One of the reasons he has reluctantly agreed to have the house on the property razed is on the condition that he be able to continue to live in the bus until which time it is an impossibility for him. She discussed housing for senior citizens in Evansville. At this time, she does not consider him to be a candidate at all for any type of living arrangements. In response to Commissioner Borries query, Ms. Finn said Mr. Fisher is 74 years of age.

Attorney Jones asked if Ms. Finn is satisfied that Mr. Fisher is competent to maintain himself in a bus like that by himself -- without posing a risk to himself? That is the bottom line. Ms. Finn said she is satisfied that he is competent. Attorney Jones said he has a right to live any way he wants up to a point. Ms. Finn said it is less expensive than nursing home care or his being on medicaid or some other type of benefit program.

There being no further discussion, President Willner entertained a motion concerning the bid on demolition of the house. Motion was made by Commissioner Cox that the Building Commission proceed to have the contractor accomplish demolition, subject to the availability of funding, as approved by the Council and the State. A second to the motion was made by Commissioner Cox, with a second from Commissioner Willner. So ordered.

2400 S. Red Bank Road: The Building Commission had also taken bids on razing this building. The owner's father came in and obtained a repair permit on the front house on the lot, which is basically repairable. He has agreed to demolish the house on the rear of the lot. The Building Commission would like to take this under scrutiny for about thirty (30) days. At that time, they will report progress. If there has been no progress, then they will continue their efforts. It was the consensus of the Board that Mr. Lehman should keep this under scrutiny for thirty days and report back at that time.

6616 Upper Mt. Vernon Road: Owner, Carma Huck: Mr. Lehman said Mrs. Huck is present at today's meeting. He proceeded to pass photos to the Commissioners for their review of Mrs. Huck's property. At her last appearance, she had obtained licensing for a couple of the vehicles and obtained permission to put a tarpaulin over a couple of them. Other than the licensing and two tarps, they are basically right where they were.

Commissioner Willner asked if Mr. Lehman will continue to work with Mrs. Huck and report back to the Board in thirty (30) days. He said someone is going to come along and buy those antique vehicles one of these days.

2405 N. Grove: Mr. Lehman said this was a house demolition accomplished by the owner. The lot has been cleaned up and looks very nice. Thus, they do have one accomplished to date.

2407 N. Grove: Contract was let to Deig Bros., but they have not accomplished to date. The contract was drawn up and Deig has signed same. He suspects that they will be getting to that in the near future since the weather is better.

Commissioner Willner said he believes the Board approved letting the contract to Deig. He said this is also subject to availability of dollars. Mr. Lehman said the bid was for \$200.00--and the County could probably get that much together.

2813 N. Grove; Owner - Mettle: Mr. Mettle has accomplished the demolition of his house. There is quite a bit of debris left and he intends to get that cleaned up as quickly as possible. It is the recommendation of the Building Commission that a 30-day extension be granted to totally complete demolition and remove the debris. A motion to this effect was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

(continued)

RE: VANDEBURGH AUDITORIUM/MANAGER'S REPORT

Mr. Bitz said the only major expenditures at the Auditorium during March other than usual maintenance and supplies were replacement of the old fire alarm system with new Solid State equipment (done on the recommendation of the fire inspectors). The equipment they had could perhaps have lasted another year, but within that year they would have had to do something anyway. Thus, they thought it wise to move on it before they experienced some type of failure in the system. The cost for this was \$1,961.00.

The bid was finally let for the repair of the two columns on the northeast side of the building. Weather is permitting action on that right now. The cost for this is \$1,950.00. This will be done by Baker, Inc., who has worked on other columns where we've experienced similar problems in the past. As soon as the ground dries up enough to move their equipment in, they will be commencing work.

The following report was given concerning bookings during month of March:

<u>Days Building Occupied</u>		<u>Combined No. Events/Gold Room & Auditorium</u>	
<u>1984</u>	<u>1985</u>	<u>1984</u>	<u>1985</u>
16	21	15	21

Note: Bookings for the next three (3) months are up slightly over 1984 period.

INCOME REPORT

Income for March, 1985 was \$18,225.80

Income -- Year to Date

<u>1984</u>	<u>1985</u>	
\$37,882.63	\$50,076.59	INCREASE - \$12,193.96

RE: COUNTY CORONER - CHARLES ALTHAUS

President Willner advised Mr. Althaus that he is not scheduled on today's agenda. The Board's action last week was to approve both contracts submitted (between Deaconess Laboratory and the Forensic Odontologist)....the question concerned available dollars. The secretary advised that the contracts go to County Council this Wednesday, April 3rd for their approval.

Mr. Althaus said that inasmuch as he is 95% full-time, in his payroll he has two (2) assistants, and he only planned to use one (1) assistant. Anytime that it is necessary for him to use Dr. Brown for forensic dentistry to identify an individual, whatever his cost is he will transfer (with the Commissioners' permission) from Account 107-116 to the Dentistry account, which only has \$1.00 in it.

Commissioner Willner advised that Mr. Althaus will have to go before Council to obtain their approval. Since this is just a transfer, it will not require State approval.

County Auditor Alice McBride advised that since he plans to do this, he might as well go ahead and have the entire total transferred, so he won't have to keep going back and forth.

Mr. Althaus said he may need part of that later in the year for the autopsies.....and, if so, he could transfer the funds back into that account.

Commissioner Willner advised that Mr. Althaus should go on May Council Call to request subject transfer. Mr. Althaus said he spoke with Jean Wilke this morning and she had already put him on the April Council Call for April 3rd.

Letter from Indiana State Board of Health re SIDS

Mr. Althaus said he would like to take a couple of minutes to read a letter he received this morning from the Indiana State Board of Health, which says,

.....Thank you for the tremendous support of families whose infants die of Sudden Infant Death Syndrome in Vanderburgh County. I received a copy of the

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article in the Courier and Press on February 24th. This article was accurately written and a wonderful description of the support you are offering families in Vanderburgh County. It demonstrates the effectiveness of teamwork between the Public Health Department and the Coroner's office. The Vanderburgh County Sudden Infant Death Syndrome system, as a result of your efforts, is by far one of the best managed systems in Indiana."

Mr. Althaus said the letter goes on to state that they will continue to support us via reimbursing us \$200.00 on each autopsy caused by SIDS.

Commissioner Cox said she had a question. He had said he had \$400.00? Mr. Althaus said that is coming in. They filed everything that the State and National wanted them to file. Then they sent a claim to be signed by the Treasurer. Pat Tuley has signed same and it has been sent back to the State. It will then be sent to the County Auditor. We have two (2) that have been o.k.'d and one (1) on the way.

RE: BURDETTE PARK - MARK TULEY
Water Slide:

Mr. Tuley said that as the Board is aware, he's on Council Call this coming Wednesday concerning funding for water slide at Burdette.

He previously obtained approval from the Commissioners on the specs for the water slide. What he is seeking today in the essence of time, since we're going to try to get the water slide in at the earliest possible time for the beginning of the season -- pending approval of funding on Wednesday -- he would like the Board's permission to advertise on April 4th and 11th, with bid opening scheduled for April 22nd. He stressed again, providing Council approves the funding of the water slide. The specs have been prepared and approved by the Commissioners, and the ad has been prepared. Motion was made by Commissioner Cox that Mr. Tuley be given permission to advertise for bids on the water slide on April 4th and 11th, with bid opening scheduled April 22nd, subject to approval of funding by Council on Wednesday, April 3rd. A second to the motion was made by Commissioner Borries. So ordered.

Trading Post:

With regard to the Trading Post at Burdette, Council has advised that bids have to be advertised for this. He has prepared specs for this also, and would like to advertise on April 11th and April 18th, with bid opening being scheduled for April 29th. Mr. Tuley said this is basically a souvenir shop, which will be selling all kinds of things for campground, hats, shirts, etc. Motion was made by Commissioner Cox that Mr. Tuley be authorized to advertise for bids on the Trading Post on April 11th and 18th, with bid opening scheduled April 29th. A second to the motion was provided by Commissioner Willner. So ordered.

RE: COUNTY ATTORNEY - DAVID L. JONES

Lawsuit Filed by North American Islamic Trust, etc.: A lawsuit has been filed by the North American Islamic Trust as a result of a denial of rezoning by Area Plan Commission...which is not covered by any existing insurance policy. Mr. Jones said his office has undertaken to defend same. Commissioner Willner asked if the City is going to participate? Attorney Jones said he did not think so, because it is against the Board of Zoning Appeals (BZA)...which is a County board. Commissioner Willner asked if City Council was in any way named in that suit? Attorney Jones said the only thing named was the BZA....a county board. They are the county body which made the denial.

Commissioner Cox asked if they are not a combined board? Doesn't the Mayor have appointments on that board and the Commissioners have an appointment?just like the Area Plan Commission. You can't consider the APC a full county board.

Attorney Jones said that if the board is labeled either city or county by statute, that is how we treat it. And for payroll and insurances purposes, etc., it is set up as a county board. Commissioner Cox noted that it is the members of the board who are being sued -- not the office.....and they get nothing. The BZA members do not get paid.

Attorney Jones said this is one reason it is not covered by insurance; the statutory appeal to the Circuit Court from that denialthe zoning would or would not be granted -- it is not resulting in any money damage...it's not a claim for that.

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Commissioner Willner said it would be insofar as the attorneys are concerned...and he does want the City to participate.

U.S. Supreme Court Ruling re Compensatory Time: Attorney Jones said he had sent a letter to all the Commissioners, all County Council Members, and to the Auditor concerning a recent U.S. Supreme Court case (Garcia vs. San Antonio Metropolitan Transit Authority). That case recently handed down is going to have a tremendous impact on the units of local government....and will probably be one that just about all county officials can know the name of by heart. The holding in that case reverses a prior U.S. Supreme Court case of 1976. In effect, this recent case now says that the Fair Labor Standards Act and specifically the minimum wage and overtime provisions of the Fair Labor Standards Act now apply to units of local government -- state and counties. Before, there were none of these Federal Labor Laws which had applicability to states and counties -- we were all on our own. All of the different labor laws of these provisions could be ignored up to now. This case now applies minimum wage and overtime provisions. He does not believe that there is any job slot in the county that has any problem meeting Federal minimum wage. However, the system that has been widespread throughout the county offices of compensatory time is going to have to change. Basically what that means is that within any given pay period (whatever that pay period is) if an employee works in excess of 40 hours per week, compensatory time off to make up for the overtime must be given within that pay period. If it is a 2-week pay period, then the time off has to be given within the two weeks. Anything over 40 hours per week would have to be compensated, in cash, at time and a half beyond that pay period. In other words, you can't carry the comp time for weeks and weeks and months and months and give it to the employee later on down the road, which is what a lot of offices have been able to do...because the Federal Act didn't apply. In addition, there are other provisions which could kick in; for instance, Saturdays and Sundays...the double time provision holidays, in addition to time and a half over that. The other natural consequence is that all offices are going to have to carry a 40-hour minimum work week. If they set a 37½ hour week that's not a full work week and there is something over that, they could be liable for time and a half in cash without ever getting to the minimum 40-hour week that everyone else works. We're not talking paid lunches or any of that stuff. We're talking about a solid 40-hour work week. Otherwise, that office is going to be stuck for the actual cash that they have caused by generating that overtime. However, he has gone further and asked their labor lawyer to research this thing to determine if there is any way to get it waived -- to work it out -- get a promissory note-- I.O.U.'s, whatever. But he sees no way around this. The other thing about the case is that it got remanded back down to a lower Federal court to decide what retroactive effect, if any, it has. We don't know whether it starts as of the date of that decision or whether they are going to go back and say that there could be some consequences in prior times. It is Mr. Jones' urgent recommendation to the County that the County start from this day forward and go on from there -- and not worry about retroactive effect. It could be it could very well be cut off and would be of no concern to us. But he would make it clear to all office holders -- and we went thru this when the County Personnel Ordinance was adopted...it goes without saying that he will conduct a review of that in his office and recommend any amendments to the County Ordinance that is necessary to be in conformity with this case. But all the other county office holders -- those who hire and fire employees can set the hours of their employees and it was up to them from 1981 when the Personnel Policy was put in place -- that they sign off on it. In order to make the Personnel Policy applicable in their offices, they would have to sign off on the Ordinance and say that it does. Those that didn't were free to set their own. The Commissioners could only fix the benefits, the hours that this building are open and some other things. But the actual working hours were left to the officeholder. Now, that officeholder -- or whoever that person is -- he is not speaking against anybody, he's just giving the practicalities of the results of this case -- the policy is going to have to be uniform. We will have to toe the line like any other business out there does -- and set a 40-hour work week, because that is the threshold at which you clip off that overtime. At this time there is not an office in the county budget geared for that kind of overtime pay -- to be able to make that up. It is either change with the system or probably you throw employees overboard at the end of the year -- start laying people off to save salaries so you can make up the overtime pay for those who did work overtime. Attorney Jones said that, bluntly -- this is it.

Commissioner Willner asked if this covers salaried employees as well as hourly employees? He would not think so. Attorney Jones said that he'd better check that -- in terms of the definition.

Commissioner Cox asked what Commissioner Willner is saying -- that we make a difference

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between our employees insofar as those who are salaried -- and forget about them if they work overtime, and those who are hourly we pay overtime? We can't do that!

Attorney Jones said it applies to all employees -- it's just those who go over 40 hours

Mrs. Cox said that when you take a job in private industry at a salary, it may take two (2) hours one day and fourteen (14) hours another day...and you do it and that's it. But that is not the way it is set up here.

Attorney Jones said it will be for everybody...even though we have a salary ordinance that says \$15,000 or \$20,000, it is still the same number of hours for that pay...

Commissioner Willner said he doesn't think so; he is not an attorney and perhaps shouldn't say that. In private business when you pay somebody to do a job, that is a contract...it's not an hourly 40-hour week. When he hires supervisory personnel in his business, he hires them to do the job, whether it takes 80 or 100 hours per week.

Attorney Jones said the difference is this. When Mr. Willner sits here and lets bids to go put something in, the person whom he let the bid with is an independent contractor. That is not a county employee. But Attorney Jones is a county employee, and he pointed to other employees -- it's the people who are on the County payroll -- anybody, no matter what you call them; call them salaried, management, whatever. It is still these people right here; they work more than 40 hours and don't make it up inside the county two-week pay period, the County owes them time and a half. Independent contractors do not count.

Sheriff Shepard asked if the 40-hour week runs from Monday thru Friday? His department works Saturday and Sunday, as well. Attorney Jones said it is within a work week. There is a provision where you have those types of jobs; it is within a pay period -- we do it with a union contract all the time, where a facility has to be open seven (7) days a week...somebody has a 5-day work week; he may work Saturday and Sunday, but that doesn't mean he gets double time. As long as he gets his time off and doesn't work more than 40 hours within that week.

Commissioner Willner asked that Attorney Jones check the salaried part of it. Further, he requests that Attorney Jones draft a letter which the Commissioners can send to all department heads and officeholders depicting what he has just told the Commissioners, and also draft the revised verbiage necessary for the Personnel Policy. He would think that we need the letter within the next day or two.

Attorney Jones said he is going to ask the labor lawyer to do that; the Board is talking about something over his head. They will be waiting six (6) months if he has to research it. Attorney Jones said he would get the letter from the labor lawyer as soon as possible. Commissioner Willner asked that Attorney Jones give the master letter to Mr. Lindenschmidt and he will make and distribute copies, as required.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Absentee Report: Mr. Bethel submitted the Weekly Absentee Report for employees at the County Garage for period March 25 - March 29.....report received and filed.

Weekly Work Report: Also submitted was the Weekly Work Report for employees at the County Garage for the same period.....report received and filed. Attached to the Work Report was the following Work Schedule:

<u>Patched:</u>	Orchard, Boonville, New Harmony, Mesker Park, Meier, Kleitz, Kuebler, Felstead, Pollack, Fuquay, Spry, Diefenbach, Other Lincoln, Browning, Koring, Middle Mt. Vernon Rd., Old 460, Fisher, Green River Rd., Hogue and Allen Roads
<u>Gradall:</u>	Browning, Hogue, Koring, Middle Mt. Vernon, Burkhardt and Millersburg
<u>Grader:</u>	Baehl, Wallenmeyer, Bixler, Heddon, Young, Seven-Hills East, Mann, Trapp, Buente, Hornby, Carl Dr., Emge, Goebel, Motz Lane, Motz Rd., Moffet, Swope, Heerdink, Oak Grove, Chapel Hill Dr., Church Rd., Hogue, Kirchoff, Burkhardt, Sensmeier, Nuebling and Kissel.

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Mr. Bethel said they are working on the paving program....and will be mixing their own mix in the morning.

RE: COUNTY SURVEYOR - BILL JEFFERS, CHIEF DEPUTY

Bridge & Guardrail Repair Report: Mr. Jeffers presented copies of the Weekly Bridge & Guardrail Repair Report for period of March 25th thru March 29th.....report received and filed.

Mill Road Widening Project/Invitational Bid: With regard to the invitational bid awarded to Key Construction Co. on Mill Road & Henze Rd. project, work should commence by the end of this week or early next -- when SIGECO has completed their gas line removal.

Middle Mt. Vernon Rd. Project: Deig Bros. completed this project last week and he has the claim to Deig, which he will present before he completes his report.

Millersburg Road Bridge (#77 over Blue Grass Creek): Mr. Jeffers said the cover sheet has been signed, the specs prepared, and the first advertisement appeared in this morning's paper. The next ad should appear on April 8th. The specs are all ready with the exception of some special provisions, which will be added prior to advertising on April 8th.

Schaeffer Road Project: The invitational bids on Schaeffer Road project went out to three or four contractors last week and bid opening is scheduled for next Monday, April 8th.

Ruston Lane Bridge (#106): This bridge is presently being surveyed and he should have information for the Board by no later than Council Call time on Wednesday, April 3rd, as to how much the Surveyor expects this project to cost

Commissioner Willner said he understands that this road is on one of the paving lists; possibly this year. Would Mr. Jeffers add in his contract 500 ft. of blacktop on either side of that bridge? Mr. Jeffers said he believes they could go three (3) ways -- north, south and 500 ft. up Ruston. Commissioner Willner said we are not going to pave Ruston -- it is going to be a dead-end road once I-164 comes through. Mr. Jeffers asked if in other words Mr. Willner wants him to add 500 ft. of blacktop north and south? Commissioner Willner verified that this is correct.

Drainage Pipe/Green River Road: Mr. Jeffers said that he mentioned last week that the City Engineer had prepared general instructions to bidders. He has those here today and needs a motion to let that out for invitational bids. This is the drainage pipe that serves Hatfield's property, Neville's property and one other piece -- and we all went together, including the county.

Commissioner Willner asked if the Surveyor's office has examined same? Mr. Jeffers said they are basically the same type of invitational wording that the surveyor's office puts out for their contracts. Commissioner Willner asked what we're going to use for dollars on this? Mr. Easley said Green River Road is a road improvement and he believes we have funds available in the R&S account.....we made aerial photographs, got the city to do the design of same, etc....and money is available. County Auditor Alice McBride said there is \$555,000 in the account. The Chair entertained a motion.

Motion was made by Commissioner Borries that the invitational bids be issued. A second to the motion was provided by Commissioner Cox. So ordered.

Burkhardt Road (between Lincoln & Morgan): Mr. Jeffers said the City Engineer's office is also working with the county on Burkhardt Road (between Lincoln and Morgan Avenues) and they earlier mentioned that there were eighteen (18) structures which cross Burkhardt Road in that area and they thought they could close the road one lane at a time -- and allow traffic to move while half the road was closed. However, because of the narrowness of the road, they have changed their minds. They would like permission to close the road for installation of these eighteen (18) structures, one at a time -- so the road would be closed for a day and put in a culvert; open the road for 2-3 days and then close the road again. This would probably be stretched out over a period of 30 days or so.

Commissioner Cox asked the purpose of installing the culverts on a single basis like that? Mr. Jeffers said the structures are number south to north, 1 thru 18, and they want to start at the north end and put them in one at a time, coming down the road. It will

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take about a day for each one -- and they could open the road for 3-4 days in between the installation of each one.

Commissioner Cox asked what other road work they are doing? Mr. Easley said they will be doing part of the widening project, extending the ditch on the east side.

Commissioner Cox said they are going to leave at least one lane open -- but they want it all closed for one (1) day?

Mr. Jeffers said that initially they had told the Commissioners that they could put the eighteen (18) structures in while leaving one lane open. Now they feel that this would be too hazardous to the public and they would like to close the road completely each time they put one in. Commissioner Cox said there will be other road construction going on at the same time? Mr. Jeffers said he would assume that there will be.

Commissioner Willner asked who is actually going to be doing the work? Mr. Easley said a firm out of Clarksville, Indiana, will be doing the work. He commented that by the time you get a backhoe -- he gets right angles to the centerline and sticks his big bucket out there and digs a trench and moves to the west, he can't move very far to the east because he will be in a big ditch. It was not a good concept when they defined the scope of the work -- to close only half the road. The road is very narrow. He agrees that the entire road should be closed. If he is digging the western lane up, his tailend will be hanging out over into Crawford-Brandeis Ditch.

Commissioner Cox said she does not feel it is safe to have traffic on the road during any of the construction.

Mr. Easley said so many people live on the road that they will have to put up barricades and say "Local Traffic Only". Commissioners Willner and Cox said this would be the best way. There is a subdivision where they could enter via Lincoln Avenue. Mr. Jeffers said that on the north end, they could go up Oak Grove and go either into Vanderburgh or Warrick County. On the south end, there is Cherry Street (across from Lant Manor) where they'd have to come out ---or they could go around on Plaza and get out.

Commissioner Willner asked that the road be closed for all except local traffic. Mr. Jeffers said it will be intermittently -- the signs will have to go up and come down as they get these structures in.

Commissioner Willner said he also had a call about that bridge and promised that someone would be out today to look at it. He presumes it is one of the old concrete bridges on the east side. The fellow who called said the bridge is slipping down into the ditch and he doesn't think it will hold until the contract is finished -- and he wants someone out there to look at it. Mr. Willner told him he'd have someone out there yet today. Mr. Jeffers asked if he could make it tomorrow -- but Mr. Willner asked if there was someone else in the office who could look at it? He doesn't want someone suing us because there is a car down in the creek. That is why he told the individual that we'd look at it yet today. We might be able to dump a load of rock in there or something -- and have no more problems. But on the other hand, we might not.

County Line & Kansas Roads: With regard to County Line and Kansas Road bridges, Mr. Jeffers said he believes the Commissioners gave the residents thirty (30) days, which is up today -- would the Board want to extend that time for the residents to make a decision?

Commissioner Willner read the following letter from Mr. Wayne Fehd's legal representative:

March 27, 1985

The Board of Commissioners
of the County of Vanderburgh
305 Administration Building
Civic Center Complex
Evansville, Indiana 47700

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

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Gentlemen:

We are writing on behalf of Mr. and Mrs. Wayne Fehd concerning the bridge on Kansas Road near its intersection with County Line Road.

Mr. and Mrs. Fehd would like for the bridge to remain intact and not be removed, with the understanding that the entrance to the bridge would be barricaded. It seems to me that with this being done, the liability of the County would be no greater with the bridge in place than with the bridge removed.

In any event, Mr. and Mrs. Fehd are requesting that the County give them an additional 30 day period to and including the 30th day of April, 1985, before doing anything on this matter.

We would appreciate your reply as soon as possible.

Very truly yours,

JOHNSON, CARROLL AND GRIFFITH
Professional Corporation

By _____
John L. Carroll

cc: Mr. and Mrs. Wayne Fehd

Commissioner Willner said he had talked to the County Attorney before today's meeting and he sees no reason for us to put the matter off and suggested we go ahead and start the proceedings, which might take thirty (30) days to have the bridge declared vacant and returned to Mr. Wilbur Fehd.

Commissioner Cox asked that Commissioner Willner permit her to understand what we are asking. We're asking then that the road and the bridge that Mr. Fehd's property abuts be given back to him? Commissioner Willner said that is absolutely correct.

The Commissioners concurred that this is the action that should be taken, and the Chair entertained a motion.

Motion was made by Commissioner Cox that the county give the road and bridge back to Mr. Fehd. She then asked if we'd put up a guardrail? Commissioner Willner said that is correct. We are doing another one on Mill Road, which has been in the process for 30-60 days or more. So it will be quite some time before we are ready. What the Board is seeking now is permission to get the wheels in motion. A second to the motion was provided by Commissioner Borries. So ordered.

Invitational Bids on Bridge #116-A (N. Kentucky over Little Pigeon Creek): Mr. Jeffers said he has a request from the County Surveyor to seek invitational bids on Bridge #116-A, over Little Pigeon Creek at Sarto's Retreat -- to break up the existing delapidated concrete apron, which has slipped into the creek, remove it from the creek, break it up and use it as rip-rap along the bank. They expect this to be under \$15,000. The bridge was built in 1970 and the soil on the bank had moved and the apron is now laying in the creek and blocking the flow of water. The Surveyor's office will provide a set of specs next week, if the Board will agree in principle to seek invitational bids for that work.

A motion to this effect was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

County Line Road: Mr. Jeffers said that with regard to County Line Road, the Board has given a 30-day extension?

Commissioner Cox said there are two different roads involved. The Board did not give a 30-day extension on Kansas Road; the county is going to start proceedings immediately to turn that over to Mr. Fehd.

Mr. Jeffers said the Commissioners, then, wanted an estimate on what it would cost to put a culvert in on County Line Road? Commissioners Cox and Willner indicated that this is correct. Mr. Jeffers said last week he gave an estimate of \$35,000. This

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week Mr. Jeffers is upping the estimate because after talking with other engineers, they feel that if we install a culvert it will require concrete anchor lugs to hold it down in high water. The air trapped in the culvert may actually float it out of the roadway. By the time we got through designing this small 31' x 11' culvert, it became so expensive that they could actually put the bridge in for just a few thousand dollars more than if they designed a culvert for it. It was also pointed out to them that AMAX Coal Company is required to re-establish the terrain over in Ashire Mine, so that the portion of the drainage in the watershed pencilled out -- because the mine is holding their own water right now -- may eventually be back in the watershed. It may be another 20 years before it is; but when it is that culvert design wouldn't be large enough. Thus, they are back up to \$60,000 to \$80,000 for a bridge. The bridge is closed right now on the recommendation of the Engineer and Surveyor. If the County wants to re-open the road, it would cost \$60,000 plus for a bridge.

Commissioner Willner suggested the Board take this matter under advisement. They need to put this in a computer.

Claim/Deig Bros./Middle Mt. Vernon Rd.: Mr. Jeffers presented a claim to Deig Bros. in the amount of \$4,765.20 for Middle Mt. Vernon Road project. A motion to approve the claim was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

County Line Road Bridge: Commissioner Cox asked if Mr. Jeffers can give her the estimate figures once again on the County Line Road Bridge? Mr. Jeffers said they originally estimated \$80,000 for a 62-ft. bridge. If we trim that bridge down to the bare minimum that would be required to handle the water, we might be able to do it for \$60,000 -- but that is getting it down to 32 ft. rather than 62 ft. -- that is the bare minimum.

RE: COUNTY ENGINEER - ANDY EASLEY

Earthquake Awareness Conference: This past Wednesday, Messrs. Easley, Crooks and Hermann attended the Earthquake Awareness Conference in Paducah, Kentucky. They were very impressed with the turnout -- some 300 people from Illinois, Indiana, Kentucky, and Missouri. Among the attendees were individuals very familiar with earthquakes and the seismic probability that exists in the Ohio Valley and they urged those involved to return to their communities and try to implement a program -- not to worry people, but to make everyone aware of the fact that when they're constructing something, even if it's installing a new water heater, they should strap it to the walls --- because they feel that someday we could have a very destructive earthquake in our area. Such things as buildings are already being designed with a proper earthquake zone; we have some bridges over the Ohio River which Mr. Easley said he believes would jump off their abutments if we were to get a seismic shake of an intensity of 8 -- and he thinks they agreed they would like to see some kind of formal awareness program in the area. There was a meeting ten (10) years ago where they considered going to a Zone 2 in the Building Code and everyone was afraid we wouldn't be competitive with other states. If everybody in the River valley is going to have the same attitude, he doesn't think it would affect the economic life of the area. The Commissioners may be called upon to support such a program.

They told about one of the most important decisions you can make in a community if you have an earthquake -- this had to be made in California two years ago. The buildings were lying in rubble and they had plans about when they should turn off the gas pressure. The Mayor had to go to the gas building and tell the operator to shut off the gas pressure - even though he knew it might take two (2) weeks to again light all the pilot lights. And, they didn't have any fires. That is the type of decision that our gas company would be faced with. Mr. Easley went on to say that when he was a Navy officer in Texas, they got a slug of salt water thru the gas system and everything shut down -- all the diaphragms collapsed and this happened on a Thanksgiving weekend. They had to break everyone out they could get -- to go around -- and they spent some 20 hours re-lighting pilot lights. And that was just one installation in Corpus Christi. That is an immense decision for someone to make -- but it was thought provoking and something we don't like to think about. However, Evansville does have windstorms, tornados, and we've had our floods -- and anyone who tries to overlook it and think we'll never have an earthquake----they said that the New Madrid earthquake in 1811 had a force equal to 150 million tons of TNT -- and that would be one thousand times the strength of Hiroshima nuclear bomb that was released -- with all the shocks and after-shocks. We read about earthquakes that strike Chile, Turkey,

(continued)

California, etc., -- and think it could never happen here. As an engineer, Mr. Easley said he is really convinced that we should prepare; we may have another 15-20 years and then maybe we'd only get a Richter 5 or 6 -- maybe it won't be an 8. But they say that every 2-3 days there is a tremor along the fault; and every fifth to tenth tremor is felt by some community. They have all kinds of seismic stations around here; Bloomington has one; they have one in St. Louis; and they have them in Nashville and the seismographs aren't lying.

Letter to Corps of Engineers re Assistance with Pigeon Creek: Commissioner Cox said she would ask that Mr. Easley write a letter to the Corps of Engineers concerning assistance with Pigeon Creek. Mr. Easley said he is currently working on this. He is going to ask their assistance on possible re-alignments and we have two (2) bridges being built (one for I-164 and we have another bridge in the future on Lynch Road) -- and we want to know what the effect is going to be. Mrs. Cox expressed appreciation to Mr. Easley for taking care of this.

RE: AGREEMENT WITH TRI-STATE FIRE PROTECTION, INC./AUDITORIUM SPRINKLER SYSTEM

The Chair called upon Mr. Jim Lindenschmidt. He advised that Shambaugh & Son, Inc., with whom the County had recently entered a contract for inspection of sprinkler system at the Vanderburgh Auditorium and Hillcrest Home has left town. They made some recommendations as to who could do this job. Mr. Lindenschmidt contacted people in the business and obtained bids. The lowest bid was from Tri-State Fire Protection, Inc., with a \$50.00 per year savings on inspections at the Auditorium and a savings of \$100.00 per year for inspections at Hillcrest Home. The agreements submitted for approval were as follows:

TRI-STATE FIRE PROTECTION, INC.
800 Outer Gray Drive
Newburgh, Indiana 47630
(812) 853-9229
(812) 422-9221

INSPECTION CONTRACT

THIS AGREEMENT made between Tri-State Fire Protection, Inc., hereinafter called Tri-State, and Vanderburgh Convention Center, hereinafter called SUBSCRIBER.

WITNESSETH, That:

(1) Whereas Subscriber owns or occupies the buildings located on the premises known as Vanderburgh Convention Center in the city of Evansville, County of Vanderburgh, State of Indiana, wherein there is now installed a certain automatic fire extinguishing equipment to wit:

(1) One Wet System

(2) Tri-State shall inspect and test said installation four (4) times per year and shall report to the Subscriber promptly all needed items of maintenance, repairs and replacements, which in the judgment of Tri-State may be necessary.

(3) This agreement is limited to an inspection service only and does not include maintenance, alterations, repairs or replacements. Such alterations, repairs and replacements shall only be made by Tri-State upon Subscriber's order and shall be paid for by Subscriber at Tri-State's prevailing charges therefor.

(4) Tri-State may at all reasonable times enter any part of the said premises for the purposes thereof.

(5) Any additional automatic fire extinguishing equipment or adjuncts, added to the above premises after the date thereof shall be inspected by Tri-State and Subscriber shall pay therefor an additional price commensurate with the usual charges made by Tri-State for inspecting such equipment, and/or adjuncts at a price to be agreed upon between Tri-State and Subscriber.

(6) The term of this agreement shall be for a period of one (1) year, effective from its date and thereafter until terminated by sixty (60) days written by either party to the other.

(continued)

- (7) Subscriber shall pay to Tri-State after first inspection has been made, payable quarterly and annually thereafter, the sum of Two Hundred Fifty (\$250.00) dollars per year for said inspection and test service. The price herein set forth contemplates all inspections to be done during regular working hours of regular working days. If overtime becomes necessary, the company's usual overtime rates shall be paid in addition to said price.
- (8) No changes in the terms hereof shall be binding upon either party unless approved in writing by an executive officer of each.
- (9) Tri-State does not guarantee or warrant the condition or operations of any system or part of same and the liability, if any, of Tri-State to the Subscriber by reason or breach of this Contract by Tri-State or any other reason shall in no event exceed One Hundred Dollars (\$100.00).
- (10) All notices by either party to the other shall be in writing and served by mail, in securely sealed envelope, postage prepaid, directed to the party at its principal office. Tri-State reserves the right to discontinue the service at any time, without notice, if Subscriber is delinquent in payments required hereunder.
- (11) Tri-State will furnish written report after each inspection to Subscriber and to other interested parties as required and/or desired by Subscriber.
- (12) When this contract is accepted and signed by Subscriber and Tri-State, a contract will exist between the parties.

IN WITNESS WHEREOF, the parties have hereunto set their respective hands and seals this 1st day of April, 1985.

Subscriber's Billing Address:

Signed: Robert L. Willner	By: _____
Richard J. Borries	Tri-State Fire Protection, Inc.
Shirley Jean Cox	

INSPECTION CONTRACT

THIS AGREEMENT made between Tri-State Fire Protection, Inc., hereinafter called Tri-State, and HILLCREST HOME, hereinafter called SUBSCRIBER.

WITNESSETH, That:

- (1) Whereas Subscriber owns or occupies the buildings located on the premises known as HILLCREST HOME in the city of Evansville, County of Vanderburgh, State of Indiana, wherein there is now installed a certain automatic fire extinguishing equipment to wit:
- (1) One Wet System
- (2) Tri-State shall inspect and test said installation four (4) times per year and shall report to the Subscriber promptly all needed items of maintenance, repairs and replacements, which in the judgment of Tri-State may be necessary.
- (3) This agreement is limited to an inspection service only and does not include maintenance, alterations, repairs or replacements. Such alterations, repairs and replacements shall only be made by Tri-State upon Subscriber's order and shall be paid for by Subscriber at Tri-State's prevailing charges therefor.
- (4) Tri-State may at all reasonable times enter any part of the said premises for the purposes thereof.
- (5) Any additional automatic fire extinguishing equipment or adjuncts, added to the above premises after the date thereof shall be inspected by Tri-State and Subscriber shall pay therefor an additional price commensurate with the usual charges made by Tri-State for inspecting such equipment, and/or adjuncts at a price to be agreed upon between Tri-State and Subscriber.

(6) The term of this agreement shall be for a period of one (1) year, effective from its date and thereafter until terminated by sixty (60) days written notice by either party to the other.

(7) Subscriber shall pay to Tri-State after first inspection has been made, payable quarterly and annually thereafter, the sum of Three Hundred Dollars (\$300.00) per year for said inspection and test service. The price herein set forth contemplate all inspections to be done during regular working hours of regular working days. If overtime becomes necessary, the company's usual overtime rates shall be paid in addition to said price.

(8) No changes in the terms hereof shall be binding upon either party unless approved in writing by an executive officer of each.

(9) Tri-State does not guarantee or warrant the condition or operations of any system or part of same and the liability, if any, of Tri-State to the Subscriber by reason of breach of this Contract by Tri-State or any other reason shall in no event exceed One Hundred Dollars (\$100.00).

(10) All notices by either party to the other shall be in writing and served by mail, in securely sealed envelope, postage prepaid, directed to the party at its principal office. Tri-State reserves the right to discontinue the service at any time, without notice, if Subscriber is delinquent in payments required hereunder.

(11) Tri-State will furnish written report after each inspection to Subscriber and to other interested parties as required and/or desired by Subscriber.

(12) When this contract is accepted and signed by Subscriber and Tri-State, a contract will exist between the parties.

IN WITNESS WHEREOF, the parties have hereunto set their respective hands and seals this 1st day of April, 1985.

Subscriber's Billing Address:

Signed: Robert L. Willner
Richard J. Borries
Shirley Jean Cox

By: _____
Tri-State Fire Protection, Inc.

* * * * *

In response to query from Commissioner Willner, Mr. Lindenschmidt said the total cost for both inspections (Auditorium and Hillcrest) is \$550.00, as compared to \$700.00 last year. The Chair entertained a motion.

Motion was made by Commissioner Borries that contracts for fire inspection at Vanderburgh Auditorium and Hillcrest Home. be approved, as presented, to Tri-State Fire Protection, Inc., in a total amount of \$550.00. A second to the motion was provided by Commissioner Cox. So ordered. (Mr. Lindenschmidt commented that State Law requires four (4) inspections per year of the wet sprinkler systems.)

RE: CONVENTION & VISITOR'S BUREAU/NEW TELEPHONE SYSTEM

Mr. Lindenschmidt said he had been approached by Mark Owen of the County Council, who said the Convention & Visitor's Bureau had installed a new telephone system -- and said the Auditorium could get into the same switch. Mr. Lindenschmidt contacted Ohio Valley (who installed the system) re the possibility and with Tom Heaton of the Convention & Visitor's Bureau. They are willing for the Auditorium to participate. They now have 3 lines and 6 phones in the Auditorium. The new system would eliminate one telephone; so they'd have 3 lines and 5 telephones. The Convention & Visitor's Bureau has 2 lines and 5 phones. The system will handle 6 lines and 12 phones. The Convention & Visitor's Bureau is going to add another line which will fill up the 6th line; but they have no prospects of adding any additional phones; thus, the system will be big enough to handle the Auditorium, as well. We'd have to buy the telephones. Cost for the phones would be \$1,130.00 and the cable charge from Indiana Bell would be \$175.00 and installation charge would be \$50 - \$90 -- or a total of \$1,395.00 to switch the Auditorium's phones over into their switch. We'd be saving \$63.49 per month. In 21 months we'd save \$1,396.78. We'd have our money back in 22 months. Thereafter, we'd spend \$63.49 per month less.

(continued)

Mr. Lindenschmidt said he'd also talked with the Convention & Visitor's Bureau because he'd read something in the local paper about the Convention & Visitor's Bureau moving out of that building into the old Post Office. They said that if that happened, it would be next year before that is done. If this would be the case, we'd have to buy our own switch, which would cost \$700.00...as they'd take their switch with them when they moved.

The Chair queried the Commissioners concerning their feeling on this matter. In response to query from the Board, Mr. Lindenschmidt said he called this morning to determine the balance in the account...and he believes sufficient funds are available.

Commissioner Willner queried Commissioner Cox concerning her feelings. She said that she doesn't know. She is sick of telephones and all the changes. We were supposed to be able to do so much with this new system -- and she just figured out how to transfer a call that came in. She thinks the new system is confusing and she wishes we'd never changed. Commissioner Willner said she should look at all the dollars we are saving. Mrs. Cox said, "We are?" We are? -- We'll see." She asked what the advantage would be for the Auditorium to hook up to the Convention & Visitor's Bureau switch? Mr. Lindenschmidt said we'd save \$63.49 per month. Mrs. Cox asked if Mark Owen recommend we make this change? Commissioner Willner said that Mr. Owen did not recommend it; but he did ask that Commissioner Willner look into it.

Motion was made by Commissioner Borries that, subject to the availability of funds, that the Auditorium be switched into the same switch as the Convention & Visitor's Bureau. A second to the motion was provided by Commissioner Cox. So ordered.

RE: TRAVEL REQUEST - VETERAN'S SERVICE OFFICER

President Willner read the following letter from Carl Wallace, Veteran's Service Officer:

The Board of Commissioners of
the County of Vanderburgh
Richard J. Borries
Robert L. Willner
Shirley Jean Cox
305 Administration Building
Civic Center Complex
Evansville, Indiana 47708

Dear County Commissioners:

Please be advised that due to Indiana Code 10-5-1-12 requires service officers to attend courses of instruction which render certifiable to perform veterans' affairs in the State of Indiana.

The conference is being held in Bloomington, Indiana, on May 28, 1985, through June 2, 1985, and will require us to make reservations at the Fourwinds Resort, Lake Monroe, for the above dates. This requires a deposit in advance because of the number of officers who will be attending throughout the State of Indiana. We request travel funds to be appropriated through the Commission for this travel, lodging and meals. It is estimated the cost at approximately \$500.00 for this conference. I am including an agenda for the 40th Annual Veterans Service Officer Training Conference.

Please contact me if you need further information.

Sincerely yours,

Carl M. Wallace
Vanderburgh County Veterans
Service Officer

Motion to approve Mr. Wallace's request was made by Commissioner Cox, with a second from Commissioner Borries. So ordered. (Commissioner Willner explained that he had talked with Carl Wallace and he said he'd recommend that we send both men to this conference, since the second person would not require any reservations -- his only expense would be meals. Other than that, his letter was self-explanatory. He did

(continued)

COUNTY COMMISSIONERS
April 1, 1985

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assure Commissioner Willner that the office operations would continue during the 5-day period, with the secretary handling matters -- and they will be contact with the office daily.)

RE: REQUEST FROM SIGECO TO CLOSE ROADS IN CONJUNCTION WITH BURKHARDT ROAD PROJECT

Commissioner Willner read the following letter from Mr. Rick Niehaus of Morley & Associates:

March 26, 1985

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

Re: Burkhardt Road Improvements
I.D.O.H. Contract R-15023
Out Project #81-468-5

Dear Commissioners:

As stated in our letter to you dated March 21, 1985, Southern Indiana Gas & Electric Company is requesting permission to close Burkhardt Road from Division Street to Oak Street to lower an 8' high pressure gas main at station 24+75 on Burkhardt Road.

Their contractor, Ohio Valley Welding, had scheduled to start work on April 1, 1985 and complete work by April 5, 1985. This timetable has been changed due to the Easter holidays that occur during that weekend. This decision is based on the possibility that the road could be closed for more than 3 working days, contingent upon weather conditions. Therefore, it is in the best public interest that Burkhardt Road remain open until after the Easter holidays.

The new construction schedule calls for the road to be closed on Monday, April 8, 1985, and it shall remain closed for 3 working days, contingent upon the weather conditions.

Should you have any questions regarding this matter, please feel free to contact us.

Sincerely yours,

Rick I. Niehaus

The Chair entertained a motion. Motion was made by Commissioner Borries that the request be granted, with a second from Commissioner Cox. So ordered.

RE: CERTIFICATE OF INSURANCE

U.S. Sheet Metal & Roofing Company, Inc.: Roofing, Heating, Ventilating, Air Conditioning, Building & General Construction.

RE: CLAIMS

Jim Patton: Refund on Permit #09326-V (air conditioning portion only) in the amount of \$15.00. Motion to approve claim was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

RE: SCHEDULED MEETINGS

Wednesday	April 3	- County Council Meeting
Monday	April 8	- Voting Machine Equipment Demonstration at 4:40 and 5:15 p.m. (R. F. Shoup and MicroVote)

(continued)

RE: EMPLOYMENT CHANGES - RELEASES

Coroner's Office

Widdie J. Hall 2327 Herbert Ave. Sec'y. \$11,760/Yr. Eff: 3/19/85

Prosecutor

Brenda Robbins 1201 Old Post Rd. ParaLegal \$14,500/Yr. Eff: 4/1/85

Burdette Park

Gary Weiler 4513 Buddy Rink Gd. \$ 4.00/Hr. Eff: 3/20/85
Rich Bender 1517 Western Hills Rink DJ \$ 3.50/Hr. Eff: 3/27/85

RE: EMPLOYMENT CHANGES - APPOINTMENTS

Coroner's Office

Alice Fox 1219 S. Kentucky Ave. Sec'y. \$11,760/Yr. Eff: 3/19/85

Superior Court

Brenda L. Robbins 1201 Old Post Rd. Clk/Ct.
Reporter \$11,972/Yr. Eff: 4/1/85

CO-OP Extension Service

Gary Randall Brown 9828 Darmstadt Rd. Ext. Agt. \$11,128/Yr. Eff: 2/25/85

Prosecutor

Carol Hustace 1718 Briar Ridge ParaLegal \$13,500/Yr. Eff: 4/1/85
Barbara Williams 2319 E. Mulberry Dep. Pros. \$13,500/Yr. Eff: 3/25/85

Burdette Park

Rich Bender 1517 Western Hills Rink DJ \$ 3.75/Hr. Eff: 3/27/85

Convention & Visitor's Bureau

Yolanda Fay Bowling 5023 Division S&M Mgr. \$20,000/Yr. Eff: 4/1/85

RE: AREA PLAN COMMISSION

Tall Timbers Subdivision: Mrs. Cunningham said this is up for sidewalk and curb/gutter approval. Subdivision is more than one (1) mile outside the city, so it is the Commissioners' prerogative to determine whether waive or ask that sidewalks be installed. The Sub-Review Committee were split with a 4-4 recommendation. They had some other things they wanted to address.

Mr. Andy Easley, as Treasurer of the Committee for the Preservation of McCutchanville, said they are not in favor of having sidewalks in a subdivision that has one (1) acre or more lots that far out in the county. They would request that sidewalks be waived. Mr. Easley said Commissioner Willner will recall that he met with this group out at the McCutchanville Church many years ago when they were trying to incorporate.

President Willner asked if there was anyone in the audience who wished to speak pro/con concerning sidewalks in the Tall Timbers Subdivision.

Commissioner Cox asked Mr. Easley if -- for purpose of clarification -- he is speaking against sidewalks only? He confirmed that that is correct.

Motion was made by Commissioner Borries that the requirement for sidewalks be waived in Tall Timbers Subdivision. A second was provided by Commissioner Cox. So ordered.

It was subsequently noted that rolled curbs and gutters requirement is still a must.

(continued)

Commissioner Willner said that roads will hold up better if we have a curb on each side to stop the mushrooming effect of the road, is that correct? Mr. Easley confirmed that this is correct. Commissioner Cox concurred. The Chair entertained a motion, but it was subsequently determined that a motion was not necessary, since rolled curbs and gutters are specified in county ordinance. Thus, the only action taken was the approval to waive requirement for sidewalks.

Brookview Subdivision: The Chair asked if there was anyone in the audience who wished to address the matter of Brookview Subdivision. Mr. William Bussing approached the podium and stated he was the developer of the ground. He said they fully intend to have curbs and gutters. Unless the Commissioners require same, they do not want to have sidewalks.

The Chair entertained questions from the audience or the Commissioners.

Commissioner Cox asked the name of the other road....we have Mt. Pleasant and Hillsdale... what is the other road? It was subsequently mentioned that the markings on the map designate railroad tracks, rather than a road. This was questioned by Mr. Sam Biggerstaff, who said the railroad tracks are otherwise designated -- and these lines must indicate a driveway.

The Chair entertained a motion to waive sidewalk requirement in Brookview Subdivision. Motion to this effect was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

Commissioner Willner pointed out that rolled curbs and gutters will be required, however, in accordance with county ordinance.

RE: HOLIDAY OFFICE CLOSING

Commissioner Willner advised that all County offices will be closed on Friday, April 1, for Good Friday.

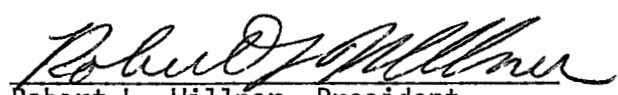
There being no further business to come before the Board at this time, President Willner declared the meeting adjourned at 4:30 p.m., advising that there would be a brief recess prior to reconvening for Drainage Board Meeting.

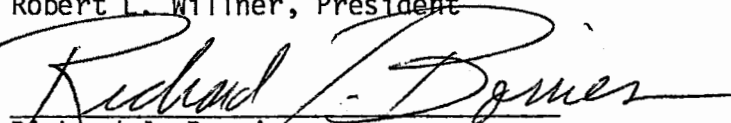
<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	Robert L. Willner	Alice McBride	David L. Jones
	Richard J. Borries		
	Shirley Jean Cox		
	<u>COUNTY ENGINEER</u>	<u>COUNTY HIGHWAY</u>	<u>COUNTY SURVEYOR</u>
	Andy Easley	Bill Bethel	Bill Jeffers
	<u>CORONER</u>	<u>AUDITORIUM</u>	<u>BURDETTE PARK</u>
	Charles Althaus	Kim Bitz	Mark Tuley
	<u>BUILDING COMMISSION</u>	<u>OTHER</u>	
	Roger Lehman	Ramonda Parker/Poor Relief	
		Emmy West/Knight Trustee's Office	
		Tara Stokes/Knight Trustee's Office	
		James Morley	
		Sam Biggerstaff	
		Carma Huck	
		Richard Mettle	
		News Media	

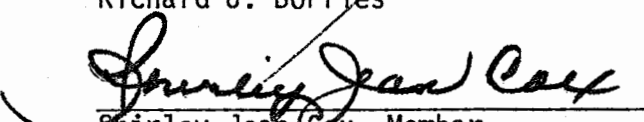
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COUNTY COMMISSIONERS
April 1, 1985

SECRETARY: Joanne A. Matthews


Robert L. Willner, President


Richard J. Borries


Shirley Jean Cox, Member

MINUTES
COUNTY COMMISSIONERS' MEETING
APRIL 8, 1985

ALEXANDER AMBULANCE SERVICE, INC./Quarterly Report & Claim	
Report received and filed -----	11
Claim-----\$48,030.73-----Approved -----	11
APPROVAL OF MINUTES -----(April 1st Meeting)-----Approved -----	1
BIDS/AUDITORIUM PARKING LOT EQUIPMENT	
(1) Valid bid received; to be taken under advisement; K. Bitz to schedule meeting w/Commissioners, etc. & notify news media-----	3-4
BIDS/SCHAEFFER ROAD PROJECT -----	4 & 8
(1) Valid bid received; contract awarded to B.M.B., Inc. of Inglefield, IN for \$9,715.00-----	
BIDS/GREEN RIVER ROAD DRAINAGE PROJECT -----	4 & 6
(4) Bids received -- ALL INVALID-----To be Re-bid-----	
CERTIFICATE OF INSURANCE -----	11
CLAIMS/APPROVED	
C. Althaus-----\$53.50-----	11
Dave Guillaume-----\$576.67-----	2
Sebree, Craig & McKneight--\$4,453.93 -----	9
Morley & Associates-----\$195.00 -----	9
COUNTY ENGINEER	
Progress Report/Eichoff Rd. Environmental-----	9
Claim/Lynch Road Environmental-----Approved -----	9
Lynch Road-----Barrels & Barricades are down -----	9
Elmridge Drive----Easley to get with owners of lots & report back to Board	9-10
Agreement/Change Order on Burkhardt Road Drainage----Approved -----	10-11
COUNTY HIGHWAY	
Absentee Report, Work Report & Work Schedule -----	1 & 2
COUNTY SURVEYOR-----	2 - 5
Bridge & Guardrail Repair Report -----	2
Survey at Burdette for Water Slide Terrain--Drawing to be ready 4/10-----	2
North Ky. Str. #116-A---Specs to be available later this week -----	2
I-164 Spur---Surveyor plotting map (incomplete); Map is in surveyor's office/available for perusal-----	2
Carlos Biggs/Driveway Crossing---Emergency Work completed by D. Guillaume	2
Claim/D. Guillaume -----Approved----(see CLAIMS) -----	2
Upper Mt. Vernon Rd. Water Problem---Surveyor willing to install suitable culvert, but highway has to raise the road-----	2
Holly Hill/Evergreen Acres Drainage Problem---Surveyor to check out ----	3
Calf Lane/Culvert Problem-----Surveyor to check out ----	3
Bujay Drive/Old State Rd.---Surveyor has been working with Mr. Palmer --	3
County Line Road Bridge -----Cost Estimates -----	5
INVITATIONAL BIDS/PROCEDURES -----	4- 8
Invitational Bids to be issued only in EMERGENCY cases	
Bid Bond Required & Both Affidavit & Proposal MUST BE NOTARIZED	
Surveyor to send WRITTEN NOTICE w/Requirements seven (7) days prior to due date of quotes	
POOR RELIEF/KNIGHT TOWNSHIP	
Ramonda Parker: Investigation reveals applicant is over-income currently	1
Catholic Charities will take app for schoolbook assistance but no commitment until app is taken & investigation made	
SCHEDULED MEETINGS-----	11
Drainage Board-----April 8th	
Voting Equipment Demonstrations---April 8th (R.F. Shoup & MicroVote)-----	

MINUTES
COUNTY COMMISSIONERS' MEETING
APRIL 8, 1985

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, April 8th, 1985, in the Commissioners' Hearing Room, with President Robert Willner presiding.

The meeting was called to order at 2:30 p.m., with President Willner entertaining a motion concerning approval of the minutes of the previous meeting. Motion was made by Commissioner Borries that the minutes of the meeting held on Monday, April 1, 1985, be approved as engrossed by the County Auditor and the reading of same be waived. A second to the motion was provided by Commissioner Cox. So ordered.

RE: POOR RELIEF INVESTIGATION/KNIGHT TOWNSHIP

Mrs. Emarie West proceeded to report on the case of Mrs. Ramonda Parker. She said she has a form from the Food Stamp office indicating that the Parker family is certified for food stamps from February 1985 to July 1985. They receive food stamps in the amount of \$159.00 per month.

Tara Stokes, an investigator for Knight Trustee's office went to the Parker home last Thursday morning and talked with them about the schoolbook situation. Prior to going to their home, the Trustee's office talked with Vic St. Hillier, the coordinator of St. Vincent Depaul Catholic Charities organizations. Vic told them that he would be glad to take an application, but that he could not verify until after the application was taken and investigation, as to whether they could assist with schoolbooks.

Tara advised Mrs. Parker what she had done insofar as trying to obtain extra help for her. Mrs. Parker indicated she would call Mr. St. Hillier. Mr. St. Hillier had even indicated that perhaps they could go to the home to take the application. Of course, he was not going to make a commitment insofar as paying for the books, until such time as the application was taken and an investigation made concerning the situation.

On Thursday, the Trustee's office also re-verified with Busler's that Mr. Parker is on active payroll and has been on payroll with the exception of the one week's work he missed due to illness the third week in March. They, therefore, do not show him off work as stated in the original presentation from Mrs. Parker.

Commissioner Willner then asked if there would be over-income insofar as any other help is concerned from the Trustee's office? Mrs. West said that if his income continues as it has during the past few weeks, then he would be over-income.

The Chair then entertained questions from the Commissioners. There being none, Commissioner Willner expressed appreciation to Mrs. West for reporting back to the Commissioners concerning this case.

RE: OPENING OF BIDS - AUDITORIUM PARKING LOT, SCHAEFFER ROAD & GREEN RIVER ROAD

The Chair entertained a motion to have the County Attorney open bids received on parking lot equipment for Vanderburgh Auditorium and the invitational bids received on Schaeffer Road and Green River Road projects. A motion to this effect was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

RE: COUNTY HIGHWAY - BILL BETHEL

While the bids were being opened and reviewed by the County Attorney, the meeting proceeded with a report from the County Garage.

Weekly Absentee Report: Mr. Bethel submitted the Absentee Report for employees at the County Garage for period April 1 thru April 4, 1985.....report received and filed.

Weekly Work Report: The Weekly Work Report for the same period was also submitted.... report received and filed. Attached to the work report was the following work schedule.

Patch: Meier Rd., Fisher, Kuebler, Boonville-New Harmony, Hogue, Arla Jane Dr., Sweet Gum, Koring Rd., Knob Hill, Laubscher, Lynch, Old Henderson, Little Schaefer, Pollack Ave., Oak Hill Rd., Allen, Kleitz, Marx, Slate, Koressel, Green River and Coal Mine.

(continued)

Tree Crew: Old Henderson Rd. and Volkman Rd.

Gradall: Browning Rd., Millersburg, Boonville-New Harmony, Boehne Camp Rd., Koring Rd., St. George Rd., St. Joe Rd. and Orchard Rd.

Grader: Burkhardt, Boonville-New Harmony, Nuebling, Outer Darmstadt, Green River, Oak Grove, Calf Lane, Mill Rd., County Line East, and Coal Mine.

In conclusion, Mr. Bethel said that both the pug mill and paving machine are ready -- and they will commence paving as soon as the roads dry out a bit more.

RE: COUNTY SURVEYOR - BILL JEFFERS, CHIEF DEPUTY

Weekly Bridge & Guardrail Repair Report: Mr. Jeffers submitted copies of the Weekly Bridge & Guardrail Repair Report for period April 1 thru April 5, 1985....report received and filed. Mr. Jeffers said the crew spent two (2) days installing a new pipe on St. Joe Rd. near St. Joe, Indiana, where the road collapsed due to the under-mining of the old rusted out pipe. This work required the crew to work until 7:00 p.m. on Tuesday night and one-half hour late Wednesday evening, which is why they only worked until 10:00 a.m. on Thursday. Commissioner Willner commented that "somebody got the message" -- those who worked overtime took compensatory time within the same pay period.

Survey at Burdette on Terrain for Water Slide: Continuing, Mr. Jeffers said the survey crew worked with Mark Tuley at Burdette Park on Thursday morning, to determine the elevations and contour lines of the terrain at the site of the proposed water slide and its entrance to the swimming pool. They are now producing a drawing of the survey -- which they hope will help the design engineers incorporate some cost savings into the water slide design. The drawing should be ready on Wednesday of this week.

North Kentucky Structure #116-A: Specs for an invitational bid are not yet ready, but will be available from the Surveyor's office later this week. This project was approved by the Commissioners last week -- removal of old concrete apron which has slipped into the flowline of the creek.

I-164 Spur: Mr. Jeffers said the I-164 spur through Vanderburgh County will affect many of our roads, bridges and drains from the Gibson County line to Southlane Drive. Currently, the Surveyor's office is plotting the course of the project to determine the exact impact on county properties. The plotting of the I-164 course has produced some surprising information already and the maps are available for viewing by the Commissioners, even though they are not yet complete.

Carlos Biggs/Driveway Crossing: With regard to the emergency brought to the Surveyor's attention by Commissioner Willner at last week's meeting concerning the collapse of a driveway crossing of Crawford-Brandeis Ditch at the residence of Carlos Biggs, the Surveyor's office dispatched a contractor on an emergency basis to install a temporary crossing for Mr. Biggs until such time as a permanent pipe structure becomes available (which should be in the next two weeks). Dave Guillaum Construction completed the job last Wednesday at a cost of \$586.67. This should allow the Biggs family access to Burkhardt Road until the Burkhardt Road general contractor installs the permanent pipe.

Claim/Dave Guillaum Construction Co.: Claim to Dave Guillaum Construction in the amount of \$586.67 for Bridge/Pipe Repair on Burkhardt Rd. (Carlos Biggs) was presented. The claim has been checked and it is the recommendation of the surveyor's office that this claim be approved for payment. Motion to approve claim was made by Commissioner Borries with a second from Commissioner Cox. So ordered.

Water Problem in Upper Mt. Vernon Rd. Area: Mr. Jeffers said he had a call just prior to the meeting from a Mr. Dick Weaver of 4413 Upper Mt. Vernon Rd. (This is east of Red Bank and west of the City Limits.) He's called in several times about a water problem in the area. He brought some photos in last Thursday and he and Mr. Brenner looked at these together. There is a culvert under the road which is not handling the water. The surveyor's office is willing to install a culvert of sufficient size to handle the water; but the highway department will have to raise the road -- especially east of the new culvert and install some highway side ditches to carry the water from where it crosses the road during high water periods back to the structure. Also, we'd try to cooperate with SIGECO (they own some property on the south side of the road) as the ditch will have to be cleaned out on the south side to accommodate the water. Mr. Jeffers then passed the photos to the Commisisoners for their viewing. He said

(continued)

the photos were taken after the 3-4 inch rain last week, approximately four (4) hours after the heaviest part of the rain. Mr. Weaver said the water was higher. What is happening is that individuals are crossing that at a higher rate of speed, not knowing that when they get to the other side of the little bridge they are going to hydroplane -- and a few people have gone into the ditch.

Commissioner Cox said another thing that has happened here is that the people in Western Terrace did their drainage project -- and that is throwing a lot of water down into this creek -- and the creek is not handling it. The area is low and she thinks this has probably compounded the problem.

Mr. Jeffers said they had a fellow call from Western Terrace area the other day inquiring about who was responsible for all the different work being done out there. There are at least two (2) residents who have registered complaints of various kinds about this water problem.

Holly Hill & Evergreen Acres Drainage Problem: Commissioner Borries said he had a call from an individual in the Holly Hill Drive/Evergreen Acres area (8100 block..and he believes the gentleman's name was Chase). They have a drainage problem out there. At times there has been a culvert/drain that goes underneath the road there in the Evergreen Acres area which is almost a washout -- so someone from the surveyor's office needs to get out there to check this.

Mr. Jeffers said they looked at a few of these in 1982. He isn't certain what was ever done on them. This was down at the bottom of the hill in Evergreen Acres off Larch Lane.

Calf Lane Culverts/Problem: Commissioner Borries said Calf Lane is a county road; it goes south from Pollack down to K-1 Pumping Station--it's a gravel road. A young man started a business back there. One of the culverts cracked and might be caving in. Again, he'd like for someone from the surveyor's office to check this out and give the Board an opinion on what is taking place there.

Mr. Jeffers said that one of the culverts on Calf Lane (just before you get to the pumping station) is in Aiken Ditch, which is a legal drain; so they could repair that if need be.

Bujay Drive/off Old State Road: Commissioner Cox said that a Mrs. Palmer called her about three weeks ago concerning a problem on Bujay Drive -- just off Old State Road. She called Bill Bethel and he said he turned it over to the surveyor's office. Have they had a chance to check on this?

Mr. Jeffers said they have been working with Mr. Palmer. If the Board will recall, this is the 11-ft. easement which comes from Greenbrier Subdivision to the north off Evergreen -- and comes thru to Bujay. Mr. Brenner talked to the Commissioners about this some time ago. The pipe has separated and water is coming up thru their yard and leaving holes. It is an easement which was purchased by the County Commissioners in 1971; but he will check on this and report to the Commissioners next week. Commissioner Willner said he believes it was 1961, rather than 1971.

RE: PARKING SYSTEM BIDS

County Attorney David Jones said three (3) bids were received on the parking system for Vanderburgh Auditorium, as follows:

- 1) B. F. Sanders & Co., Inc./Louisville, KY: The Non Collusion Affidavit is not properly executed and it is not notarized. Thus, that bid is invalid.
- 2) Hartman Associates, Inc./Worthington, OH: This bid is also invalid, because it does not have even an attempt at an affidavit.
- 3) Stanley Magic Door, Inc./Indianapolis, IN: They have a Bid Bond and their affidavit is properly executed and is there. They quote the following:

Coin Unit	-	\$ 1,608.00
Coin & Token Unit	-	\$ 2,037.00
Coin/Card Unit	-	\$ 2,136.00
Coin/Token/Card Unit	-	\$ 2,565.00
One (1) complete system with one (1) entrance and one (1) exit lane	-	\$4,911
A capacity count system in lot full post sign mounted	-	\$2,284
One (1) radio-controlled device for barrier gate	-	\$195.00

(continued)

An exit gate operated by radio-controlled device - \$1,895.00

County Attorney Jones said this bid is in order -- and is the only bid received that was in order.

A gentleman in the audience was recognized as he raised his hand to speak. He approached the podium and stated his name was Barry Taylor (?) of B. F. Sanders/Louisville, KY. He indicated their bid was notarized -- it could be in the wrong spot, but he knows it was notarized. County Attorney Jones said that two (2) notaries are required; the proposal must be notarized and the Non-Collusion Affidavit has to be notarized (this is on the flip side of the page). In their case, the proposal was notarized, but not the affidavit. Since the bid is not completed, as specified, it is not in order.

The Chair entertained a motion to take the bid which was in order under advisement. A motion to this effect was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

President Willner said he thinks the Commissioners will need to schedule an evening to meet at the Auditorium and look thru the bids to determine if they are going to accept the bid which was in order or re-advertise. He asked that Mr. Bitz contact each of the Commissioners to determine the best time for the meeting and when the time and date are set, announce same to the news media.

RE: BIDS ON STORM SEWER INSTALLATION/GREEN RIVER ROAD

County Attorney David Jones said there were four (4) bids received on this project and not one contained a Bid Bond; thus, all four bids are invalid. Not only did the bid from Rig-Mar Contracting not have a Bid Bond, it had no Affidavit.

Commissioner Cox asked who the four (4) bids were from? Attorney Jones said they were from Rig-Mar Contracting Inc., Dave Guillaum Construction, Key Construction Co., Inc., and Deig Bros. Lumber & Construction Co., Inc.

RE: BIDS ON SCHAEFFER ROAD PROJECT

County Attorney Jones said there was a similar problem with the bids on Schaeffer Road project. Of the four (4) bids received, only one (1) was valid.

Mr. Jeffers said he does not think they were requiring a bond on invitational bids. Is that valid?

County Attorney Jones said that now is a heck of a time to ask him! Who said they could waive it?

Mr. Jones said that one (1) bidder has a bond; if they're not requiring it, they didn't tell the bidders. The only valid bid was received from B.M.B., Inc./Inglefield, IN. That one is properly submitted, in the amount of \$9,715.00. It has a Bid Bond and the whole "ten yards"!

Commissioner Willner asked that the record reflect that the Commissioners will take this bid under advisement...

Commissioner Cox interrupted by asking the names of the other bidders?

Attorney Jones said the following also submitted bids on Schaeffer Road:

Dave Guillaum Construction Co./Evansville, IN
Key Construction Co., Inc./Evansville, IN
Deig Bros. Lumber & Construction Co./Evansville, IN

None of these three bids contained a Bid Bond or Certified Check.

Commissioner Borries said he does not believe we are sending out the correct information.....Commissioner Willner said that something is not right. An invitational bid is just like an advertised bid. Commissioner Cox said this is right, except that it is not advertised....and you ask who you want to ask to bid. Insofar as a Bid Bond is concerned, we have never waived a Bid Bond that he is aware of.

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Commissioner Borries said he would like to see these re-bid. Commissioner Willner said the question is, can they be re-bid? If we have one legal bid, he doesn't know whether we can throw them all out -- or for what reason.

Attorney Jones said it is discretionary with the Board. If they think

Mr. Jeffers said the problem may be improper instructions to the bidders or it may be that his office was under the impression that a bond was not required for small projects.

Attorney Jones said the size of the project has nothing to do with the purpose of the bond. The bond is simply securing performance on the part of whoever does the work. He doesn't know of any situation where you don't have a bond; it is just automatic. He would assume that if the bidder didn't see this in the instructions he assumed it was not required.

Mr. Jeffers apologized to the Commissioners and bidders for any inconvenience and said that perhaps the surveyor's office should sit down with the County Attorney and come up with a specific form for these invitational bids.

Commissioner Borries said he doesn't want to penalize anyone who had submitted the bid the correct way; but there does seem to be a communications problem.

RE: COUNTY LINE ROAD BRIDGE

Commissioner Willner asked if we took bids on County Line Road Bridge last week -- and is a contract to be awarded for that today -- as indicated on the agenda?

Mr. Jeffers said the Board was to take the cost estimates under advisement. We had opened demolition bids about five (5) weeks ago, with the low bid being \$8,000.00 (that was Kansas Road Bridge and County Line Road Bridge together). Commissioner Willner asked if these had been separated? Mr. Jeffers responded that they had not; they were awaiting the Commissioners' advice. County Line Road was barricaded, however.

Commissioner Cox noted that the estimate had been upped from \$35,000 to \$60,000 - \$80,000, and the Board was to take this under advisement. Mr. Jeffers confirmed this as being correct. (Commissioner Cox noted this information was reflected in last week's minutes on pp. 11-13.)

RE: INVITATIONAL BIDS PROCEDURE

Commissioner Cox said she needs some information on invitational bids. When the Commissioners, as a Board, grant approval for invitational bids -- how does the criteria for this work? Many times people will read in the paper that the Commissioners have approved an invitational bid and she's had calls from people interested in bidding on a project. Yet, they can't get the information -- they are not invited to bid. What criteria does the surveyor's office use to select who is going to be invited to bid?

Mr. Jeffers said the criteria they have been using for the last three or four times include looking over jobs that have been done for us by reputable contractors in the past and selecting three or four contractors whom they feel do a good job and asking them if they'd be interested in bidding on a small job under \$15,000. If they so indicate, we ask them to pick up a set of specifications or the surveyor's office hand-delivers a set of specs to them and let them work them over and submit a bid. If that is the improper criteria, they'd like to be advised as to how to correct same.

Commissioner Willner asked Attorney Jones for his comments concerning invitational bid process which has been utilized. He reserved comment at this time.

Mr. Jeffers subsequently said that concerning Mrs. Cox's question concerning invitational bids, he has an outline of procedures they are to use on projects: \$100,000 or more; \$75,000 or more; \$50,000 or more; \$15,000 or more. All of these are part of the outline. He quoted the following:

"Contracts of \$15,000 or less -- 36-1-12-5: They had two (2) outlines. Was for purchase of materials and the other would be for construction projects.

Paragraph "A" -- "The City may do the formal bid requirements as outlined in Section 5 above or "B", the City may invite quotes from at least three (3) persons known to deal in the type of work required. (1) Notice given to the bidders must

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be mailed not less than seven (7) days before the date the quotes are to be received and must state where the approved plans and specifications are on file.

Commissioner Cox interjected that this applies to the City. Attorney Jones stated that it applies to the County, as well.

Continuing, Mr. Jeffers read...."The quotes are opened at a public meeting and read into the minutes. (C) The contract is awarded to the lowest responsive and responsible quoter or bidder.

Mr. Jeffers said he believes their interpretation of this was that a bid bond was not required. If that is not the case, then they have done this in error.

Attorney Jones said that Form 96 states that the bid shall be submitted on Form 96 properly signed, the affidavit properly notarized and signed, and the seal affixed. Bidders on County work use this form. Enclosed herewith find a bidder's bond in an amount equal to the maximum bid herein, subject to the approval of the Board of County Commissioners and conditions as follows: The Board of Commissioners shall award _____....and the attorney continued to read the form per se.

Mr. Jones said the form itself requires a bid bond equal to the amount. It is different on public purchase, which only requires 5% - 10% of the amount of the purchase. Construction is the full amount.

Commissioner Willner asked if any of these projects are hurting? Mr. Jeffers said that neither of the projects are critical -- that they have to be performed within the next thirty (30) days.

In response to Commissioner Willner's query concerning Green River Road, Mr. Jeffers said he does not believe that this has to be put in within the next thirty (30) days either. He asked Mr. Easley if this is correct?

Mr. Easley said he is uncertain.....

Mr. Biggerstaff said they have a drainage project in process already that is in dire need of this work. Commissioner Willner said he rather thought so.

County Attorney Jones said that none of the bids on the Green River Road project had a bond included.

In response to query from Commissioner Cox, Mr. Jeffers said the notice to be sent seven (7) days prior to date quotes are to be received and said notice must state where the plans and specifications are on file -- which would be the surveyor's office or the City Engineer's office, dependent upon the project.

Attorney Jones said that the bid form states that bid bond is required and at least one bidder saw it, although he isn't sure our own people are aware that it is there.

Mr. Jeffers said what the surveyor's office is concerned about at this time is that the Commissioners have opened the bids and if they are read into the public record, everyone knows what was bid.

Commissioner Cox said they have not been read into the public record. Commissioner Willner said that one bid had been read into the record and it is a good bid.

Attorney Jones said we had to -- that is what the statute says. Bids are to be opened and read aloud publicly.

Commissioner Willner asked if Attorney Jones is ready to request that we deny all the bids on Green River Road and ask the Surveyor's Office to have invitational bids again two (2) weeks from today? Mr. Jeffers said only at the advice of the County Attorney.

Attorney Jones said his concern is, "What is going to prevent this happening again?" What, if anything, needs to be done. He is trying to recall the last time he saw public construction invitational bids. Mr. Jeffers said they have just recently started this, since they can do it on anything under \$15,000 -- so they are using this process for small projects.

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Commissioner Cox said she has a legal question. When we're talking about a "small" project and it has to be under \$15,000 for invitational bids....say the total cost of the project with the materials would go over \$15,000. If the county purchases the material and the labor for installation is under \$15,000, can we issue invitational bids or do we have to advertise? For instance, a lot of time the surveyor will indicate they will do the rip-rapping or the paving, etc.

Attorney Jones said you start with the total estimated cost of the project -- that is the way the statute reads. You start up front with estimated project cost and that is how you determine -- not as how you get into it. Commissioner Cox said that in other words, this includes materials, also? Attorney Jones said this is correct.

Mr. Jeffers said the problem would occur only when they got to where the pipe cost in excess of 2,000 -- and they have not had that happen yet. The pipe they were supplying cost less than \$2,000; and the reason they were supplying it was to avoid the mark-up on the material. He does, however, see the point made and it is well taken.

Attorney Jones said a suggestion was made to him out in the hallway that the county ought to put a little red "X" by everyplace these people are supposed to sign. He personally feels this is going too far. He doesn't have anyone in mind here -- thank God he is not talking about reporters right now! Mrs. Cox interjected that he's talked too much about reporters!!! Continuing, Attorney Jones said if the bidders read the form this fast -- then it makes him wonder about how good the work product is -- if you'd blitz thru a form and can't even see where you're supposed to sign. But he does think perhaps that if the sentence from Form 96 were plugged into the instructions, then that would be the best thing without leaning over backwards or going beyond what he feels we are required to do.

Commissioner Willner asked Mr. Jeffers if he communicates via telephone when he asks for invitational bids? He said that this is correct.

Commissioner Cox said then that he is calling rather than sending written notice seven (7) days prior to date quotes are due? She thought he said he was following those instructions where it said notification was given by letter.

Mr. Jeffers said that in many cases they hand-deliver the notice to the contractor, usually after initial telephone conversation determining their interest, etc.

Commissioner Willner said he thought it would be appropriate to include a note saying that bidder should have affidavit and bid bond. Attorney Jones noted the affidavit is in there..... Mr. Jeffers interrupted asking if Mrs. Cox is advising them to send a notice via mail....and she said, "no, no".....but Attorney Jones said, "I am!" Mrs. Cox said she is merely asking what procedure they are using so she will know when someone calls her what she should tell them.

Mr. Jeffers said they would certainly not want to use a procedure not recommended by this Board. Mrs. Cox said she did not know we had a procedure set up. Mr. Jeffers said that as of April 8, 1985, the surveyor's office will mail notices seven (7) days before the quotes are due.

Commissioner Borries advised that there was a Bill in legislature which, if it did not die, might be helpful or perhaps avoid some confusion on an invitational bid. The Bill had to do with advertising only ONE TIME in the local media, particularly the print media. He is not certain whether the Bill passed. Mr. Borries said he can understand why the surveyor's office would use invitational bids to save time as well as money in certain situations, unless this particular bill passed.

Chairman Willner asked the County Attorney's recommendation on bids on Schaeffer Road project, since we did receive one valid bid. The bid was from B.M.B., Inc., Inglesfield, Indiana.

Mr. Jeffers said they only notified four (4) contractors, as suggested by the Commissioners. They were as follows: Rig-Mar, Deig, Guillaum and Key Construction. Commissioner Cox asked who B.M.B. is?

Chairman Willner said he would explain this. B.M.B. is Mr. Biggerstaff (who is currently in our audience). He came to Mr. Willner last Friday morning and complained that he was originally the low bidder on the Neville property. But when the county got involved, as well as another business place to take up some of the cost of that drainage project, that he wasn't asked to bid. Commissioner Willner told him that as

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far as he was concerned, if Mr. Biggerstaff could go ahead and bid it by today via sealed bid (since his bid was already in except for a different size pipe) that he should go ahead and do so. Commissioner Willner said he took this upon himself and that is why the bid is here.

Mr. Jeffers said he would submit that this is as good an invitation under the guidelines as were those of the surveyor.

Commissioner Cox asked that if someone calls her, can she tell them the same thing? Commissioner Willner said she could as far as he's concerned.

Mr. Jeffers said he thinks the Board, the County Attorney and Surveyor's office should sit down and decide whether we are going to a rotating schedule (putting every reputable contractor on the list and rotate thru there, calling four or five at a time when we need an invitational bid).

Commissioner Borries said he would like to see invitational bids used only in case of an emergency.

County Attorney Jones said he thinks it is a bad system. It is under the Statute -- but it is a bad system.

Commissioner Cox said she also feels it is a bad system. Commissioner Borries said that if there are emergencies, then we may have to do this. Other than that.....

Mr. Jeffers interrupted by saying that on Schaeffer Road the emergency status of that would only be that the Highway Department has had a continual problem maintaining the side slopes of that road. He believes we can maintain them another 60 or 90 days -- he is not going to put a time limit on it. The invitational bid on the Mt. Vernon Rd. project was an emergency -- that wall was collapsing and it did represent a danger to motorists, regardless of the price of the contract.

County Attorney Jones said you only need two (2) invitational bids on an emergency; there is a provision for that in the Statute -- just so it gets in the Commissioners' minutes. He said the surveyor's office has done everything the Statute says; the problem is with the Statute -- not the surveyor's office. They are following the law. Because of the system set up in the Statute, it is going to make it worse and open us to criticism.

Mr. Jeffers said that if the Board passes a motion for the surveyor to do invitational bids on an emergency basis, they will determine whether or not the work is an emergency and document it as such, including the one coming up on North Kentucky Avenue -- and advise the Board as to whether said project is an emergency and go from there.

Commissioner Cox said she would like to see a list of reputable contractors -- even in emergencies -- and use them on a rotating basis. She'd like to see us do that.

County Attorney Jones said the wider the pool, the more the county would benefit. Theoretically, there'd be more competition.

Mr. Jeffers apologized for the time taken during the meeting to discuss this matter. County Attorney Jones said this is the first time this matter has come up -- and it is good that it did.

Chairman Willner asked the Board's opinion on Schaeffer Road project? Declare all bids null and void?

Commissioner Cox asked if the surveyor's office could not look at this one bid that is in order and determine if it is in line with engineer's estimate -- and go ahead with it?

Mr. Jeffers said they did have an engineer's estimate of a low of \$9,000 and a high of \$12,000 on this particular job. Commissioner Willner said the bid was for \$9,715.00. He asked if the bid could be taken under advisement for one (1) week in case there was something being missed? It was noted that this was the only bid in order.

Commissioner Borries moved that B.M.B., Inc. be awarded the contract for removal and replacement of six (6) ft. pipe on Schaeffer Road in the amount of \$9,715.00. A second to the motion was provided by Commissioner Cox. So ordered.

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RE: COUNTY ENGINEER - ANDY EASLEY

Progress Report/Eichoff Rd. Environmental Project: Mr. Easley distributed copies of a Progress Report on the Eichoff Environmental Project, which had been prepared by United Consulting Engineers, Inc. Mr. Easley said the report shows the project 50% complete.

Claim/Sebree, Craig & McKnight, Inc.: A claim in the amount of \$4,453.93 for engineering and environmental services on Lynch Road project was presented. Mr. Easley noted that this claim includes expenses for the Public Hearing which was held. He has checked the invoice and recommends that this claim be paid. Motion to approve claim for payment was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Claim/Morley & Associates, Inc.: A claim in the amount of \$195.00 for extra work on Burkhardt Road project was submitted. Motion to approve claim was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Lynch Road: Mr. Easley said he doesn't know whether or not it has been pointed out to the news media, but the barrels and barricades have been removed from Lynch Road. Mr. Bethel said it took six tons of asphalt to patch this one area. Commissioner Cox said it was deep. Mr. Easley said he was out at the Creasey Company this morning to take some dimensions, as they are ordering an overhead door.

Elmridge Drive/Acceptance: Commissioner Willner said that Mr. Easley was going to contact some of the neighbors in the Elmridge Drive area to see if we couldn't get Elmridge Drive into the County Accepted Road class several months ago. Mr. Easley said he did this in the fall of 1984; they have been unable to come up with the money that we feel it would take to repair the streets. He has talked with both Attorneys Jones and Miller to determine if there is some way we could set up a district out there. We can't use the Barrett law. Dave Miller hasn't gotten back to Mr. Easley with information as to some special district they could set up that the Commissioners would approve. Commissioner Willner said he has a letter from a man who wants to spend "X number of dollars for that purpose. Mr. Easley said this was for the piece of pavement up in the air, which is a hazard for motorcycles and automobiles. He said he'd stood before the Commissioners a year ago and talked about this. The pavement is up a good six (6) inches. Mr. Lindenschmidt said it is up more than that -- it's raised. Mr. Easley said he guesses the frost got underneath it. He would like to see the Commissioners authorize the county's removing that piece of concrete if the neighbors would put it back. Mr. Willner said he would like to help them -- he really would. But when you do one thing, what keeps you from going the rest of the way -- where is the stopping-off point?

County Attorney Jones said that once the county starts assuming some dominion over those roads, then we set up the argument that the county has accepted said roads. Commissioner Willner said that is correct. How much is it going to cost? Mr. Easley said he argued with the individual in question and.....Commissioner Willner asked why the individual doesn't help the neighbors pay the county, so we can take the road over and be done with it? He surely has some neighbors who would participate, doesn't he?

Mr. Easley said the budget was something like \$500 per lot -- the minimum he felt it would take to pave the street, overlay it and repair all broken/damaged concrete. Mr. Willner asked how many lots are involved? Mr. Easley said that 29 lots are involved; he didn't get a report back, but he believes there were 20 individuals who expressed willingness to participate.

Commissioner Willner asked why Mr. Easley doesn't bring these twenty (20) to the Board and see if the Board will accept it? It has been a sore point with all the Commissioners. Mr. Easley said he is aware of this, and he has had several meetings with the individuals involved -- trying to come up with a solution. If only twenty (20) are participating, then nine (9) are getting by without.....

Commissioner Borries interrupted by saying he is not an attorney -- but he just doesn't understand why the Barrett law would not apply. If it was a private development, surely some way or the other each property owner --wouldn't there have been a provision to have participated in the maintenance of that road ?

Commissioner Willner said, "No, not necessarily -- because the contractor was to have built the road and then turned it over to the county. He built a crappy road and the county wouldn't accept it. It's been in the courts twice already. Had there been a simple solution, he is certain they would have come up with one.

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Mr. Lindenschmidt interjected that there was a settlement on that -- but it took all the money to pay the attorney.

Commissioner Willner said that if there are only ten (10) who will participate -- then he ask that Mr. Easley bring that back to the Board to see if they will accept that. He said these individuals pay a gasoline tax, also, and their roads should be..... Mr. Easley said he will meet with them again. Commissioner Willner instructed him to do this and bring the Board something.

Discussion again turned briefly to Lynch Road project. Commissioner Borries said he doesn't believe the Commissioners promised an "instant" solution -- but the problem was not so much with local government as it was with the railroads (prior to Seaboard taking over). He thinks that probably President Reagan would find it easier with Mr. Garbochev than the county did with the railroads! But we are glad that the barrels and barricades are now down.

RE: .. AGREEMENT/CHANGE ORDER/BURKHARDT ROAD DRAINAGE

Mr. Morley said there has been ongoing discussing during the last month about some means of improving the drainage on the east side of Burkhardt Road. A proposal was presented to this Board by the County Surveyor's office in conjunction with the City Engineer about lowering the ditch. We came up with a problem as to how to deal with that pipe structure under Division Street. A preliminary estimate was given to the Board by either Mr. Jeffers or the Engineer's office. Now that the job has started (the contractor is on the job) and our office is taking care of the construction engineering, they have gone thru and checked all the items. On the copy of the Change Order (which was just distributed to the Board) is a listing of those items that are also changed when we deepen that ditch to some three (3) feet deeper than it is right now. The add items are the drainage ditch excavation, modification of box culvert underneath Division Street and some Number 5 stone for bedding. The added items which are unbid in the contract are \$74,037.36. Also, in addition to that we have to lengthen some of the pipe structures which cross it, because the pipes would be hanging out 3 ft. above the flowline and the State would not allow a deepening of the ditch without lowering of this structure -- which means they have to be longer to reach out on the bank. There is a deduct of the dollar lineal foot to clean and dredge that ditch and the net of those increases in items is \$3,835.00. Total cost of the work to change the grades on the ditch to improve the drainage in the south part of Burkhardt Road would be \$74,037.36 plus the \$3,835.10 or \$77,872.46.

Commissioner Willner said he understood the \$3,835.10 was a decrease. Mr. Morley said that Mr. Willner is correct; it is a decrease. There is a \$9,000 decrease and only around \$2,000 of add. Mr. Morley continued by correcting himself. He said there is \$9,805 worth of sodding added; the sheet has been incorrectly typed. There is a \$3,835.10 increase. The money is all in the sod, because the ditch will be deeper and the main increase is \$9,805.00 in sod. As he previously said, the total cost is \$77,872.46 for the proposed change.

Along with this, Mr. Morley said he has some good news. There was a typographical error on the bid quantities of the contract and there is some 6,000 yds. of asphalt and the project will be decreased by over \$150,000.00. They just caught this the other day.

Commissioner Borries asked if the change order is under the same formula as the others -- where it is 75%-25%? Mr. Morley confirmed that this is correct. The changes have been discussed with the Federal Area Engineer, Lee Gallivan, and he does agree that that is an improvement to the drainage and their philosophy is that they are going to be out there on Division Street and, therefore, if this would help before they get there, they would like to participate in it.

Commissioner Borries said this was his next question, and he was certain that Mr. Morley had addressed the matter with Mr. Gallivan. If they do any additional work as the Division Street project goes thru, there will not be additional expense on our part for having to do anything at that point -- is that correct? Mr. Morley said this is correct.

Mr. Morley said our other option -- were it not to do what we're proposing here -- would be that if we don't lower the ditch now, they will never lower the ditch when they come to Division Street. They will never lower the pipe because they couldn't do that. The other option would be for us to go in and lower the ditch just down to Division Street and then turn around and work on them and say, "We're not going to accept your

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plans as currently designed. They were just going to extend the box culvert. We could try that tactic -- that would be the other approach. One of the two has to take place in order to improve that drainage south of Division Street. Right now there is nothing anyone can do for those folks on East Cherry Street; absolutely nothing can be done without changing the ditch.

Commissioner Cox asked if this should help them? Mr. Morley said this will lower that ditch -- right now in that half mile from the Crawford Extension on East Cherry north of Division the fall is six (6) inches. There is no fall -- what can you do? And it goes into a concrete-bottomed box culvert. There is nothing the county or anyone else can do to help that drainage other than this. This is the only approach that there is to help the drainage at Lincoln and Burkhardt.

In response to Commissioner Willner's query as to why Mr. Morley had presented copies of two (2) forms, Mr. Morley said that all highway projects are unit bid. The items we've invited bids on -- we've already established a price...so the change is reflected in recommended change in quantities. The other form -- we don't have any price bid to knock the bottom out of the culvert and change it. Therefore, we have to go out for a new price. There were three items on which we didn't have prices. The others are just change in quantities.

President Willner asked if it is Mr. Morley's recommendation that the Board sign both forms -- and he has agreement with the state that they will participate? Mr. Morley said he recommends the Board work toward the solution and we only have two choices. One means waiting for Division and hoping we can convince the State to change it. The other means going ahead right now. In reality, it doesn't make that much difference because we are doing it with 75% funds; or they will be doing it later with maybe 100% three or four years down the road -- if we can convince them. But we'd spend money convincing them that this is what we want to do. This way will get the aid to the area the fastest.

Motion was made by Commissioner Borries that the Change Order be approved in the amount of \$77,872.46, with a second from Commissioner Cox. So ordered.

Mr. Morley said if the Board will sign the original, he will pick it up and forward to Lee Gallivan.

RE: SCHEDULED MEETINGS

Drainage Board: Commissioner Willner announced that a Drainage Board Meeting will be held today subsequent to the Commissioners' Meeting.

Voting Machine Demonstrations: Following the Drainage Board Meeting, there will be demonstrations by two (2) voting equipment vendors beginning at 4:30 p.m. (R. F. Shoup and MicroVote)

RE: CERTIFICATE OF INSURANCE

Shannon School of Dance: Dance Recitals at Vanderburgh Auditorium on May 23, 24 & 25.

RE: ALEXANDER AMBULANCE SERVICE -QUARTERLY REPORT/CLAIM

Claim: A claim in the amount of \$48,030.73 for quarter ending 3/31/85 was presented. Motion to approve claim was made by Commissioner Borries, with a second from Commissioner Cox. So ordered. The Quarterly Report was received and filed.

RE: CLAIMS

Charles R. Althaus: Claim in the amount of \$53.50 for attendance of five (5) people at Deaconess Hospital Seminar. It was noted that the Board had previously approved the request to attend seminar. Motion was made by Commissioner Cox that the claim be approved, with a second from Commissioner Borries. So ordered.

There being no further business to come before the Board at this time, President Willner declared the meeting adjourned at 4:05 p.m. He announced there would be a brief recess prior to Drainage Board Meeting.

(continued)

COUNTY COMMISSIONERS
April 8, 1985

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PRESENT:COMMISSIONERS

Robert L. Willner
Richard J. Borries
Shirley J. Cox

AUDITOR

Alice McBride

COUNTY ATTORNEY

David L. Jones

COUNTY HIGHWAY

Bill Bethel

COUNTY ENGINEER

Andy Easley

AUDITORIUM

Kim Bitz

SURVEYOR

Bill Jeffers

PURCHASING


Tom Dorsey


OTHER

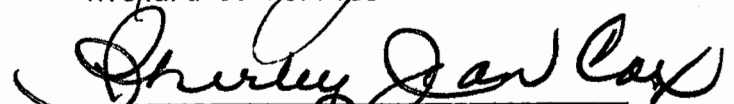
Emarie West/Knight Trustee
Jim Morley
A. Biggerstaff
News Media

SECRETARY:

Joanne A. Matthews


Robert L. Willner, President


Richard J. Borries


Shirley Jean Cox

MINUTES
COUNTY COMMISSIONERS' MEETING
APRIL 15, 1985

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MINUTES
COUNTY COMMISSIONERS' MEETING
APRIL 15, 1985

The Vanderburgh County Board of Commissioners met in session on Monday, April 15, 1985, at 7:30 p.m. in the Commissioners' Hearing Room, with President Robert Willner presiding.

The meeting was called to order at 7:30 p.m. by the President, who entertained a motion concerning approval of the minutes of the previous meeting. A motion was made by Commissioner Borries that the minutes of the meeting held on Monday, April 8th, be approved as engrossed by the County Auditor and the reading of same be waived. A second to the motion was provided by Commissioner Cox. So ordered.

RE: AREA PLAN COMMISSION - REZONING PETITIONS

VC-5-85 - Petitioner, Ronald & Shirley Southwell (1st Reading): Petitioner seeking to rezone property at 2701 W. Mill Road from Agricultural to R-2 for purposes of a duplex. After the Chair determined that there was no one present at the meeting to speak pro or con re the petition, motion was made by Commissioner Borries that this petition be forwarded to the Area Plan Commission. A second was provided by Commissioner Cox. So ordered.

VC-6-85 - Petitioner, Eden Investments (1st Reading): Petitioner seeking to rezone property at 5400 Vogel Road from R-4 to C-4 (General Commercial). After the Chair having determined that no one was present to speak pro or con re this petition, motion was made by Commissioner Cox that said petition be forwarded to the Area Plan Commission. A second was provided by Commissioner Borries. So ordered.

VC-7-85 - Petitioner, Edwin Bassemier (1st Reading): Petitioner is seeking to rezone property at 7000 N. Green River Road from Agricultural to C-2 for purposes of building a swimming pool, water slides, food and beverage concession and sports shop. After determining that no one was present to speak pro or con re this petition, the Chair entertained questions from the Commissioners. Commissioner Borries said that if the purpose of the first reading is to enter comments on the part of the Commissioners if need be, this particular rezoning -- because of the size of the rezoning, as well as the location, concerning some busy thoroughfares -- he makes the suggestion that it be forwarded to the APC with the suggestion that the APC might want to consider assigning a Special Use for this particular rezoning. A Special Use is not a permanent rezoning if, for any reason, in the future this particular business would cease to be the area would revert back to agricultural. He has had some comments about that and he would enter this for the Commission's consideration.

Commissioner Willner said the present existing land use is for farming. Property is located between Heckel and Millersburg Roads. According to the map they presented, they do not contemplate using all of the land. Thus, he thinks that a Special Use Permit would be in order. In response to Commissioner Willner's query, Commissioner Cox stated she wholeheartedly agrees and would point out that in our 1983 Comprehensive Plan that was held in public hearings, this designated area is for agricultural use only.

Mrs. Cunningham said that if the Commissioners want to refer this for Special Use Permit, it needs to go before the BZA (Board of Zoning Appeals) and they will be meeting on May 16th and they would have to re-notify that it was going to a different board and the time designated for the meeting.

Commissioner Willner asked Mrs. Cunningham if she has had any verbal conversation with Mr. Bassemier? She said she did not reach him but did speak with his attorney, who indicated that this would be agreeable to him. The reason the attorney filed for a C-2 was perhaps because APC did not know where to put it. This is why they brought it to the Commissioners; and they feel that it would better be heard as a private recreational use, which would be Special Use 24. APC has suggested that this is what they seek.

The Chair entertained a motion. Commissioner Borries moved that VC-7-85 be approved on 1st Reading and forwarded to the Area Plan Commission. A second to the motion was provided by Commissioner Cox. President Willner asked for a roll call vote. There were three (3) negative votes.

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President Willner indicated there was a lady in the audience who wished to speak. He requested that she approach the podium and state her name and address for the record. The individual was Virginia Craig, who stated she was here for a different purpose. However, she questioned if this is not the rezoning that came up last year about this same time and the neighbors were very much opposed and the matter was postponed for one (1) year. Is it not next door to a church on Green River Road?

Commissioner Willner said he does not recall this particular rezoning ever coming before this Board previously. The location is between Millersburg and Heckel Roads.

Commissioner Borries said he believes Ms. Craig is referring to some rezonings that would be approximately one (1) mile south of that which is being discussed.

Ms. Craig said she believes this came up last year. She and others came down here but it had been postponed for a year. Ms. Craig said there was a small Baptist Church in the area, which had been a horse stable....isn't it next door to that?

Commissioner Borries proceeded to show Ms. Craig a map of the area and said there are no churches until you get near Millersburg Road area. He is not aware of this being discussed before -- it is a new rezoning.

The meeting proceeded with Commissioner Borries moving that VC-7-85 petition be submitted as a Special Use and forwarded to the Board of Zoning Appeals. A second was provided by Commissioner Cox. The Chair asked for a roll call vote. There were three (3) affirmative votes.

VC-8-85 - Petitioner, Hazel Fulton (1st Reading): The petitioner is seeking a change from Agricultural to R-3 zoning at 6920 Old Boonville Highway for purposes of building multiple family dwellings. This is close to Burkhardt Rd. Mrs. Cunningham said the petitioners realize that the property is going to be bisected by I-164 and she thinks they have already started purchasing right-of-way.

Commissioner Cox asked why the petitioner wants to go to the expense of filing a petition like this? Mrs. Cunningham said the APC staff was notified of plans to auction this property, so they have no intent to even build the apartments. Mrs. Cox said she would think this should be postponed. County Attorney David Jones said they are perhaps trying to raise the value of the land before the condemnation. Commissioner Willner said we should hear the petitioner's side.

Commissioner Cox asked Mrs. Cunningham if the comprehensive plan calls for that area to remain agricultural? Mrs. Cunningham responded in the affirmative.

There being no further discussion, a motion was entertained. Motion was made by Commissioner Borries that VC-8-85 be approved on first reading to requested R-3 zoning. A second to the motion was provided by Commissioner Cox. The Chair asked for a roll call vote after Mrs. Cox said she did not feel this petition should be approved. Commissioner Willner explained that he feels the petitioner needs to have a choice to explain their position. Commissioner Cox asked if the Board could not request a postponement for one (1) month? Commissioner Willner said he sees no reason the Board could not do this. But they deserve an opportunity to have their position told -- whatever it is. If we rezone it, it is probably worth more money to them and the State might have to spend extra dollars. If that is the case, then we want to deny that. In any event, the petitioner deserves a chance to advise what they intend to do. In response to Commissioner Cox's query, Commissioner Willner said he would like the APC to hear their explanation as well as the Commissioners. Mrs. Cunningham said she would send a copy to the State Highway Commission in the event they have comments. Commissioner Borries requested that Mrs. Cunningham forward a copy immediately to the State Highway Commission. With regard to the motion made and seconded that the petition be approved on first reading for forwarding to the Area Plan Commission, Commissioner Willner asked for a roll call vote. There were three (3) affirmative votes.

VC-9-85 - Petitioner, Raymond A. Reuter: Petitioner is seeking change from Agricultural to M-2 zoning for purposes of manufacture of trusses and proposed land use is for general contractor. Common address is 1501 Orchard Road. Nearest intersection would be Orchard Road and Schenk Road. There being no one present to speak pro or con concerning this petition and no questions from the Board, the Chair entertained a motion. Motion was made by Commissioner Borries that VC-9-85 be approved on first reading and forwarded to the APC. A second to the motion was made by Commissioner Cox. The

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Chair then asked for a roll call vote. There were three (3) affirmative votes.

VC-3-85 - Petitioner, Kenneth Stevens (3rd Reading): The Chair recognized Attorney Mike Mitchell, as he approached the podium. Mr. Mitchell stated that the petitioner respectfully withdraws subject petition. Motion was made by Commissioner Cox that the request for withdrawal of petition be approved, with a second from Commissioner Borries. The Chair requested a roll call vote. There were three (3) affirmative votes.

VC-4-85 - Petitioner, Roland B. Foster, Jr. (3rd Reading): Mr. Sam Biggerstaff presented a drawing of proposed development to the Board for their review. President Willner asked the developer to approach the podium and state his name and address. In compliance, the developer indentified himself as Roland B. Foster and said he resides at 5533 Martin Road, Newburgh, Indiana.

Mr. Foster said that when originally proposed, they proposed a subdivision. At that point, they had their condos built at Colony Ridge but had not yet started to sell them. Since that time, the sales have been phenomenal and they are only about four (4) sales away from being sold out for the entire year. As a result, they would like to bring it in off Newburgh Road and give it a little more prestigious address. They are currently buried back in an area and it is difficult to advertise and bring people to the area itself. They feel a more prestigious address would be very successful for them.

Subsequent discussion revealed that when the Board initially saw this, it was an unrecorded subdivision. In response to queries, Mr. Foster said the density will be about the same as in the subdivision. There are two (2) units per building. About 5% of the area is R-4 and 95% is R-1. Mr. Foster indicated the "Owner's Association" will maintain the boulevard and the streetlights throughout the project. Some of the condos are freestanding single units -- not attached to anything.

In response to Commissioner Borrier's query, Mr. Foster said that the I-164 corridor will be considerably east of the development. To the east of the project in Warrick County is a Presbyterian Church and I-164 goes to the east of that church; thus, it should miss the proposed development by some 900 to 1,000 ft.

The Board spent considerable time perusing the plans for subject development. Mrs. Cox said she read the minutes of the APC meeting and there was some question over roads. Mr. Biggerstaff said he thinks the APC was concerned that once they approved this -- for condos on private roads -- that they would not have any check to determine if they were put in according to county standards. Commissioner Borries said that if at some point in the future the county were to take them over, they like to work with the developer to see that they are put in according to county specs. It was noted by Mr. Biggerstaff that these streets will be without curbs and gutters; the grass or green area goes right to the streets. Mr. Foster said this was being done from an "attractiveness" standpoint, since the streets will be asphalt. Mrs. Cox pointed out that the thickness of the streets is very important. Likewise, the drainage and road shoulders are important. In response to questions, it was noted that the drainage was approved at one time (when it was looked at as a subdivision). Commissioner Willner asked if this affects the run-off factor? Mr. Biggerstaff said that it does not, it is the same amount. Mr. Foster also pointed out that another thing set up was that the owners, by deed restriction, maintain the lake at no county expense whatsoever...and it has to be maintained as a drainage area.

Commissioner Cox asked if there were some question over a cul-de-sac in this one? Mr. Foster said there was not. Mr. Biggerstaff said this was just for people to go into their houses. Mr. Foster said the Board might want to consider that condominium living is not really designed for children. To date they have sold fourteen (14) units and in those units there is only one (1) child. Condominiums are designed more for "empty nesters"...people who do not require a yard. Mrs. Cunningham asked if a firetruck can get around? Mr. Biggerstaff said the driveways are wide enough to back in and do almost anything you want to do. There are 40-ft. wide areas, 20-ft. wide areas, etc.

The Chair questioned if any remonstrators are present concerning subject petition? There being none, a motion was entertained. Motion was made by Commissioner Borries that VC-4-85 be approved for R-3 zoning, with the stipulation that developer will have consultation with the county with regard to private streets being constructed to

(continued)

widths as shown to county standards, along with county standards on sewer construction. A second to the motion was provided by Commissioner Cox. The Chair asked for a roll call vote, with three (3) affirmative votes being cast.

RE: BROOKRIDGE SUBDIVISION

President Willner queried Mr. Biggerstaff re Brookridge Subdivision. Mr. Biggerstaff stated that he brought a set of plans to Andy Easley and submitted a letter to Commissioner Borries. It was noted that there will be no action taken prior to Mr. Easley's reviewing the matter, as it has been referred to him for his expertise.

RE: COUNTY LINE ROAD

President Willner recognized Mrs. Linda Scott, who was present to address County Line Road matter. She said her address is R.R.#3, Box 198, County Line Road, Evansville, Indiana. If there is anyone present who does not know where County Line Road is....a lot of people think it is on the west side....but she is here to represent all those who live between Kansas Rd. and Millersburg Rd. She has a petition to present, as follows:

TO WHOM IT MAY CONCERN:

We, the people who live and own land on County Line Road feel like we have been discriminated against. With the closing of the road, we have only one (1) outlet left. It takes a fire truck or ambulance 5 to 7 minutes longer to get there -- and minutes mean life or death. We opposed the highway for not buying our homes. They are buying land back there, but not our homes. We are all taxpayers and feel like you have violated our rights as citizens of this country. When the snow is on we need Kansas Road because Millersburg Road is not as safe as Kansas Road.

Concerning buying our homes, this should be first on your list. The pictures we have brought should say all that needs to be said.

Mrs. Scott said the foregoing is signed by those individuals concerned. To go into more detail as to what she is talking about, there are four (4) families who live out there, but there are five (5) owners who have property. Mrs. Scott's house caught on fire just last week; it was just a small fire in the utility room. The fireman didn't know the bridge was closed on County Line Road and they came that way. They had to backtrack and go all the way around to get back to her house. Had they been able to get thru initially, it might have saved her house from having extensive smoke damage and the necessity of repainting, etc., which is now having to be done. Also, there are some older residents out there who have heart trouble. Getting an ambulance out there is something else.

Mrs. Scott said she knows that perhaps this isn't the place to talk about the highway buying the homes out there; but they are buying an estimated 3 ft. of her back lot and that's bad. If they're going to do it like that, why don't they just buy their homes. Some of the residents have already been looking and are going to buy other homes...and their values would go down for the existing property under the current conditions.

Mrs. Scott said it may not mean much to the people here, but she used to get the newspaper. Since they've closed the bridge, they refuse to come around the other way to deliver the paper. She has called and talked to everyone about getting a newspaper. Initially, it took her one (1) year to get them to come down the road to deliver the paper.

They say that when the new highway comes thru that there will not be much water backup. People can say a lot of things, but living there is a different story. She then proceeded to show the Commissioners photos made in 1983 when the water was up in the area, as well as photos taken as recently as last week. She said if you get out at 5:00 a.m. and try to go up Millersburg Road when there is ice and you can't get up the hill and the car starts sliding backward and into a ditch -- you sit there for two (2) hours or so -- so you won't go up that road again. Right now, they have to take it or else...and they do not feel it is right. Mrs. Scott said the people in that area do not bother anybody and they pay their taxes -- and they can't get anybody to take care of those roads. They have to call them and threaten them to get them out there once a year.

(continued)

Also, they brought out a truckload of big rocks and dumped them between County Line and Millersburg -- they dumped them and just left them. The man who lives across the road in Warrick County worked down there four (4) hours the other day. When they just dumped the rocks into the ditch, they stopped up the drainage pipe. The man is 78 years old and he got down there and dug every rock up and put it up high. She would have felt bad had the man had a heart attack while he was doing the work that the county should have been doing. She said that another lady saw him doing this work, just as she did.

Mrs. Scott said again that the people out there don't bother anybody. If the highway is going to do all this -- why don't they go ahead and buy the people's homes -- as they have to move anyway. When the new highway gets in, they're going to have water sitting all the time.

Commissioner Willner asked Mrs. Scott where the county crews put the big rocks? Mrs. Scott said it was on the corner of County Line and Millersburg Road -- there in the drainage ditch. It's caving in. What's happened is that someone's driveway is caving in -- and they just dumped the rock there. Every time you drive there -- there's a big dip; what's going to happen is that someone is going to go off down in there.

Commissioner Willner asked Bill Bethel to check this out. Mr. Bethel said there was a cave-in there and they filled it with rock. Commissioner Willner asked if they dumped it down into the bottom and someone had to pull them out and put them on top? Mr. Bethel said that some of the rocks may have rolled down to the bottom. Mr. Bethel advised that they even oiled that road last year. Mrs. Scott asked "Are you Bill Bethel?" She said, "That little strip of oil in the middle?" They thought they were hitting oil or something -- since it appeared in the middle of the road!

Commissioner Willner asked Mrs. Scott if her problem is with Vanderburgh County or the State Highway Department? Mrs. Scott said her problem is with whoever is buying I-164. Commissioner Cox said that Mrs. Scott has two problems. Commissioner Willner said he understands about the big rocks, which is probably the county's fault. He understands about the County Line Bridge and that is the county's problem and he wants to address this. He did talk to Mr. Shelton (Warrick County Commissioner) and we are looking into that bridge. There will be some progress. Thus, he can take care of the bridge and the roads. However, unless Mrs. Scott just wants him to forward the petition submitted to the State Highway Department.... Mrs. Scott asked if they are going to be up here next week? Commissioner Willner said that, "On Monday, April 29th, at 1:30 p.m., Richard Vancleve, Highway Design Engineer, Rex King and Lee Gallivan will meet here with the County Commissioners and Andy Easley. This meeting concerns the bridges that are to be closed and other affected by I-164. You are being asked to get information together which will help you on any bridge that needs to be discussed or others that might possibly be closed. Thank you." He said this is the letter the Commissioners sent to the County Highway Department/County Surveyor. Commissioner Willner said he didn't have this letter -- but we must have had information that Mr. Gallivan was going to be here. He is not certain that this is an Open Forum for Mrs. Scott to speak. But they did have public meetings on I-164; did Mrs. Scott not attend them? Mrs. Scott said they didn't know anything about it.

Mrs. Scott said they were saying they couldn't fix the bridge because it is going to cost too much (the one on County Line). Commissioner Willner said we're thinking about putting a culvert in. Mrs. Scott said this would be better than anything. She has lived out there for five (5) years -- and if that bridge has had a nail put in it she doesn't know about it. Commissioner Willner said we just spent about \$7,000 putting a floor in the bridge. Mrs. Scott asked, "When?" Commissioner Willner said it was about two years ago. Mrs. Scott said that is like the government paying \$40.00 for a hammer; because she knows there was one new board put in down there -- she would have put that board in cheaper than that!

Commissioner Willner said he agrees with Mrs. Scott, but he wants her to get to the right place to solve her problems. This Commission controls the bridge, the road and the rocks she is talking about at County Line and Millersburg Roads. He can do something about these. But those things she is talking about with regard to the State are not within his power to help her. He then asked County Attorney Jones if there are any further avenues for Mrs. Scott with regard to the State? Are there anymore public hearings? Or, at this time, can she even write to the Highway Department?

Commissioner Cox said that Mrs. Scott's contention is that they have severe drainage problems now -- and they do. She asked Mrs. Scott if she has seen the drainage plan
(continued)

that the State Highway Commission had proposed? She doesn't think she has.

Commissioner Borries said we're arguing about the future and it needs to be pointed out that it is something over which we have no control. However, he believes that Commissioner Willner would have some direct experience to share since he lived close to I-64 when it was built. In most cases, he doesn't think the State Highway or Interstate is going to build a road unless they can provide adequate drainage or retention lakes and take care of the drainage problems. He isn't saying that this is going to automatically cure the problems. But he does think it is debatable at this point as to whether it is going to make it any worse. It could make it better.

Commissioner Willner said that if they built a highway which adversely affected Mrs. Scott's property insofar as water is concerned, they would be open to a lawsuit whereby she could cost the State "x" amount of dollars. They are not going to do that if they can help it. If they make a mistake and inadvertently do that, then she has recourse thru the courts. They held public hearings during which they would have been glad to have heard from Mrs. Scott.

Mrs. Scott said they have talked with them and her husband has seen all the blueprints. Mary Bledsoe has been the individual out there seeing about buying the land. Commissioner Cox said she does not see where Ms. Bledsoe would be able to explain the drainage. Mrs. Scott said, "No, but she is the one who has been out there seeing about buying the land. But she has been going from one landowner to another telling them what the other one is doing -- and they don't appreciate that."

Commissioner Willner asked Mr. Lindenschmidt if he has the address/telephone number of Rex King, State Highway Department? Both the Federal and State engineers will be down and Mrs. Scott could talk to both -- and on I-164 problems these are the individuals to whom she should speak. Perhaps the petition should be forward to them, also. Mr. Lindenschmidt subsequently provided the following information:

Rex King
P.O. Box 376
Vincennes, Indiana 47951
Tele: 812-882-8330

Mrs. Scott expressed appreciation to Commissioner Willner for providing her with the aforementioned information. She subsequently introduced another neighbor, Ruby Owens. She said that with that dab of oil down the middle of the road, Mrs. Owens had been thinking they were striking oil; now she knows that this is not true.

RE: COUNTY ATTORNEY - DAVID JONES

Acquisition of Abandoned Real Estate/Illinois Central Gulf Railroad
Attorney Jones presented the following letter for the Commissioners' signatures:

April 15, 1985

Illinois Central Gulf Railroad
Two Illinois Center
233 North Michigan Avenue
Chicago, IL 40601-5799

ATTENTION: Kevin Forest, Real Estate Department

Dear Sirs:

The undersigned constitute the Board of Commissioners of Vanderburgh County, Indiana, the governing executive-legislative body of the County. We have been advised of the intention of Illinois Central Gulf Railroad to abandon certain real estate constituting part of a railroad line between Grayville, Illinois (milepost 215.0) to Evansville, Indiana (milepost 246.64).

Vanderburgh County, Indiana, is interested in discussing with Illinois Central Gulf Railroad the possibility of acquiring certain portions of that real estate for possible use in road construction in the future. Our attorneys have been advised that Illinois Central Gulf Railroad will discuss the acquisition by Vanderburgh County of that real estate with us as soon as possible after the abandonment of the railroad line has been approved by the Interstate Commerce Commission.

(continued)

This letter will serve as notice to you of the continuing interest of Vanderburgh County, Indiana, of the subject real estate, and we ask that you contact us immediately upon completion of the necessary administrative proceedings.

Very truly yours,

Robert L. Willner
Richard J. Borries
Shirley Jean Cox

Attorney Jones said that one of the statements that can be made in a proposed abandonment by a railroad to the Interstate Commerce Commission includes the intent to offer financial assistance to environmental impact, the impact on a rural and community development and the suitability of the properties proposed to be abandoned for other public purposes. Thus, it would be his recommendation that the County is indeed further interested in any of the properties to be abandoned by the railroad that we communicate the "suitability" of properties for public purposes to the Commissioner of the Interstate Commerce Commission in Washington, D.C., as follow-up to the letter to the railroad. The foregoing letter is directed to the ICG, and he would prepare a letter to the I.C.C.

Commissioner Willner said he would think it would be the interest of the County Commission to have Attorney Jones also forward a letter to the Interstate Commerce Commission. If he will go ahead and prepare that letter, the Commissioners would appreciate it.

Commissioner Borries asked if Commissioner Willner wants a suggestion for the "suitability" of the properties, and Commissioner Willner responded in the affirmative. Commissioner Borries said that he and Attorney Jones jog from time to time; he can see where a strip of land for those who pound the pavement every now and then -- that it might be suitable to public use to have a green belt of some kind for those who like to jog to have that type of open green space to do so. That might be one public use. Commissioner Willner said it could also be used for bicycle path, and this would not impede the traffic flow. Commissioner Cox suggested horseback riding. Attorney Jones said there was initially a proposal for a public bicycle path, but for one reason or another the path thru the city got cut off...and that was something they had been working on for some period of time.

Motion was made by Commissioner Borries that the letter to the Illinois Central Gulf Railroad be approved (again, this is continuing notice to the railroad of our interest) and that a letter to the Interstate Commerce Commission be drafted by Attorney Jones -- expressing the interest of the county for such uses as walking, hiking, jogging, etc. A second to the motion was provided by Commissioner Cox. So ordered.

Burdette Park Property

Attorney Jones said that the County Commissioners, if they determine that a lease rather than a sale or transfer or exchange would be in the best interest of the subdivision, shall first have the property appraised by two (2) appraisers and that the appraisal may be made jointly. The appraisers may either be professionals engaged in making appraisals, they may be licensed under Section 25 Code, or they may be employees of the subdivision which are familiar with the value of the property. The appraisal would affect the status of the disposition of the property and the county could then proceed to go out and lease it. From what he understands to be the case from a review of the property involved, it probably would not be feasible to go out and sell it or do anything else with it. There may be nothing there or there may be something there. At this point, if the county wishes to go forward they should appoint the appraisers to make a determination of the property and at that point in time it would be relevant to determine what type of lease the county could enter into; for instance, the value may not be realized in the direct lease of it; it may be realized in a royalty obtained from any production. So, if there was in fact oil on that half acre, the county could realize more from what is below the ground than just leasing what is on top of the ground.

Commissioner Willner said that if it meets with Attorney Jones' approval, he will ask that Bill Bethel and Jim Lindenschmidt go out and appraise the property. The reason for this selection is because the correspondence pertaining to the matter is in the Commissioners' office and this would eliminate the necessity of having to send it

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forth for appraisal purposes. Attorney Jones said this met with his approval.

Commissioner Cox said she still wants to know exactly where this property is located. Commissioner Borries said it is across from Burdette Park on Nurrenbern Road. Back in 1932 somebody deeded the property to the County.

Attorney Jones said it is his suggestion that the appraisers walk it through. The folks who came in with the proposal had two (2) deeds there. They will notice, however, that the deed that comes into the County is prior in time to the second deed which goes away to someone else. He doesn't know whether the county still owns that property. Therefore, number one we'd better determine whether what they want to lease is what the county owns.

Commissioner Willner said he sees some frowns among news media. By way of explanation, this is a strip of land sitting in the middle of another plot of land (35' x 300' or one-half acre) which belongs to Vanderburgh County. A drilling company has leased the rest of the property to drill oil wells. They need this 35' x 300' strip of land to finish their section insofar as drilling is concerned. Attorney Jones said he thinks the county owns it, but he is saying that we need to check that. The man came in with two (2) deeds. It is interesting that we don't own any of the rest of the oil rights except for this strip. We could lease oil rights, however, to that strip. In response to Mrs. Cox's question, Commissioner Borries spoke of a Frank Wood, whose property is landlocked....as they continued to study the map.

In conclusion, it was determined that Messrs. Lindenschmidt and Bethel are to proceed with the appraisal and the Board will go from there.

Problem with State Department of Revenue/Vanderburgh Auditorium: Attorney Jones advised that we still have not resolved our problem with the Indiana State Department of Revenue over proprietary taxes generated at Vanderburgh Auditorium. We are still being faced with warrants and threats where they will come in and take it and do things. He doesn't know what the problem is. He knows that monies have been allocated in the budget to take care of sales taxes due from the proprietary operations. This appears to him to be warrants generated prior (he thinks this is an error -- but he has to advise the Board that it has to be dealt with or it may wind up in litigation before the next Commissioners' meeting; they may come in and make some moves and we'll have to seek some action). Thus, he needs to be authorized to deal with the matter. If the Board will recall, we settled this thing last year. It had built up for a long period of time and the county did not know about it. We got into it with them and reached a settlement (Paul Wallace in Jones' office handled the matter). We paid up what we owed and had a clean slate and were budgeting to cover it. The only thing he can tell from the warrant numbers on warrants served by the sheriff is that this appears to be something that was paid, waived or released previously. But he wants the Board to be on notice concerning this so they heard it from him and not by reading it in the newspaper first. If somebody goes out and seizes the auditorium and holds a fire sale between now and next Monday -- that's the only reason he is bringing it up. He needs to check into it.

Commissioner Cox asked if the amounts are shown on the warrants? Attorney Jones said among the amounts are the following: \$172.83, \$37.17, \$205.57.....Commissioner Cox asked if these are for certain quarters? Did they say what the amounts were for? Attorney Jones said that most of it appears to have occurred prior to 1983 (January, February, March, April, May, June, July - 1981). He, in fact, thinks that these were paid. Again, the warrants have to be traced back to when the taxes were assessed, etc., and run that against the settlement made, etc.

Commissioner Willner called for a motion that the matter be referred to the County Attorney. Commissioner Cox said she first has a question. Those people who now rent from us who are tax exempt have to give us their Tax Exempt Number? The others are charged sales tax? Commissioner Willner said he does not think so. The law has been changed. After we owed our big penalty, the law was changed and they were trying to recoup the dollars for the previous years -- is that correct? Attorney Jones said he thinks we incurred sales tax ... Commissioner Cox interrupted by asking if we have been paying that sales tax? Attorney Jones said it is his understanding that we have; he doesn't know whether Larry Lazart is familiar with this, but Alice McBride is -- that the Auditorium has budgeted an amount; if they take that from their lessees, he doesn't know. But he knows -- and Alice McBride has told him on previous occasions -- that we had funds that were set aside for the auditorium. Whether that came off the

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top general fund or whether it was computed on the basis of actually assessing it against the lessees and setting it aside he doesn't know. But some amounts had been set aside to pay that tax and it has been his understanding since we reached the settlement that it was paid. When this came up two years ago, we didn't think we owed it -- it was a legal opinion of prior county attorneys that units of government did not pay state sales tax. Then there was some court case and they said that when a government quits acting like a government and you start doing things that private outfits do (running shows, etc., where we are competing) then we pay sales tax like anybody else. Commissioner Cox said if we have to pay it, doesn't that mean we have to send in what we collect? Attorney Jones said that is correct; just like any other vendor or retailer; that is exactly what it is -- a sales tax -- and it is done on a monthly basis. That is why you will note the tax warrants are on a monthly basis. We're treated like a retailer. He thinks that one of the secretaries in his office went thru the file and marked off what he thinks was paid -- but he needs to check it, personally.

Commissioner Cox asked if it would save attorney's fees if the County Auditor checks these? Attorney Jones said he doesn't want to do it. Anything he can kick out he is glad to do so.

Commissioner Willner called for a motion. Commissioner Borries asked where the Board wants to send this matter -- the County Auditor or the County Attorney? Attorney Jones said he can check this out and it won't cost the county anymore attorney's fees. Motion was made by Commissioner Borries that the matter be referred to the County Attorney for his expertise. (Attorney Jones said all he is seeking is authority to act to prevent the sale of the Auditorium during the next week, if it becomes necessary -- nothing else; he doesn't want litigation fees.) A second to the motion on the floor was provided by Commissioner Cox. So ordered.

Dismissal of Castle Acceptance Corp. Complaint Against Area Plan Commission and Vanderburgh County: Attorney Jones read the following:

STATE OF INDIANA	}	SS:	IN THE WARRICK CIRCUIT COURT
COUNTY OF WARRICK			
CASTLE ACCEPTANCE CORPORATION,	}		1985 TERM
Plaintiff			
vs.	}		NO. C 84-276
AREA PLAN COMMISSION OF			
EVANSVILLE AND VANDERBURGH COUNTY,	}		
et al.			
Defendant	}		

ORDER

The Area Plan Commission of Evansville and Vanderburgh County having moved the Court to dismiss Plaintiff's cause of action for failure to provide answers to interrogatories and requests for admissions propounded by the Defendant, and for the Plaintiff's failure to comply with this Court's order of April 1, 1985, and the court having examined the pleadings filed herein, and being duly advised in the premises; it is

ORDERED AND ADJUDGED that the complaint of Castle Acceptance Corporation be, and the same hereby is dismissed pursuant to Rule 37(B) (2) (c) of the Indiana Rules of Trial Procedure, that the Area Plan Commission of Evansville and Vanderburgh County be, and the same is hereby awarded its costs herein.

DATE: April 12, 1985.

Signed: Honorable Donald G. Hendrickson
JUDGE, WARRICK CIRCUIT COURT

Commissioner Cox exclaimed, "Good! that was \$3,000,000.00....Attorney Jones said that a certain City Councilman and Commissioner should be pleased with this. This is the

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second time they've gotten the case dismissed. Under the trial rules, the second time is the final time. Commissioner Cox remarked that she'd heard nothing on this and wondered what was happening to this case. She also wondered where the county would get \$3,000,000.00!

RE: BURDETTE PARK

President Willner distributed copies of Burdette Park Financial Report for period thru March 31, 1985, as follows.....report received and filed.

1985 STARTING BUDGET

1985 Budgeted	\$ 485,881.00
1984 Encumbered by P.O.	6,319.43
1984 Encumbered by Contract	<u>14,445.01</u>
Total	\$ 506,645.44

EXPENDITURES & BALANCE 1/1/85 to 3/31/85

Total Expenditures	\$ 94,283.04
Total Balance	412,362.40

INCOME 1/1/85 to 3/31/85

Pool	\$ -0-
Rink	12,675.35
Rentals	6,104.38
Misc.	<u>1,052.75</u>
Total	\$ 19,832.48

MARCH 31, 1985

Total Expenditures	\$ 94,283.04
Total Income	<u>19,832.48</u>
Total Deficit	\$ 74,450.56

Commissioner Cox said she thinks we need some publicity on the batting cages which are now open. There have been 40-yr. old men and women out there hitting balls and they really like it. She hasn't seen much in the news media regarding the fact that we're open -- and she'd like to see it on the marquee at Burdette Park (when it is repaired) as well as on the Vanderburgh Auditorium marquee. Commissioner Willner asked Mrs. Cox that when they have Media Day, does she want to take her turn in the batting cage? She said, "It's a deal!"

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Absentee Report: Mr. Bethel submitted the Weekly Absentee Report for Employees at the County Garage for period April 8 thru April 11, 1985.....report received and filed.

Weekly Work Report: Also submitted was the Work Report for the same period....report received and filed. Attached to the Work Report was the following Work Schedule:

Patch: Fisher, Old State Rd., Owensville, Baseline, St. Joe Avenue, Marx Rd., Old Henderson Rd., Nurrenbern Rd., Koressel Rd. and Millersburg Rd.

Gradall: Camelia Drive, Larch Lane, Mt. Pleasant, St. Joe, Baseline, Old State Rd., and Lynn Rd.

Grader: Petersburg, Streuh-Hendricks, McDowell, Marx Rd., Waterworks Rd., River Rd., Old Green River Rd., Eichoff, St. Joe Avenue, Cypress-Dale, Shore, Roth, Happe, Long, Middle Mt. Vernon, S. Weinbach, Old Henderson, Golden Rule, Lynn and Telephone Roads.

(continued)

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In response to query from Commissioner Willner, Mr. Bethel said he is still plagued with pot-holes; he thought they were through -- but doesn't know what will fall out of the rain we experienced this past weekend. He hopes the weather will give them an opportunity to start paving some of these roads.

RE: COUNTY SURVEYOR

Bridge & Guardrail Repair Report: President Willner said that the County Surveyor had submitted copies of the Bridge & Guardrail Repair Report for period of April 8 thru April 12, 1985.....report received and filed.

Erosion Control on Old Henderson Road: President Willner also read the following letter from Bill Jeffers, Deputy Surveyor, concerning erosion control on Old Henderson Road. Attached to the memorandum was a SUMMARY OF FINDINGS/STREAMBANK EROSION STUDY/OHIO RIVER/VANDEBURGH COUNTY, INDIANA.

April 15, 1985

TO: THE BOARD OF COUNTY COMMISSIONERS
VANDEBURGH COUNTY, INDIANA

RE: EROSION CONTROL ON OLD HENDERSON ROAD

Attached you will find a copy of the Summary of Findings, Streambank Erosion Study, Ohio River, Vanderburgh County, Indiana.

Page 2, paragraph 3, concludes that relocation of Old Henderson Road at \$76,000 is more economical than revetting the river bank at \$334,000. Paragraph 4, same page, indicates that the Corps would like to see Vanderburgh County relocate the roadway at no cost to the federal government.

On page four you will find a summary of projected costs which includes an item for rights-of-way in the amount of \$2,000. On page 5, however, you will note that the cost estimate for a totally local relocation project does not include an amount for right-of-way acquisition.

We are turning this information over to you for your further study and remain at your service if we can be of assistance in interpreting any other information contained in the report. It does seem fairly plain that the Corps wishes no further involvement in the project.

Respectfully submitted,

Bill Jeffers

Commissioner Cox stated that Andy Easley was supposed to have received this report. She said he should ask them to put in a new road....that is their riverbank; we had one bad place that they fixed a year or so ago. Mr. Easley said he had not seen this report. Attorney Jones said they could relocate the river easier than we could relocate the road! He said the bottom line is that the Corps is saying the county can relocate that road for \$76,000. You can't put in half a mile for \$76,000! Mr. Easley said he'd like to know where they got their estimate of \$76,000 for relocating the road. Commissioner Cox also pointed out that of the \$334,000 rip-rapping cost, there would be some \$88,000 local fund participation. Commissioner Willner said that is new and different -- we never did before. Commissioner Cox said we need to get this clarified. What they're saying is that it would be better for the county to pay \$76,000 to relocate the road than to pay \$88,000 participation in the total \$334,000 project. There was further discussion among the Commissioners and Mr. Easley said we provided the temporary right-of-way and they did the rip-rap. Commissioner Cox said the Corps did tell us that if we needed to do it before they could get to it that we might have to spend the money but that they would reimburse us. She and David South went down and talked with them.

In response to query from Attorney Jones, Mr. Easley said that six months ago, at the request of the Commissioners, he sent the Corps a standard request, together with photographs and maps to point out the problem, and asked that they consider making it a project to rip-rap the bank. There being no further discussion, the Board referred the Summary to Mr. Easley for his review, prior to getting back to the Board with his recommendations concerning future action.

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RE: COUNTY ENGINEER

County Bridge Inspection: Mr. Easley said the Board will recall that they reviewed the letter he prepared to go to the Indiana Department of Highways concerning inspection of County Bridges. He requested that said letter now be made a part of the permanent record, as follows:

April 11, 1985

Mr. R. E. Woods, P.E.
Chief, Division of Local Assistance
Indiana Department of Highways
1203 State Office Building
100 North Senate Avenue
Indianapolis, Indiana 46204

Re: Vanderburgh County Bridge Inspection

Dear Mr. Woods:

Vanderburgh County intends to contract engineering services for the Inspection of Bridges in and under the jurisdiction of Vanderburgh County in accordance with the National Bridge Inspection Standards and other applicable criteria. Initially, the county had intended to perform the Bridge Inspection with county personnel; however, due to the scope of work relative to current county staff, the Board of Commissioners have elected to contract said services.

In accordance with the requirements for Federal participation in the accomplishment of this project, the following is provided for your review:

Consultant Selection Procedure

Vanderburgh County has adopted a Consultant Selection Procedure (adopted October 12, 1981), which is approved and on file in your office.

Documentation of Consultant Selection Procedure

Enclosed is a copy of a Notice to Consultants, dated July 30, 1984, and the mailing list.

Enclosed is a copy of the Request for Proposals, dated December 18, 1984.

Proposals were solicited from the following consultants:

Howard Needles, Tammen & Bergendoff
Floyd E. Burroughs & Associates
United Consulting Engineers, Inc.
Fink, Roberts and Petrie, Inc.

Proposals were received from the following consultants:

Howard Needles, Tammen & Bergendoff
Floyd E. Burroughs & Associates
United Consulting Engineers, Inc.
Fink, Roberts and Petrie, Inc.

Upon review of the proposals received and evaluation of the respective firms qualifications and experience, four (4) firms were requested to submit proposed fees. Upon further evaluation, the firm of Floyd E. Burroughs & Associates, Inc. was selected during the regular commission meeting of February 25, 1985. (Commission meeting minutes enclosed.)

The selection of this particular firm was based on qualifications and experience, prompt completion of other Bridge Inspection projects, and review of a previously completed Bridge Inspection Report for a different county. A secondary, yet significant consideration, was the competitive proposed fee.

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Enclosed are the following:

Draft Agreement (including Fee Justification)
Proposal of Selected Consultant

Should you have any questions or comments, please contact this office.

Very sincerely,

R. Andrew Easley, Jr., P.E.
County Highway Engineer

Burkhardt Road Claims: Mr. Easley said he had two (2) claims as follows on Burkhardt Road. Last week, Mr. Morley presented a Change Order on the culvert under Division Street. Mr. Easley said they did some exploratory work investigating the thickness to the bottom and how it was constructed. Hanson Testing & Engineering drilled holes in the bottom of it to ascertain the thickness. This claim is in the amount of \$250.00. The second claim is from the Board of Public Works of the City of Evansville for \$31.90, for time that someone spent on Saturday poking around in the bottom of the ditch and they have no way to get this overtime reimbursed thru their normal channels. It is Mr. Easley's recommendation that both of these claims be approved for payment. The Chair entertained questions concerning subject claims. There being none, a motion was entertained. Motion was made by Commissioner Borries that the claims be allowed, as presented. A second to the motion was provided by Commissioner Cox. So ordered.

RE: TRAVEL REQUEST - COUNTY RECORDER

The following letter concerning travel request from the County Recorder was read by President Willner:

April 9, 1985

Robert Willner, President
Vanderburgh County Commissioners
Civic Center Complex

Dear Sir:

This letter is to let you know I am requesting permission for my Chief Deputy and myself to attend a conference of all County Recorders called by the State Board of Accounts. The conference is scheduled for Wednesday, April 24, 1985, at the Holiday Inn/Airport, 2501 South High School Road, Indianapolis, IN.

Thank you for your consideration.

Sincerely,

Bob Steele, Recorder
Vanderburgh County Indiana

Motion was made by Commissioner Cox that the request be granted, with a second from Commissioner Borries. So ordered.

RE: ACCEPTANCE OF CHECK - WELLS CABLE T-V

President Willner presented Check #414 in the amount of \$111.01 from Wells Cable T.V., Inc. in Elberfeld, Indiana for cable installation on west side of Vanderburgh County. He then called for a motion to properly endorse check for deposit into the general fund. A motion to this effect was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

RE: BUILDING COMMISSION - MONTHLY REPORT

The monthly report for March, 1985 from the Building Commission was submitted..... report received and filed.

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RE: CERTIFICATES OF INSURANCE

Top Rank, Inc.: Insurance for CCTV Boxing Event (Hagler vs. Hearn) to be held at the Vanderburgh Auditorium on April 15, 1985.

General Foods Corporation, Inc.: Christmas Party at Vanderburgh Auditorium on November 29, 1985.

RE: CLAIMS

President Willner said he has two (2) claims from the County Attorneys. He has not yet reviewed these but will do so and present them for approval thereafter.

RE: OLD BUSINESS

In response to query from President Willner, it was determined that there was no old business to be discussed at this time.

RE: SCHEDULED MEETINGS

Indiana Association of Counties, Inc.: Commissioner Borries said he believes it has been mentioned heretofore that Vanderburgh County is going to be the host for the Southwest District Meeting of the Indiana Association of Counties to be held on May 6th at 5:30 p.m. He is hopeful that this Board can attend and would like to invite members of the media to attend, as well. There will be a legislative update.

Indiana Association of County Commissioners: The Indiana Association of County Commissioners is having a meeting in Jasper, Indiana on Tuesday, April 30th. That also will include discussion on bids, purchasing, road repairs, etc. Mr. Borries said he will be unable to attend but perhaps the other Commissioners can attend or we could send Mr. Lindenschmidt and/or County Highway persons to allow them to have this information. The meeting will be held at the Holiday Inn in Jasper.

RE: EMPLOYMENT CHANGES - RELEASESVanderburgh Auditorium

Ruby Norris 1120 Lincoln Ave. Housekpr. \$7.27/Hr. Eff: 4/11/85

Circuit Court

Stephen Fuchs		W/R Off.	\$14,480/Yr.	Eff: 4/5/85
William Martin	(Acct. 260-137)	C.S.O.	\$ 500/Yr.	Eff: 4/5/85
William Martin	(Acct. 505-136U)	C.S.O.	\$17,179/Yr.	Eff: 4/5/85
Peggy Kissel		P.D.S.	\$ 6,688/Yr.	Eff: 4/8/85

Sheriff's Department

Jimmie Tucker		Sgt.	\$20,846/Yr.	Eff: 4/6/85
Robert Beckman		Corp.	19,494/Yr.	Eff: 4/6/85
Kenneth Patterson		Patr.	18,243/Yr.	Eff: 4/6/85
Jacqueline Trail		Civ. Jlr.	13,308/Yr.	Eff: 4/6/85
Robt. L. Vessels		Civ. Jlr.	13,308/Yr.	Eff: 4/6/85
Charlie Gibbs	(Retired)	Lt.	22,306/Yr.	Eff: 4/5/85
James Neighbors	(Retired)	Patr.	18,243/Yr.	Eff: 4/5/85

Prosecutor

Joseph M. Goodrid, Jr. 401 S. Red Bank Invest. \$13,100/Yr. Eff: 4/10/85

RE: EMPLOYMENT CHANGES - APPOINTMENTSKnight Township Assessor

Nancy N. Bowers 6433 Newburgh Rd. Per Diem \$ 35.00 Eff: 4/11/85

(continued)

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Circuit Court

William Martin		W.R. Off.	\$ 14,480/Yr.	Eff:	4/8/85
Stephen Fuchs		C.S.O.	500/Yr.	"	
Stephen Fuchs		C.S.O.	17,179/Yr.	"	
Candice Henning	4500 Greencove	P.D.S.	\$ 6,688/Yr.	Eff:	4/15/85

Burdette Park

Laurel Martin	3655 Jackson	Recept.	\$ 4.00/Hr.	Eff:	4/1/85
Thomas Goodman	1918 Eastland Dr.	Rink D.J.	4.00/Hr.	Eff:	3/29/85

Sheriff's Department

Jimmie Tucker		Lt.	\$ 22,306/Yr.	Eff:	4/6/85
Robert Beckham		Sgt.	20,846/Yr.	Eff:	4/6/85
Kenneth Patterson		Corp.	19,494/Yr.	Eff:	4/6/85
Jacqueline Trail		P.P.	17,243/Yr.	Eff:	4/6/85

Area Plan Commission

Kathryn Sue Young	2700 Lodge, Apt. 396	Tech.	\$ 11,760/Yr.	Eff:	4/22/85
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Sheriff's Department

Robert L. Vessels		P.P.	\$ 17,243/Yr.	Eff:	4/6/85
Mark A. Russler		C.J.	13,308/Yr.	Eff:	4/6/85
Clint J. Fussner		C.J.	13,308/Yr.	Eff:	4/6/85

Vanderburgh Auditorium

Ruby Norris	1120 Lincoln	Lead-Pers.	\$ 7.47/Hr.	Eff:	4/12/85
Lawrence Gatling	200 S. Kentucky	Housekeeper	7.27/Hr.	Eff:	4/12/85
Michael Glover		P.T.	4.88/Hr.	Eff:	3/29/85

RE: VANDERBURGH AUDITORIUM/PARKING LOT EQUIPMENT

President Willner said the Board of Commissioners held a short meeting, with the news media being invited, prior to the Commissioners meeting to discuss the parking lot at the auditorium. They reached a basic agreement. If he understands the agreement correctly, it was to order two (2) In and Out Electrical Mechanisms for the Locust Street entrance/exit and not change the Walnut Street entrance/exit from its present situation and to go with a COIN/TOKEN operated mechanisms. The Chair then entertained a motion. Motion was made by Commissioner Borries that the bid of Stanley Magic-Door, Inc. of Indianapolis, Indiana, be accepted as follows, to include:

2	- Coin/Token Operated Mechanisms at \$2,037 ea.	\$ 4,074.00
1	- Entire System per Diagram, to include one entrance and one exit lane	4,911.00
2	- Radio-Controlled Devices for Barrier Gates (lump sum)	195.00
1	- Capacity Count System and lot full sign post mounted	<u>2,284.00</u>
	Total	\$11,464.00

A second to the motion was provided by Commissioner Willner. The Chair then asked for a roll call vote, with Commissioners Borries and Willner casting two (2) affirmative votes and Commissioner Cox casting one (1) negative vote. The motion carried with two (2) affirmative votes. So ordered.

There being no further business to come before the Board at this time, President Willner declared the meeting adjourned at 9:25 p.m.

(continued)

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COUNTY COMMISSIONERS
April 15, 1985

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PRESENT:

COMMISSIONERS

Robert L. Willner
Richard J. Borries
Shirley Jean Cox

COUNTY AUDITOR

Larry L. Lazart,
Deputy Auditor

COUNTY ATTORNEY

David L. Jones

COUNTY HIGHWAY

Bill Bethel

COUNTY ENGINEER

Andy Easley

AREA PLAN COMMISSION

Barbara Cunningham
Beverly Behme

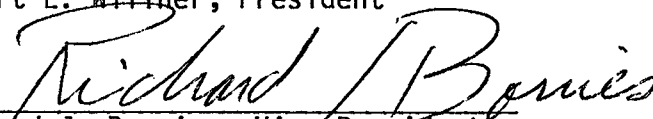
OTHER

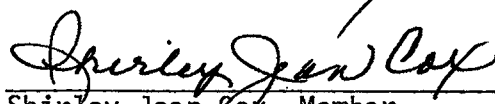
Mike Mitchell, Atty./Rezoning Petition
Mrs. Linda Scott/County Line Road Resident
Mrs. Ruby Owens/County Line Road Resident
News Media

SECRETARY:

Joanne A. Matthews


Robert L. Willner, President


Richard J. Borries, Vice President


Shirley Jean Cox, Member

MINUTES
COUNTY COMMISSIONERS' MINUTES
APRIL 22, 1985

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MINUTES
COUNTY COMMISSIONERS' MEETING
APRIL 22, 1985

The Vanderburgh County Board of Commissioners met in session on Monday, April 22, 1985, in the Commissioners' Hearing Room with President Willner presiding.

The meeting was called to order at 2:30 p.m., with the President entertaining a motion concerning the approval of the minutes of the previous meeting. Motion was made by Commissioner Borries that the minutes of the meeting held on Monday, April 15, 1985, be approved as engrossed by the County Auditor and the reading of same be waived. A second to the motion was provided by Commissioner Cox. So ordered.

RE: OPENING OF BIDS ON WATER SLIDE FOR BURDETTE PARK

The Chair entertained a motion that County Attorney David Miller be authorized to open bids received on water slide for Burdette Park. A motion to this effect was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: NATIONAL SECRETARIES' WEEK RECOGNITION

In recognition of National Secretaries' Week, President Willner presented a bouquet of home-grown tulips to Margie Meeks, Executive Secretary to the Commissioners, along with the Board's eternal gratitude for having a secretary of her caliber. He said he'd like to tell the world just how good Margie is.....we hear about most secretaries complaining about making coffee for the office. In contrast, Mrs. Meeks uses her own money to make cookies to go along with the coffee! Mrs. Meeks expressed her appreciation.

Commissioner Borries said the cookies are great, too! Everyone on the Third Floor and all around knows how good they are. She does an outstanding job -- and sometimes from 8:00 a.m. to the evening meetings outside a short break for supper break she stays thru the entire thing.

Proceeding, Commissioner Borries said he also wanted to commend Joanne Matthews, the Commissioners' secretary. She takes their minutes and has done an excellent job in transcribing the minutes and indexing everything. She has done an outstanding job, too. The Board hopes that both secretaries will be their guest at the Executive Inn on Wednesday, April 24th, where National Secretaries' Day will be observed via a breakfast meeting. The Board appreciates all that these two secretaries do. Mrs. Matthews also expressed her appreciation, as Commissioners Willner and Cox echoed Mr. Borries comments.

RE: POOR RELIEF APPEAL/PIGEON TOWNSHIP

The Chair recognized the applicant, who was seated in the audience, and requested that he approach the podium and state his name, address and nature of his request. The individual identified himself as James Pflug and said he resides at 614 Main Street. In reviewing the application, Mr. Willner said that Mr. Pflug was released from Welborn Hospital on April 20th following knee surgery on April 8th. The doctor has not yet released him to go to work and he can't draw unemployment until such time as he secures a release from the doctor. The Trustee's office advised they could not provide assistance to him at this time, as they gave him a bus ticket to Tacoma, Washington in July, 1984. Applicant asked for assistance with his rent.

Commissioner Willner asked if Mr. Pflug is seeking rent assistance only? The applicant responded in the affirmative. With regard to Mr. Willner's query as to how he would get his food, Mr. Pflug said he plans to make application for food stamps at the Welfare Office. Mr. Willner asked if he intends to pay for any of the food stamps or is he going to get them free? Mr. Pflug said he is going to sign up for them.

In response to further queries from Commissioner Willner, Mr. Pflug said he is just asking for assistance with rent until he receives release from doctor so he can draw his unemployment. Mr. Willner asked if Mr. Pflug's doctor is located here in Evansville? Mr. Pflug replied in the affirmative. Commissioner Willner asked if the Trustee provided bus fare to Mr. Pflug's home at one time? Mr. Pflug said he was originally from Princeton, Indiana. In July, he went to Tacoma with his girlfriend, because she was going to move out there. He was going to move out there and go to work -- but he could not find work there. He and his girlfriend subsequently broke up and he returned to Evansville.

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Commissioner Willner asked if the Trustee provided him with a bus ticket to Tacoma? Mr. Pflug said they "helped" on it -- they did not pay it all.

The Chair entertained questions from the Board. There being none at this time, he called upon the investigator from the Trustee's Office to present her comments.

Ruth Anslinger approached the podium and stated that she is not generally Mr. Pflug's caseworker. She was out today when Mr. Pflug came into their office. The Trustee paid \$98.00 on July 25, 1984, for Mr. Pflug's bus ticket to Tacoma, WA. When they give applicants an out-of-town bus ticket, they advise that they will not assist them further for a period of eighteen (18) months -- and Mr. Pflug was so advised at that time. Ms. Anslinger said he probably also got some help from someone else with his bus ticket -- in response to query from Commissioner Willner. Mr. Willner then asked if this rule is stated in the Trustee's Guidelines? Ms. Anslinger said she doesn't believe it is, but she has worked in the office for almost twenty (20) years now and this has been their policy. Commissioner Cox stated that this rule is included in the Trustee's Guidelines (she had a copy before her). Ms. Anslinger said they used to request applicants to sign a paper (when they were so advised) but they no longer do this. Mrs. Cox noted that this rule is included on Page 5, Item #2 under "Transportation Assistance". She said that she didn't think the \$98.00 was full payment for the bus ticket to Tacoma, as it takes \$55.00 from here to Indianapolis.

Commissioner Borries asked if Mr. Pflug asked the Trustee's office to help him with the trip to Tacoma -- it was his idea to go? Why did he choose Tacoma? Mr. Pflug said his girlfriend said he could get a job out there. He went out there, could not find a job and they got into it -- so he came back here and found a job, but was subsequently laid off the first of the year. Commissioner Borries asked Mr. Pflug when he had knee surgery, and he confirmed that it was on April 8th. Commissioner Willner asked where Mr. Pflug worked until the first of the year? He said he worked at Craddocks, until he was laid off.

Commissioner Cox asked Mr. Pflug how he injured his knee -- on the job? He said he hurt it after he was laid off from Craddocks. As to exactly how he injured it, he doesn't know. Mrs. Cox asked if he had signed up for unemployment when he was laid off? He said he had not worked enough for this last quarter -- and he can't get this quarter until he gets his release from the doctor.

Commissioner Willner asked Mr. Pflug if he understands the guidelines the Board is discussing at this time with regard to the 18 month waiting period after receiving transportation assistance? Mr. Pflug indicated that he did. Commissioner Willner said the Board is here to make a judgment call after having listened to Mr. Pflug and the caseworker from the Trustee's office. In reading the Trustee's Guidelines, agreed to by the Township Advisory Board, the Commissioners cannot see where the Trustee's office violated any rules.

Commissioner Cox asked Mr. Pflug if he has any relatives in Evansville with whom he can stay? He responded that he does not.

Commissioner Willner asked if Mr. Pflug's hospital stay was covered by insurance? He said it was covered via HCI (Welfare Hospital Care for the Indigent). Mr. Willner asked if Mr. Pflug thinks he will be permanently disabled? He indicated he does not think it will be permanent disability and thus has not applied for S.S.I.

President Willner advised Mr. Pflug that it is the consensus of the Board that the Pigeon Township Trustee has acted in good faith and no help will be forthcoming from that office until the 18-month period has expired, as written in the guidelines and agreed to by the Advisory Board. He said he wished he had some words of wisdom for the applicant. Perhaps one of the other local agencies could offer some help. He then asked if Mr. Pflug has any relatives in Princeton with whom he could stay? Mr. Pflug said that he and his relatives do not get along and never have. Mr. Willner asked if Mr. Pflug has applied for any jobs during the past week or so? Mr. Pflug said he just got out of the hospital on Saturday. Commissioner Willner asked that Mr. Pflug keep the Trustee's office and Board of Commissioners informed as to his whereabouts. He suggested that Mr. Pflug might try to obtain assistance via Catholic Charities or the Salvation Army. He should check these out and let us know what is going on. Mr. Pflug indicated he would do this and expressed appreciation to the Board.

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RE: BIDS ON WATER SLIDE FOR BURDETTE PARK

Attorney Miller said he had both good and bad news. On the good news side, we received two (2) bids for the water slide. On the bad side, neither bid complies with the requirements of the law or the notice. At least a couple of days will probably be required to get them into compliance. Bids were as follows:

- 1) Albertsson-Hunter Corporation/Manchester, VT: Total price of \$174,900. Enclosed is a check in the amount of 5% to constitute the Bid Bond; however, the check is not certified, as required by the specifications for bid. Thus, it technically cannot be viewed as a complete and correct bid.
- 2) Technetic Industries, Inc./Morganton, NC: Total price of \$177,000. This bid is accompanied by a Certified Check in the correct amount. However, neither the bid proposal itself nor the Non-Collusion Affidavit have been executed. There is no signature of any kind on the bid. Further, the bid is not addressed to Vanderburgh County; it is addressed to the City of Evansville, Department of Public Works and the Vanderburgh Councils.

Attorney Miller said all the bidders had to do was to read the piece of paper sent to them, which gave instructions as to exactly how it should be done. We, therefore, do not have a bid from Technetic Industries, because it was not signed and it was not addressed to the right governmental body. The problems on these bids could probably be corrected over a course of a couple of days via the use of Express mail or Federal Express or one of the overnight services. But this will have to be done before either bid can be accepted; because at this point the bids do not qualify as bids.

With regard to the bids, Mr. Miller said the designs are slightly different. Mrs. Cox remarked that if the bidders cannot read a bond spec sheet, she doesn't know whether they can build a water slide. Attorney Miller said he thinks he'd let somebody else go down it first.

Commissioner Willner asked if Attorney Miller's recommendation is that we send the bids back with a cover letter including information as proper place to sign, etc.? Attorney Miller said he certainly would. However, all we need from one (1) company is a Certified Check, which they would send by tomorrow. We could contact them via telephone and ask them to get their Certified Check in here -- and that bid would be taken care of.

With regard to the other bid, it is a disaster. It is not directed to the proper people, it is not signed....

Commissioner Willner asked if the Board can select the bid they want and then do that? Attorney Miller responded in the affirmative. Commissioner Willner entertained a motion to refer the bids to Burdette Park Manager and Purchasing Department for a recommendation later in today's meeting? Attorney Miller cautioned that the Board is making the assumption that they have a valid bid -- and they do not. Then can make a tentative approval, but they must have a valid bid in their possession before a contract is awarded. Commissioner Willner said he agrees.

In response to Commissioner Willner's query, Mr. Tuley said they could go over the bids and get back to the Board before this meeting adjourns. He asked if it would be permissible to call both companies on the telephone and explain the problem. One of the firms states they will hold their completion date at June 20th if the County will award them the contract by April 26th. The other firm did not specify. Commissioner Willner said that when Mr. Tuley tells him which company he wants, he can answer that question. Mr. Tuley said he is interested in the firm which gives a locked-in, guaranteed price. The other company has a lot of variables -- Commissioner Willner requested that Mr. Tuley take the bids in the back office and review same, and get back to the Commissioners with his recommendation. If he needs Attorney Miller, then take him along.

RE: COUNTY ATTORNEY - DAVID MILLER

Airport Authority Tax Delinquency: With regard to the continuing saga of the Airport Authority Tax Delinquency, Attorney Miller said he received a letter from David Bunner, the attorney for the Airport Authority. Mr. Bunner sets in subject letter his position -- which Mr. Miller believes to be a correct position, in that the Airport Authority is exempt from property taxation by reason of being a municipal corporation created by statute and the situation that arose creates a liability in favor of the County and

(continued)

against the Airport Authority's lessee, but it does not create a liability directly from the Airport Authority to the lessee. Whoever is in possession of the property should, therefore, be personally liable for the taxes. But if they are not collectible in that manner, he does not believe it would be within the power or authority of the county to seize and deed unto itself Airport Authority property.....because if the Airport Authority had not leased it to a private individual it would never be subject to tax anyway. Attorney Miller said he thinks the appropriate course of action to take is for a determination to be made as to who was in possession of the real estate at the time the taxes arose and for the county to pursue that person, firm or corporation individually -- and, at the same time, to correct the error that was made by the conduct of a tax sale of the property. That is the action he believes should be taken. He and David Jones have discussed the matter on two or three occasions. This was their first gut reaction and it continues to be at this time. Mr. Bunner has supplied us with his view of the statutory authority, which confirms that from his standpoint.

Commissioner Willner said he guesses he agrees with Attorney Miller. However, he does have one problem. When he says pursue the taxes from an individual level, once we rid ourselves of this piece of property or the title to this property -- we have no recourse to come back on the individual for the taxes. Attorney Miller said we never really had the property. Commissioner Willner said that is questionable; he has a deed. As to whether it is a valid deed he does not know. Attorney Miller said it is not a valid deed. Commissioner Willner said, "Then I have a valid contract." Attorney Miller said he believes the tax law liability arises separate and apart from any tax lien on the property. He believes the county has the authority to place a lien on personal property of the tenant in possession, but he does not believe that it, in any manner, ever had a lien on airport real estate or fixtures that are a part of that real estate. At some point someone might have thought there was such a lien, but it just never existed.

President Willner said the next question is, "If this body would agree to relinquish their right to that property or contract or whatever, could we ask the Airport to change all their leases so as this would not happen in the future?" Attorney Miller said we could ask them but, of course, we still don't have any particular way to force the Airport Authority to change their leases, but he believes they would cooperate with us in that regard without any trouble. They have no loss. Commissioner Willner said his position is that if this doesn't stop, we haven't done anything. If we keep losing our tax money and have no way to recover, this can't go on. Attorney Miller said we should not allow it to go on without doing everything we can to correct the situation. He thinks it can be corrected by having the Airport Authority cooperate with us in the collection of that tax as part of the rent.

County Auditor Alice McBride said we talked with Mr. Stapleton and he talked with Pat Tuley, County Treasurer, and we've decided we will let them send out the tax bills to the airport and, in return, they will send them to the people to whom they're leasing. Attorney Miller said that will help; but it will also help if there is a provision in their lease that requires the tenant to pay the taxes directly to the Airport Authority for transmittal to us -- and a failure to pay those taxes would be a breach of the lease. That would give us more leverage on the tenant thru the Airport Authority. It may be that the particular company who may have been in possession at the time -- were these 1979 taxes? Mrs. McBride said she believes these were for 1980 or 1981. Mr. Miller said that may be about the time the fellow was out there who was a partner at Baynham's. He doesn't know the company involved. Mrs. McBride said it was Indiana Airmotive. Mr. Miller said they are still in existence based in Huntingburg. As a matter of fact, he is involved in a lawsuit against them currently.

Mrs. McBride said that if the county did not have these taxes, then the taxes and penalties are still on the property. The only reason they were removed was because we thought Vanderburgh County owned the property. If we don't own it and never owned it at all, those taxes and penalties are still on the property.

Attorney Miller pointed out that the taxes and penalties are not on the property; you cannot have a lien on municipal property. You can't! The statutes say that you can't have a lien on such property. That would be like trying to foreclose on the Civic Center...you can't do it.

Commissioner Willner asked if Attorney Miller would convey the Board's wishes to the Airport Authority's attorney and will we have to sign a lease? Attorney Miller said he will check this out and get back to Mr. Willner.

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Right-of-Way Grants & Temporary Construction Easement for Hirsch Property on the East Side of Burkhardt Road Between Division & Oak Grove Rd.: Attorney Miller said he has right-of-way grants and temporary construction easement for the Hirsch property on the east side of Burkhardt Road between Division and Oak Grove Road. Andy Easley has some claim forms which need to be approved in connection therewith. If the Board will approve the claim forms, then they can accept these right-of-way grants and the easement, which are the last we needed in connection with Burkhardt Road project. Following approval, they are to be given to the secretary for filing and recording.

Quit-Claim Deeds/Tax Sale Properties: Tim Hubert of Attorney Miller's office, after meeting with Joanne Matthews of Mrs. McBride's office, has prepared a series of Quit-Claim Deeds in which the Board of Commissioners quit-claim certain parcels of real estate subsequent to tax sale held on March 11th. These deeds should be approved and signed by the three (3) Commissioners and attested by Mrs. McBride.

Commissioner Willner called for a motion. Motion was made by Commissioner Borries that the subject Quit-Claims be approved, with a second from Commissioner Cox. So ordered.

RE: PETITION TO VACATE PUBLIC RIGHT-OF-WAY EASEMENT (ALLEN RD. & S.R. 66)

Commissioner Willner advised that the next item on the agenda is a Petition to Vacate Public Right-of-Way Easement (Allen Rd. & S.R. 66). He asked if Attorney Miller has reviewed subject document, and he responded in the negative. Margie Meeks advised that someone from Mr. Miller's office did pick up said document and take it back to his office. It was subsequently learned, however, that Mr. Miller had not been in his office long enough prior to this afternoon's meeting to peruse all his mail. In response to President Willner's query, Joanne Matthews advised that the Notice of Public Hearing scheduled for next Monday, April 29th, was advertised in today's Courier and Press. It was Attorney Miller's suggestion that someone from the county take a look at the vacation site to make certain that we do not need that piece of ground. After brief discussion, it was the consensus of the Board that the matter should be referred to County Engineer Andy Easley, so he can investigate the matter and get back to the Board with his recommendation prior to next week's meeting.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Absentee Report: Mr. Bethel submitted the Weekly Absentee Report for employees at the County Garage for period April 15 thru April 19report received and filed.

Weekly Work Report & Work Schedule: Also submitted for the same period was the Weekly Work Report for employees at the County Garage. Attached to the work report was the following Work Schedule:

Patch: Old 460, Darmstadt, Old State Rd., Burkhardt, Millersburg, Green River, Broadway, Schutte, Mahrenholtz, St. George, Marx Rd., Oak Hill, Burgdorf, Hitch-Peters, Schutte, Hogue Rd., Peerless Rd., Baseline, Whetstone, Old Lower Mt. Vernon and Harmony Way.

Smear: Mill Rd. from City Limits to St. Joe Avenue

Gradall: Mann Rd., Mill Rd., Henze, Old State Rd., St. Joe Avenue and Old State Rd.

Grader: Lynn Rd., Telephone Rd., Magnolia Lane, Motz Rd., Motz Lane, Buente Rd., Schroeder, Barton, Volkman, Baseline, Browning and Mill Rd.

In response to Commissioner Willner's query regarding Jerry Linzy, Mr. Bethel said he is still on leave. Commissioner Willner asked if this is Leave of Absence? Mr. Bethel said, "No, he is getting his time in -- vacation, sick leave, etc. -- his time will be up in June. However, he is still on payroll.

Request for Patch Truck at South Side of Pollack Avenue: Commissioner Borries asked if Mr. Bethel will send a patch truck to the south side of Pollack Avenue, again. There is a real "thumper" there -- and nowhere to go. Mr. Bethel said he will have his crew out there yet today. Commissioner Borries expressed his appreciation.

RE: COUNTY SURVEYOR - BILL JEFFERS, CHIEF DEPUTY

Bridge & Guardrail Repair Report: Mr. Jeffers said they've had several calls about collapsing pipes at various locations around the county and that is basically what

(continued)

they have been doing for the past several weeks. He submitted the Bridge & Guardrail Repair Report for period April 15 thru April 19, 1985.....report received and filed. He said they spent Tuesday, Wednesday, Thursday all day and part of Friday on Korff Road between Baseline and Volkman Roads (about 1/2 mile east of Highway 41 and about 1/2 mile north of Baseline Road -- just in front of Hart's farm). They had a twin 36" corrugated metal pipe there and he believes everyone is in agreement with just how great those twin pipes are. On this particular one, the water washed underneath and between the pipes and they were unaware that that condition existed. There were no phone calls on it until such time as someone fell into it with their car -- so we'll probably have an insurance claim on a radiator and some mufflers come thru in a couple of weeks. He told the individual to mail the claim to him and we'd take a look at it. Mr. Jeffers said he'd like to brag about the crew's work on that; it was a big job and they put an elliptical pipe in there and this was probably about the best job they've ever done. They are really getting good at this.

Hopefully, Mr. Jeffers said that perhaps they can rid of the emergencies and get back to their regular routine, but it seems as though a lot of those corrugated metal pipes are rotting out this year and this has resulted in several road collapses.

Bujay Drive Problems: Mr. Jeffers said he transmitted a message to the Commissioners last week, but he thought he'd just give the Board the deed to the 11-ft. easement, so it could be put into the files; he believes the permanent files did not include a copy of said deed. On the back of p. 551, you can see just how this strip lies between the Palmers and the Townsends. Some of the misunderstanding concerning this deed was due to the fact that it was not picked up by the abstractors and, according to Mr. Palmer, it is not included in his abstract -- which is probably where the confusion started. Some how or other the abstractor missed it. The deed on the easement is December 12, 1970.

Commissioner Cox said that when she read Mr. Jeffers' computer message last week -- has she been left with the right impression that it is up to the county highway department rather than the surveyor's crew to do this corrective bridge work? Mr. Jeffers said that was their opinion last week -- that the highway department purchase that right-of-way for the purpose of installing that culvert and that the maintenance previously -- and now the repair -- would have been the highway department's responsibility. Mrs. Cox asked that if, at that time, the highway department wasn't doing the bridge work, also? She is certain they were. Mr. Jeffers responded that he was just out of high school at that time! Mrs. Cox said there wasn't a separation at that time as there is now with the bridge crew. Mr. Jeffers said that if the repairs involved only meant going into the pipe and resealing the joints with tar or something, he would say that just about any of the various crews could accomplish that -- whether they be from the highway department or the bridge crew. But the equipment and design work required -- if we had to go into that easement between two (2) houses and dig to remove any portion of that 72 inch concrete pipe would be outside their ability, due to the equipment required to lift that pipe, etc. Mrs. Cox asked if it would be best to contract the job outside? Mr. Jeffers said he thinks they need to get down there to determine what is really needed..... he believes that Sam Biggerstaff (who was the county surveyor at that time) did the original research and made drainage recommendations to the County Engineer, who may have been Dick Eiffler at that time -- did the plans and the designs. While he is not positive, it might have been Deig Bros. who did the installation.

Commissioner Cox said all she knows is that if these people out there have a problem and it has been ongoing, with the rains we've been getting and will continue to get during April and May, they are losing part of their lawns, etc., due to sinkholes and undermining in that area and we need to get on this and get it corrected.

Mr. Jeffers said the reason he brought this before the Board today is because Mr. Palmer has been up here in this building twice this week and he promised him to make a report to the Board on this (at his request and that of a couple of the commissioners). He believes this is the only piece of information that was missing from the file the Board has in the Commissioners office. They are losing ground; they are losing soil from their side yards and to the joints of this pipe and it is possible that it will damage the foundation of their houses. Also, Mr. Palmer erected something to keep the children from walking between the two (2) houses. He is concerned about the safety of pedestrians.

Commissioner Willner said this has been an ongoing problem for quite a number of years. The problem is that many times we are deeded a piece of property but he is wondering if we agreed to maintain that piece of property. The county didn't build a sewer at that time, did they? Mr. Jeffers said they contracted it to be done. The plans in the

(continued)

file reflect that it was designed by the county according to the drainage recommendations of the County Engineer and Surveyor -- and it was installed by county contract.

Mrs. Cox said that on page 2 it reads, "...for and in consideration \$1.00 and other valuable consideration, hereby grants the County of Vanderburgh a permanent easement for the construction, reconstruction, repair and maintenance of a storm drainage sewer and appurtenances." Commissioner Willner said he read that and this is what bothers him. Mr. Jeffers said the appurtenances include the concrete headwalls and the concrete part. In response to query from Mr. Andy Easley, Mr. Jeffers said that to this point in time no one has been inside the pipe to inspect the joints, etc., but from the surfacehe hasn't seen it since December (between Christmas and New Year's) and at that time there was a hole in the ground. The largest was about one (1) ft. in diameter and three (3) ft. deep. Mr. Palmer had filled it and there is debris -- but he could stick his leg in it all the way up to his thigh. There may be that some caulking material that comes in 2" to 3" stripscould be stuffed in there. Commissioner Willner asked if it's a legal drain? Attorney Miller said it has all the characteristics of a legal drain. Mr. Jeffers said it has never been declared a legal drain with the rest that were declared legal drains in 1965.

Mr. Easley said he doesn't think it would take that many gallons of cement to seal the joints. Mr. Willner asked from whence we'd take the money to pay for it? Not what to use or how to use it -- but how to pay for it. Attorney Miller said maybe we could declare it a legal drain. Mrs. Cox asked where they took the money from in 1970? They probably took it out of the highway department. Mr. Jeffers said he believes this is where they took the money in 1970. (It was subsequently verified that it was taken from the Highway Department budget, the contractual services account.) Mrs. Cox said she does not think we can assess these people now. If we bring it up to standard and then make it a legal drain and then get their money being paid in on it -- and not go thru this again. But that is going to be a big hunk for those people to stand for the repairs now. Attorney Miller asked if there is any estimate of what it is going to cost now -- or does anyone know? Mr. Easley said there is more labor cost than material cost.

Commissioner Cox said she doesn't think we're skilled enough to work inside, underground in a sewer line to accomplish the job.

Mr. Jeffers said the original installation was made by Deig Bros. Construction from February 1, 1971 to February 15, 1971 at a cost of \$30,477.45 from Acct. 187-317. There was an extra item for \$886.30 paid May 12, 1971. Mr. Jeffers said there is a similar installation on Lynch Road, but we take care of that because it is a part of Sonntag-Stevens, which was covered by the Lynch Road project. Commissioner Willner said that is a legal drain and it is paid for by the people in the watershed. Mr. Jeffers said that is correct. Commissioner Willner said the question is, "How do I pay for this one?" Mr. Jeffers said from Acct. 187, because at this time it is not a legal drain -- it never was declared a legal drain. Commissioner Cox said that Bob Brenner has been out there, looked at it.... and even gave recommendations, she thought, as to what needs to be done. Mr. Jeffers said they did not go into the pipe at that time as there was a substantial amount of water in it in December. Commissioner Willner said he has not been inside the pipe, but he has been out there two or three times. Once we know how we're going to pay for it, then we can get bids or do anything we want to -- but he wants to know how to pay for it.

Attorney Miller asked what objection there would be to declaring it a legal drain and assessing the people who benefit from it. The fact is, if they can benefit from this pipe -- they have benefited from it for approximately 15 years without any responsibility whatsoever and he doesn't see anything particularly wrong with finding the money at the place where the benefits have been realized and issuing an assessment. Mr. Jeffers said they'd have to petition to declare it a legal drain and the Commissioners may petition if it is affecting a County Highway or another piece of public property -- they may petition for a legal drain or an extension of a legal drain. Commissioner Willner said this, however, is a lengthy process....there has to be public notification, a public hearing, etc.

There was further brief comment regarding the account from which the charges for the work was paid in 1971. Attorney Miller said there may have been some extenuating circumstances at the time -- to protect a county road or something like that. Mr. Jeffers said they also built a bridge on Old State Road during that time period -- so it may have been protecting their investment there. Commissioner Willner said he knows why they did it -- they did it to make "x" number of lots. But why a contractor would strap

(continued)

the county for something that was done for someone else's benefit he does not know. Highway money is supposed to be spent on highways. In response to query, it was noted that Bujay Drive drains into this structure and it passes under Bujay. It probably goes underneath the road and beside another ditch, but originally it didn't. Mr. Easley again said he doesn't think we're talking about over \$200 worth of material.

Commissioner Cox asked what kind of firm does this kind of work? Mr. Easley said he thinks any county employee could do it -- by taking a caulking gun and sealing the joints. There was subsequent brief discussion....much of it inaudible (since Mr. Easley was speaking from the rear of the room). Commissioner Willner asked if Mr. Easley wants to inspect it and give the Board an estimate of our liabilities? Mr. Easley said he will inspect it. Commissioner Willner said this is a start; he doesn't know where we will get the money, but we'll see how much it is. He then asked that the record reflect that Mr. Easley is to make an inspection and provide the Board with an estimated cost.

Upper Mt. Vernon Rd. (Water Problems/Tenbarge): Water has been going over the road rather than thru the culvert in the 4100 block of Upper Mt. Vernon Rd. Mr. Tenbarge called Commissioner Borries, but other residents in the area have called various Commissioners and the Surveyor's office. Mr. Tenbarge's particular problem is that he is being affected by a newly constructed drainage ditch that was contracted by the City of Evansville to facilitate increased volume of water from up in Western Hills Subdivision. The City constructed the drainage ditch on property that is in Vanderburgh County outside the City Limits, but they assured us that at the time it was done they had the permission of the various property owners to do this. The end result is that it is putting a lot more water down onto our residents in the county than previously directed thru that water course. A couple of weeks ago, the surveyor indicated that they would fix or replace the culvert under Upper Mt. Vernon Road and SIGECO had indicated their willingness to clean their portion of a ditch owned by them between Upper Mt. Vernon Road and Carpenter Creek. Mr. Jeffers said he hopes this takes care of the problem, but so far they've just addressed the problem they haven't physically repaired it at this time.

Commissioner Willner said he appreciates Mr. Jeffers' efforts on this problem. What they need is his expertise. Commissioner Borries said that after this thing was constructed, somehow the slope of the ditch is incorrect and he guesses that is where they need Mr. Jeffers' suggestions insofar as what can be corrected there, because the complaints have been that either part of what would be his garage in the back or whatever is so steep -- and whether it was the City of Evansville or whoever, it just wasn't done right. Mr. Jeffers said he has not had a chance to look at the City's plans on this project. He is familiar with the area, because he used to live at the top of Western Hills Drive on Rodenberg and as all know who have been out there -- the ground has a radical slope to it and it is very possible that the velocity of the water exceeded the design of the ditch and possibly the soil out there was incorrectly identified as one type of soil when actually it is a sandier type and he may be losing part of his yard. They will make a physical inspection of the ditch this week and report next Monday on the exact nature of the damages. To date, they only have a general idea of what is going on out there.

Commissioner Cox asked how we're going to pay for this? Mr. Jeffers said they are going to attempt to do all the necessary work on the Upper Mt. Vernon Rd. end of it with the bridge crew and county highway department repairing the side ditches and the bridge crew taking care of the culvert. If it requires a replacement of the culvert, that would have to come out of the bridge fund as a replaced culvert, whether it was contracted out or the county did it. Commissioner Cox asked if Mr. Jeffers knows whether the city made any arrangements to declare that portion of the ditch area that went thru as a legal drain for maintenance? How are we going to address this? We've got a problem here that surfaced that is somewhat similar to one back in 1970 -- and we're addressing a 15-year old problem on the 1970 one and talking about assessments and legal drains -- and it looks as though this one is similar. She doesn't see how we can do work on one and qualify and not do the other. Carpenter Creek is not a legal drain...it needs to be. Mr. Jeffers said that in the past it was a legal drain -- in 1965 the people who lived in the watershed for Carpenter Creek petitioned the Vanderburgh County Drainage Board not to declare Carpenter Creek a legal drain because they did not wish to pay the assessment to maintain it as a legal drain. January 1, 1966, it was vacated -- thus, it is not a legal drain nor is the ditch the City improved a legal drain. As to whether it is a dedicated easement, he does not know. Commissioner Willner said the City has dollars for drainage on private property and can do so. But the County does not have anything like that. Mr. Jeffers said that coincidentally this happened to be on the City-County line and either we or our residents are being damaged by the increased water flow.

(continued)

Commissioner Willner said that if the City caused the problem, they should look at it. Mr. Jeffers said he is not certain they caused it. He thinks they made every attempt they could to correct the problem which existed and the problem increased as Western Hills was developed. They tried to correct it; and, like everything else with water, it just passed it on downhill.

Commissioner Cox said that everyone's downspouts go right into this big storm drainage system and on out to that ditch. The grass -- nothing else -- holds it back any longer. It just directly goes into that system and it has a lot of pressure when it comes out.

Mr. Jeffers said that she knows more about it at this time than the surveyor's office. They need to make a physical inspection of it. Commissioner Willner asked that he do this and provide the Board with a small drawing. Mr. Jeffers indicated he would do so. He said they had promised Mr. Tenbarger and other residents that they would bring the problem up at a public meeting and continue to address it. Commissioner Cox said it is creating a problem for the people out there.

Commissioner Borries said that at some point in time when we have the luxury to do so, perhaps we need to study to see what legal drains need to be looked at on the west side. Mr. Jeffers said there are none on the west side. There is a need for them if the residents wish to payCommissioner Willner indicated he understands this and he thinks that perhaps this needs to be discussed.

Completion of Bridge Repair Work/J. H. Rudolph: Mr. Jeffers said he wanted to make the Commissioners aware that J. H. Rudolph is finishing that group of bridges which they were working on last year when the weather forced them to halt. They are finishing them at the contract price bid in 1984. They started Friday on the Oak Hill Road bridge and they should be finished within the next thirty (30) days.

If the Commissioners like the job done by Rudolph, the surveyor's office recommends bidding procedure to accomplish repairs on yet another list. We have changed out so many pipes -- and there still are several bridges which need repaving on approaches, etc., and they would like the Commissioners' approval for them to prepare an additional list so the Board can determine if they want to seek bids on additional paving in 1985. This would be with hot-mix by contractors.

Mr. Jeffers entertained questions from the Commissioners. Commissioner Cox asked if either Mr. Jeffers or Mr. Goodman would take a look at the bridge on Broadway (just west of Rollett Lane....by Kuester Field....) to see how much debris they can legally clean out. It is a mess. There is erosion all along the bank; SIGECO lost a lightpole down the creek and the county lost their fence along the creek bank, because everyone upstream dumps. There is stuff there that needs cleaning out. Mrs. Cox mentioned 500 ft. upstream and downstream, but Mr. Jeffers said he thought they could just go right-of-way line to right-of-way line on upstream and downstream. It's 500 ft. along the roadway -- east and west of the center of the bridge. Commissioner Cox said they did some cleaning on the one that goes under Broadway by the Sunoco station. That is Little Wolf Creek-- where we had the cave-in. They are angle bridges.....she asked that Mr. Jeffers check this out and do whatever they can legally, because this needs to be done.

RE: COUNTY ENGINEER - ANDY EASLEY

Mr. Easley said he has three (3) claims for right-of-way easements on Crawford-Brandeis Ditch in conjunction with Burkhardt Road project, which were transmitted by the Tim Hubert of Bowers, Harrison, Kent & Miller. Mr. Miller said he is familiar with the matter; these are part of a settlement that was negotiated by the attorneys. Claims were as follows:

Citizens National Bank/Trustee of William S. Hirsch Trust	\$8,950.00
Renildis Hirsch - Right-of-Way Grant @ \$10,000 per acre	8,950.00
Hirsch Bros. - Temporary Construction Easement	5,975.00

Commissioner Cox asked if the County Attorney has approved the foregoing? Mr. Easley said he discussed this with David Miller prior to today's meeting. There is a transmittal letter signed by Tim Hubert. These claims are the counterpart of the rights-of-way and need to be approved. Motion was made by Commissioner Cox that the claims be approved, as presented, with a second from Commissioner Borries. So ordered.

Mr. Easley said it is his understanding that the foregoing are coming out of the Burkhardt Road account. Is this correct? Commissioner Willner verified that this is correct.

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Commissioner Cox asked if "we're thru with the Hirsches now?" Attorney Miller said these should be the last bits of right-of-way that we need for the Burkhardt Road project.

Indiana Dept. of Highways Claim: Mr. Easley submitted a claim to the Indiana Department of Highways in the amount of \$4,681.22 for the railroad crossing of ICG at Allen's Lane. This is for the money we have to pay to the State; Mr. Easley will then file a claim with the Public Service Commission to recoup this. It is his recommendation that this claim be approved for payment. Motion to this effect was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

Morley & Associates, Inc. Claim(Construction Engineering on Burkhardt Rd. project): A claim to Morley & Associates was submitted in the amount of \$1,618.49 for construction engineering on the Burkhardt Rd. project. Mr. Easley said this claim is in accordance with the contract we have. Commissioner Willner said he thought we'd already paid for construction engineering. Mr. Easley said this will be a continuing thing; this claim is for the staking and work they do in the course of the construction of the project. We will have a monthlyhe believes the Construction Engineering Agreement included some \$146,000.00 to be expended by the time the project is finished. Mr. Easley has reviewed the claim and it is his recommendation that the claim be approved. Motion to approve claim was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Acceptance of Streets (Old State, Sec. I): Mr. Easley said that several weeks ago he and Mr. Bethel inspected the streets, etc., in Old State, Sec. I, which is Old Lantern Lane, Heather Lane and Cold Springs Lane. He has not yet had an opportunity to write an approval letter. Mr. Biggerstaff has written a memo indicating he would like to have these streets accepted. They had to do some work and have accomplished same. Both Messrs. Easley and Bethel agree that the work has been completed in a proper manner. It is his recommendation that the following be accepted into the highway system:

Old Lantern Lane, from Strawberry Road to Heather Lane, a length of 440 ft.
Heather Lane, from Old Lantern Lane to Cold Spring Lane, a length of 260 ft.
Cold Springs Lane, a length of 450 ft.(This is a total of 1,150 ft.)

Motion to accept the foregoing for County maintenance was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

RE: BIDS ON WATER SLIDE FOR BURDETTE PARK

Mr. Tuley advised that it is their recommendation that the County go with the low bidder for several reasons. First of all, they quote a locked-in price. (The other company put in several things which could lead to possible cost overruns.) The Commissioners should know that Albertsson-Hunter is willing to forward a Certified Check. But the terms of payment should be noted by the Commissioners. This is similar to a highway project -- there is a progressive payment schedule. When we authorize the contract today, they would like "X" amount of dollars in payment right away. Then we'd pay them via a retainage all the way through. That seems to be prevalent in the industry; most of the companies he talked to wanted to be paid in the same fashion, the reason being that this is a special designed slide which, for some reason, if we changed our mind half way through the project, they'd have difficulty selling the slide someplace else -- it might be difficult to find someone else with the same type of hill, terrain, etc., to meet the design. Commissioner Willner said the Commissioners have no problem with this progressive payment schedule; the money is available. Mr. Tuley said he just wanted the Commissioners to be aware of this; he will be bringing them a claim next week.

Commissioner Willner asked if his understanding is correct in that the slide will be finished by June 20th and that this is in the contract? Attorney Miller said they will have to work on the contract a bit, to make certain they finish on time. Mr. Tuley said there is a provision in the contract addressing this. If we award the contract to them by April 26th, they are saying that they will have it finished by June 20th. Attorney Miller advised the Commissioners can award the contract, subject to receipt of the Certified Check within 48 hours -- because their bid is all in order except for the certification of the check. Commissioner Willner asked if Mr. Tuley is going to contact the successful bidder via telephone? Mr. Tuley said he already has; he is just waiting for the Commissioners' approval prior to calling the contractor back. The Chair called for a motion.

Motion was made by Commissioner Borries that the contract for water slide at Burdette Park

(continued)

be awarded to Albertsson-Hunter Corp. in the amount of \$174,900.00, subject to the receipt of a Certified Check in the amount of \$8,745.00 within forty-eight (48) hours.

Commissioner Cox asked if it is legal to do this? We've thrown out some bids because there was no Certified Check. Attorney Miller said he understands her question. In this case, this is the only bid that is totally proper and before the Commissioners, so no one else has been damaged by the fact that we've done this in this manner.

A second to the motion was provided by Commissioner Cox. The Chair called for a voice vote and there were three (3) affirmative votes. So ordered.

RE: REQUEST FOR USE OF SPACE IN ADMINISTRATION BUILDING FROM WATER DEPARTMENT

President Willner proceeded by reading the following letter:

Vanderburgh County Commissioners
Room 305, Civic Center Complex
Evansville, Indiana 47708

Dear Commissioners:

The Water and Sewer Utility is requesting the use of space in the City-County Administration Building described in the enclosed letter.

I have no objections to their request and your support is, of course, needed for the Building Authority to consider it at their meeting on April 24, 1985.

If you have any questions, please contact my office or Jim McIntyre, Water and Sewer Utility Administrator.

Sincerely,

Michael D. Vandever
Mayor, City of Evansville

Mr. Willner said the Water Department is in the process of structuring the Meter Department to be under the direction of their Administrative offices. They request space located in the garage area next to the Parking Meter Reader's office in the City-County Bldg. The area is 23' x 10' x 18' and would need some remodeling. This space seemed to be the most desirable for several reasons, including security. Their people work on Saturdays occasionally and this would eliminate them coming into the building proper at any time. Somewhere between 15-20 employees would be using this space.

Commissioner Willner said he notes that neither Mr. McIntyre's letter nor the Mayor's letter indicated who is using the space currently. Mr. Lindenschmidt said this is unused storage space. Mr. Willner asked if this would be charged to the City in the overall retirement of bonds for the City. Commissioner Cox said this is where they wanted the Morgue. A door could be installed and open directly into the Coroner's office. Gil Ruston said they used that building and it was never available. Now, all of a sudden, it is available and we still don't have a morgue. Mr. Lindenschmidt pointed out that the matter has to go before the Building Authority meeting on Wednesday. They have not yet approved this.

Motion was made by Commissioner Borries that the matter be referred to the Building Authority. Commissioner Willner said it still required the Board's approval. It was subsequently determined that Mr. Lindenschmidt would contact the Coroner's office on Tuesday morning to determine whether he still has ideas concerning a Morgue in this building -- prior to forwarding request to the Building Authority. With this understanding, Commissioner Cox provided a second to the motion that the request be forwarded to the Building Authority. So ordered. Commissioner Cox said perhaps he does not want to pursue this; but if he does and we let that space go, then there is no other space -- as no one else wants to move out.

(continued)

COUNTY COMMISSIONERS
April 22, 1985

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RE: CERTIFICATES OF INSURANCE

Junior League of Evansville, Inc: Covering Family Fair at the Convention Center
on April 20, 1985.

RE: OLD BUSINESS

Commissioner Borries said he has received a letter from United Way of Southwestern Indiana, indicating that Vanderburgh County is being honored as a recipient of the "No Lemons" award. "This means that as an employer you helped supply all the right ingredients to insure successful employee campaign. Because of your commitment, your employees also extended an extra effort in United Way. You may wish to provide a copy of this letter with my special thanks to your employee, Jim Lindenschmidt." Mr. Borries said there are a number of items on the award, including information as to how much the Vanderburgh County Government, including members of the Teamsters Local #710, contributed.

RE: SCHEDULED MEETINGS

April 22	4:30 p.m. and 5:15 p.m.	Voting Equipment Demonstrations (Council Ch.)
April 29	1:30 p.m.	Meeting with Rex King, Lee Gallivan and Richard VanCleve on bridges and roads that need to be closed and those affected by the I-164 road program.
April 30	10:00 a.m.	Indiana Association of County Commissioners Meeting - Holiday Inn/Jasper, IN
April 30	4:00 p.m.	Auditorium Advisory Board Meeting
May 6	5:30 p.m.	Indiana Association of Counties, Inc./Southwest District - Executive Inn
April 24	3:00 p.m.	Finance Committee Meeting (Board Room)
April 24	3:30 p.m.	Special Meeting - Hearing on Wheel Tax
April 24	4:00 p.m.	EUTS Meeting (policy matters) Council Chambers

Commissioner Borries said that he notes, with regret, that David Gerard has accepted a position away from this area. He thinks he has done a fine job as our Planner. He has served well -- and we want to wish him well. Since he will be going to Austin, Texas, the meeting on Wednesday will be his last meeting.

RE: CLAIMS

Kevin Winternheimer: Claim in the amount of \$210.00 for representing Vanderburgh County Sheriff's Department in the matter of the discipline of Deputy Arella Ray. Motion was made by Commissioner Cox that the claim be approved, with a second from Commissioner Borries. So ordered.

David Miller: Claim to David Miller in the amount of \$1,729.48 for various litigation services. Motion to approve claim was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

David L. Jones: Claim to David Jones in the amount of \$3,710.81 for various litigation matters. Motion to approve claim was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: EMPLOYMENT CHANGES - RELEASES

Superior Court

Eileen L. Baker 840 Bayard Park Dr. Prob. Off. \$17,168/Yr. Eff: 4/22/85

(continued)

Superior Court/Probate & Juvenile Division

Virginia Lomax	900 N. Kelsey	Prob. Off.	\$14,489/Yr.	Eff: 4/22/85
Stacey L. Wise	406 Bob Court	Cler. Asst.	\$11,972/Yr.	Eff: 4/22/85
Toni Brinson		Asst. C.D.	\$14,489/Yr.	Eff: 4/22/85

RE: EMPLOYMENT CHANGES - APPOINTMENTSBurdette Park

Tela Zuelly	4410 Bernice Drive	P.T. Recept.	\$3.50/Hr.	Eff: 4/19/85
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Superior Court

Eileen L. Baker	840 Bayard Park Dr.	Prob. Off.	\$18,178/Yr.	Eff: 4/22/85
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There being no further business to come before the Board at this time, President Willner declared the meeting adjourned at 4:25 p.m.

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

Alice McBride

David V. Miller

COUNTY ENGINEER

Andy Easley

COUNTY HIGHWAY

Bill Bethel

BURDETTE PARK

Mark Tuley

PURCHASING

Kim Gelinas

OTHER

James Pflug/Poor Relief Applicant
Ruth Anslinger/Pigeon Trustee
News Media

SECRETARY: Joanne A. Matthews

Robert L. Willner
Robert L. Willner, President

Richard J. Borries
Richard J. Borries, Vice President

Shirley Jean Cox
Shirley Jean Cox, Member

MINUTES
COUNTY COMMISSIONERS' MEETING
APRIL 29, 1985

APPRAISAL OF COUNTY PROPERTY - NURRENBERN RD.---	Appraised at Zero Dollars-----	11
APPROVAL OF MINUTES----	Meeting of April 22nd -----	1
BIDS		
Souvenir Shop at Burdette Park; Only (1) Bid Received---	Wild West Concessions;	
To be taken under advisement for (1) Week -----		4 & 5
Millersburg Road Bridge-----	(3) Bids Received; To be taken under advisement	
for (1) Week, since all bids were over Engineer's Estimate -----		5 & 6
COUNTY ENGINEER - ANDY EASLEY		
Ltr. to IPSC requesting reimbursement on Boonville-New Harmony Rd. & Illinois		
Central Gulf R.R. Crossing -----		8 & 9
Change Order #3 on Burkhardt Rd.-----	Approved -----	9 & 10
Closing of Burkhardt Rd. ---	Approved; Commissioners to sign formal papers when they arrive -----	10
Subdivision Street Plans:		
Greengate Court Sub -----	Approved, subject to inclusion of maintenance of Retention Pond -----	10
Ridge Subdivision -----	Approved, as presented -----	10- 11
Brookview Subdivision -----	Approved, as presented -----	11
COUNTY HIGHWAY - BILL BETHEL		
Weekly Absentee Report, Work Report & Work Schedule -----		6
COUNTY SURVEYOR - BILL JEFFERS		
Bridge & Guardrail Repair Report -----		6
Notice to Bidders on N. Green River Rd. Drainage Improvements -----	approved for Advertising----	
Bid Opening scheduled May 20th -----		6 & 6
Notice to Bidders on Paving to cover Pipe Installations -----	approved for Advertising----	
Bid Opening scheduled May 28th -----		7
Drainage Problems/Melvin Tenbarger Property on Upper Mt. Vernon Rd. ---	Jeffers to draft a letter for Commissioners approval/signatures-----	7 & 8
Culvert near Kuester Field----	Surveyor's Crew to remove debris -----	8
Acceptance of Check for reimbursement of Guardrail Damages----	Approved -----	8
EMPLOYMENT CHANGES -----		13 & 14
OLD BUSINESS-----	E.U.T.S. Mtg. & Investigation to be made of Intersection at St. Joe Avenue & Allen Rd. -----	12 & 13
POOR RELIEF/PIGEON TOWNSHIP		
Leonard Tobin-----	Medical Assistance Denied until Applicant make application for Food Stamps-----	1 - 4
Trustee to Verify Income -----		4
Joanne Grayson-----	School Book Assistance---Applicant was not present -----	
PROCLAMATION - SOIL STEWARDSHIP WEEK -----	Approved -----	11
REQUEST TO MOVE AD CRAFT SIGN/GREEN RIVER ROAD-----	Board approved moving sign 300 ft. North on Harp's Property -----	11-12
SCHEDULED MEETINGS -----		13
VACATION		
Petition to Vacate Right-of-Way Easement on Highway #66 & Allen Road-----		
-----	Approved -----	5 & 6

MINUTES
COUNTY COMMISSIONERS' MEETING
APRIL 29, 1985

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, April 29, 1985, with President Robert Willner presiding.

The meeting was called to order at 2:30 p.m., with President Willner entertaining a motion concerning approval of the minutes of the previous meeting. Motion was made by Commissioner Borries that the minutes of the meeting held on April 15th be approved as engrossed by the County Auditor and the reading of same be waived. A second to the motion was provided by Commissioner Cox. So ordered.

RE: OPENING OF BIDS ON SOUVENIR SHOP AT BURDETTE PARK

President Willner entertained a motion that County Attorney be authorized to open the bids received on operation of Souvenir Shop at Burdette Park. A motion to this effect was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

RE: POOR RELIEF APPEAL/PIGEON TOWNSHIP

The Chair recognized applicant and asked that he approach the podium, state his name and address and the nature of his request.

Mr. Leonard Tobin approached the podium, identified himself and said he resides at 787 Line Street. On Friday of last week, he went to Pigeon Township requesting assistance concerning two teeth which were giving him pain. He was denied assistance on the grounds that he could not be helped. He said this was not the first time that he has been turned down. In September or October of 1984, he had a tenant living in his house who called upon the Pigeon Township Trustee for assistance with his rent. He was also turned down and Mr. Tobin was told by the investigator that the Trustee does not pay for single people to stay in a house. He subsequently discovered that this is a lie, because the Pigeon Trustee has sent single people to the Civic Plaza Hotel... he can prove this. He wants to know why, as a property taxpayer, is he denied assistance in a time of need. He does not make it a habit to go there. He only goes when it is necessary. He has two teeth giving him trouble; he has no money. He was suffering when he called the Trustee's office on Friday and was denied assistance. That is why he is here today.

Commissioner Willner asked Mr. Tobin if he refused to apply for food stamps? Mr. Tobin was not given any definite statement by any of the investigators that he must be on food stamps. That was something they came up with last Friday. When the investigator came to him in the Trustee's office she asked him if he were on food stamps -- that was all that was asked of him. He was not told that he must be on food stamps to receive assistance. Had he been told this, he would have done it. He said he was not going to lie -- he was telling the truth. But that was never told to him until he saw the signature of the Trustee with the notation that he was denied for failure or refusal to file for food stamps, when eligible.

Commissioner Willner asked Mr. Tobin if he has any income? He said he is a minister here and he has one or two properties on the corner of Chandler and Line Streets -- and he made this into small apartment. In response to Commissioner Willner's query as to the amount of his income, he said it is \$300 - \$400 per month, but he has to pay gas and electric bills with that.

Continuing, Mr. Tobin said he is being misconstrued by the Pigeon Trustee....his religious organization cannot receive any assistance at all on the grounds that it is religious. Of course, it is -- but it is not tax exempt. He has to pay tax on those properties every year -- and he held up a hand full of tax receipts. In response to County Auditor Alice McBride's query as to whether he has filed for his non profit exemption, Mr. Tobin said he has not -- because his constitution does not give him any option to file immediately, until such time as the organization has proved itself eligible enough to get the exemption. Mr. Willner asked if he is referring to his "church" constitution? Mr. Tobin responded in the affirmative.

Commissioner Borries asked Mr. Tobin if he is a U.S. citizen? Mr. Tobin said he is from the Virgin Islands. (He said he is not talking about the U.S. Constitution; he is talking about the Constitution of his religious organization.)

President Willner entertained questions from the Board. There being none, he called upon the investigator for the Pigeon Trustee's office.

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Mary Lancaster of the Pigeon Trustee's office stated that on Friday, April 26th, she asked Mr. Tobin if he was on the food stamp program -- explaining to him that that is the first rule of their office -- before they can give any type of assistance, the guidelines say that the individual has to be on food stamps. If they are eligible for food stamps, then they are eligible in the Trustee's office for assistance. She told him that if he would go next door to the Welfare office and make application for food stamps (she didn't tell him he had to have the food stamps -- she just told him to make application for food stamp program) then they could assist him. But he told her just not to worry about it, give him a denial and he was going to the Commissioners. So, that is what she did. Continuing, Ms. Lancaster said that from past experience Mr. Tobin knows that she has told him that in order to receive any assistance from the Trustee's office that he does have to be on the food program. He was told to get on the food stamp program in 1980, which he did for a while. Then, in 1983 when he came back into the Trustee's office, he was not on food stamps and he was denied assistance with a utility bill because the utility bill was not in his name. Again, he was given a denial last Friday for not being on the food stamp program. She said she told him this then -- as she'd told him before.

Commissioner Willner asked if medical assistance would not be thru the Welfare Department anyway? Ms. Lancaster said that the Trustee pays for tooth extractions if they fall within the Trustee's guidelines, which he is eligible, because he stated to her that his income is \$250 per month on the rental property that he has.

Commissioner Willner said he does not believe that the Trustee's guidelines say that in order to receive medical assistance that the individual has to be on food stamps -- but it should. It, however, does not say that.

Commissioner Cox said she has been trying to read thru the guidelines and find it -- and she was going to ask Mary Lancaster about this. Mrs. Cox said as she remembers it, it says that all applicants seeking assistance for foodstuffs must have proof that they have filed an application for food stamps. The only thing she can find is Item "F", on Page 2 of the guidelines, which says:

"Apply for and utilize all other private and public assistance sources prior to requesting assistance from the Trustee's office. Indiana law (IC-12-2-1-8)"

President Willner said he agrees. He then asked if the Commissioners are in agreement that if Mr. Tobin applies for food stamps that he would be eligible for assistance?

Attorney Jones asked if Mr. Tobin is an established resident of Vanderburgh County? Commissioners Willner and Cox indicated that he is.

Attorney Jones then asked Ms. Lancaster if she has verified Mr. Tobin's income? She said she has not, because he left and said he was going to the Commissioners before she could do anything else.

Attorney Jones said that since Mr. Tobin is self-employed, as stated on the application, his income can be verified and determination made as to whether he is eligible. But having a proper application is one thing; but he doesn't think the condition of granting medical attention on the basis that somebody has or has not accepted the food stamps makes any sense. The person could be dieing and not have time to eat the food unless you took him to the hospital.

Commissioner Willner pointed out that Ms. Lancaster is not asking that he actually be on food stamps, only that he make application for same.

Attorney Jones said something is wrong. Either her interpretation of the guidelines -- or the guidelines are not correct.

Commissioner Willner said we've always done that. Why not be on a federal plan as opposed to being on a local plan?

Attorney Jones said we're talking about two different things. It's one thing to say that before you qualify here you have to be eligible under the federal guidelines. But it's something else, again, to say that he has to have the food stamps coming in or bein that program before he can get this type of assistance. That's a different thing altogether than saying the person is eligible, that he meets the criteria. The federal food stamp program says that in order to eligible you must be A, B, C and D. He can

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come along and say he is A, B, C and D....and, therefore, qualify. But that is different than saying he's in the food stamp program and has to be in it first before he can get anything.

Commissioner Willner said we did not say he had to be in it -- we said he had to make application. Dollars are dollars, no matter whether it is medical dollars or food dollars. All Ms. Lancaster is asking is that he make application.

Commissioner Borries queried Ms. Lancaster as to exactly what this means? She said all it means is that Mr. Tobin has to go and make application for food stamps -- he does not have to show her the food stamps before he gets the dental assistance.

Attorney Jones asked what if Welfare turns him down for food stamps? What if he is not eligible for the food stamps? Does he still get the dental assistance? All he has to do is fill out the food stamp application -- whether or not he is approved? Ms. Lancaster said that is correct. Attorney Jones said that makes even less sense. What is the magic of filling out a piece of paper as opposed to being qualified? Ms. Lancaster said the income.....Commissioner Willner said, "You're talking about dollars..." and Attorney Jones interrupted by saying, "I'm talking about the law!"

Commissioner Willner said that if Mr. Tobin has enough money to buy his food and he gets his food at a reduced price, then he would have enough money to pay his own medical bills. Attorney Jones said then he would not be eligible for poor relief because he does not meet their income requirements. Commissioner Willner asked, "How do we know?" He hasn't filled out a food stamp application yet."

Commissioner Borries asked if an individual makes application for food stamps, is there an income guideline on there? Ms. Lancaster said there is. She doesn't know what those guidelines are. She does know what the Pigeon Trustee's guidelines are insofar as income. Commissioner Borries asked if she is saying they are different? Ms. Lancaster said that they are.

Attorney Jones asked if the Trustee's office reviews the food stamp application? Ms. Lancaster said they do not; they have nothing to do with the food stamp application. Their guidelines with respect to income are higher than the Trustee's, because, as she understands it, the Trustee's guidelines are poverty level.

Commissioner Cox said that the Reverend Tobin had a point he wanted to make, could he approach the podium at this time? Commissioner Willner agreed.

Mr. Tobin said he wanted to remind the Commissioners once again that he went to the Trustee's office seeking assistance for extraction of two teeth that are giving him trouble. He was not told by Ms. Lancaster ...period....that he must be on food stamps. She asked him if he was receiving food stamps....that was all she asked and all that was said to him. She subsequently went back to her boss (and he pointed to Bill Goff, who was present in the audience) and he said Mr. Tobin could not get the dental assistance because he is not on food stamps.

Commissioner Cox asked Mr. Tobin if he has had his tooth extractions? He said he has not. Commissioner Cox asked if he would be willing to go make application for food stamps? The Trustee has established guidelines and they try to treat everyone fair. Mr. Tobin said he does not think so. When Ms. Lancaster asked him if he received food stamps -- it should have been her duty to tell him at that time that he must go and get on food stamps. She should have told him this at that time -- not now. That should be the guideline there. Commissioner Cox said the Trustee uses a printed guideline.... Mr. Tobin said his question to the Honorable Commissioners is, "Why shouldn't the lady have told him on Friday that he should go and get on food stamps, rather than telling him he cannot get the medical assistance without being on the food stamp program?" Commissioner Cox asked if Mr. Tobin would be willing to go down today and make application-- and that's simply a formality -- then he can go right over and get the assistance he needs?

Commissioner Willner cautioned Mrs. Cox that Mr. Tobin's income needs to be verified. Mr. Tobin said that first he needs income verification -- and now he thinks they are putting the cart before the horse. First, verify his income and determine if he is eligible for food stamps, then this could follow. But if he is not eligible to be on the food stamps according to his income guideline, then he sees no need in going to Welfare and applying for food stamps. But what happens in the case of an emergency with an individual? When a taxpayer comes and asks for assistance in the time of an emergency -- when assistance is given to others who are not on food stamps?

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Mr. Tobin said there are a lot of dependents down in the Trustee's office who are not on food stamps -- he can prove it. They do that on their own sometimes. Another thing that hurt him last year was when the young man staying in Mr. Tobin's home asked them for rent assistance, he was bluntly turned down by Ms. Lancaster and Mr. Goff, stating that they don't pay for single people. This is not true. The Commissioners, sooner or later, have to shuffle up that place down there in order to know what is going on. He is not the only one going through this -- but he is talking for himself. Everything these people in the Trustee's office tell you is not true.

Commissioner Willner advised Mr. Tobin that the consensus of the Board is that if he will apply for food stamps and verify his income, then he would be eligible.

Joanne Grayson/1323 Culver Avenue: President Willner called the name of Joann Grayson three times, but there was no response. He then explained that Ms. Grayson had made application to the Pigeon Trustee's office for school book assistance, which had been denied. He asked that the record reflect that Ms. Grayson was not present for today's meeting.

RE: BIDS ON OPERATION OF SOUVENIR SHOP AT BURDETTE PARK

In response to President Willner's query, Attorney Jones advised that one (1) bid was received on the operation of a Souvenir Shop at Burdette Park. This bid was from Donald McCormick, doing business as Wild West Concessions. The bid proposes to stock the trading post with a list of items (and attached are two pages of items), provide free advertisement for Burdette Park, offer to store building supplies that are kept at the old Trading Post until new storage can be built. Attorney Jones said he does not know whether this is binding or not, but the bid states "We have plans for advertising in the paper and on the radio and via special fliers for the Trading Post"....but this sounds like a promise to make a promise. Attorney Jones said he does not have a copy of the specs, so he does not know whether that which is contained in the bid meets specs. He continued reading the bid,...-"with the understanding that no other product of this type may be sold in the Park without our approval. We will pay 15% the first year and 20% thereafter of the gross sales of the Trading Post to the Board every thirty (30) days." They would like to have a seven (7) year lease and hopes it lasts for fifty (50) years.

Commissioner Cox questioned the clause in the proposal that says "no one else can sell what he sells"? What if Mr. Tuley rents out the pavillion for a flea market or an organization that sells things? Would that still be allowed? Both the Democrat and Reoublican parties have had booths at the park where they sold something to make money. This is the type of thing she is talking about.

Attorney Jones said this is a very good point, because Wild West has a list of things that has the Burdette Park logo on it and they are asking for an exclusive on all these items. If the Board accepts this, then we would be granting them an exclusive. That is the condition of the offer...and the way it is worded, it applies to every item listed and said items could not be sold by anyone else in Burdette Park.

Commissioner Willner said he does not know why Attorney Jones finds this so strange. If he is the County Attorney, then he does not want the County to go out and hire another attorney to do the same thing. Attorney Jones said, "No, but when you have two pages of all kinds of little items, he doesn't keep track of who is going into the park year round, who is leasing the pavillion, or who is selling things. If you don't monitor that kind of thing, then we could easily breach the contract. Mr. Tuley said he understands what Attorney Jones is saying. He said the specs indicate that a contract has to be drawn up with the successful bidder, and he assumes this could be worked out. The BMX (which sells shirts, etc.) is a different part of the park -- and he thinks that would have to be excluded. Attorney Jones said he recalls that three (3) years ago we gave them certain rights to do things in the park -- and that's the kind of thing he's trying to think about here.

President Willner entertained a motion. Commissioner Cox asked Mr. McCormick, who was seated in the audience, if he had any questions or comments. Mr. McCormick said that since they propose to pay 15% to 20% commission on their gross sales, what they are thinking about is having some guy walk in off the streets and start selling the same items they are selling. They are paying a percentage to the Commissioners for the lease of the building and then the other fellow would come in and basically pay nothing. They have no problem with not selling food, because the food concession has that contract -- or with any other items BMX sells. They didn't basically want to have a flea market set up next to them, with them paying a percentage to the park.

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Mr. Tuley said what he's talking about is just like the guy who might have balloons and he'd come out to the park to sell balloons right by Mr. McCormick, who is selling balloons. Commissioner Cox asked if Mr. McCormick is going to sell balloons, too? Mr. Tuley said he would be only selling balloons with the park logo on them. Mr. Tuley said they requested that all bidders to provide a list of items they planned to sell. The reason they did this was because they are a "family" park, and they wanted to make certain there were not items included that might be considered "risque". He thinks the list from Wild West looks like a good list.

Commissioner Cox returned to the matter of balloons, asking that if Wild West planned to sell balloons with Burdette logo -- would it be o.k. for someone else to sell balloons? No one could sell a Budette Park balloon, but could they sell other balloons? Mr. Tuley said he thought this matter would have to be addressed in the contract. The food concessionaire has the first right of refusal on any catering that goes in. An individual can bring in all the food they want.....and Attorney Jones interjected a comment.

Commissioner Willner asked Attorney Jones what the problem is? He said that, "If you sign this contract, nobody else can sell any of these items. Commissioner Willner said that nobody can sell anything without the Board's permission to start with. What is the problem? Attorney Jones said the problem is that we've already allowed some people to go in and sell things. Commissioner Willner said not since this contract has been signed. In the matter of BMX, we'll have to ask them not to sell their T-shirts. Attorney Jones said the BMX contract was signed before the contract with Wild West Concessions..they are already in existence. Mr. Tuley again said all of this can be addressed in the contract since we have to have a contract anyway. Commissioner Willner said Mr. Tuley is the one who told the Commissioners they had to advertise; now he is saying they have to have a contract. That is o.k., too -- as we already have one on the food. Commissioner Willner said this should all be worked out before it is brought to the Commissioners' meeting.

Motion was made by Commissioner Borries that the bid from Wild West Concessions be taken under advisement for a period of one (1) week. A second to the motion was provided by Commissioner Cox. So ordered.

RE: OPENING OF BIDS ON MILLERSBURG ROAD

President Willner entertained a motion to authorize the County Attorney to open the bids received on the Millersburg Road Bridge. A motion to this effect was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: PETITION TO VACATE RIGHT-OF-WAY EASEMENT (HIGHWAY 66 & ALLEN ROAD)

Mr. Les Shively approached the podium and stated that he is present for purposes of representing Mr. Oscar Steven, the property owner to benefit from the vacation of the right-of-way easement. He said he'd like to update the map attached to the petition. First of all, it is accurate in its dimensions, but there are a couple of items he'd like to point out. State Road #66 is actually Harmony Road and near Harmony Road is Harmony Way. The area to be vacated is that portion at the bottom of the map (that has been highlighted in green on the map). That was designed many years ago when that area was platted to be an extension to the south across Harmony Road and an extension of Kern Road. It never came to pass; and as can be seen from the photos, it has never been developed. Essentially, it is an overgrown area that Mr. Steven has maintained and kept in good condition -- and kept in a manner to conform with the rest of his property. The only adjacent property owner they could find was the Old National Bank as Trustee for Henry J. Ern et al, and they have given them proper notice. The return receipt is filed in the Auditor's office. He also has copies of the proof of publication from the Courier and Press for April 21 and 22 .

Commissioner Borries queried Mr. Shively concerning Mr. Steven's purpose? Mr. Shively said the easement is adjacent to and he has maintained it for approximately 30 years as though it were his own property. He'd now like to have it officially recognized as part of his property. It will go on the tax rolls in that manner and he'd be given official recognition to property that he has maintained and kept in good condition all these years. There does not seem to be any current or anticipated future need of this right-of-way by the County.

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Mr. Shively said we're under a different Statute now and it is much more simple than it used to be. We used to have to appoint Commissioners to go out and determine whether there were any damages, etc. We no longer have to worry about that. If someone claims there are damages after we vacate, they can go into court and ask the court to give them damages. The process is a lot more simplified and straightforward. It takes the burden off the Commissioners. Mr. Shively said he has a copy of the new Statute if they want to see it.

They filed, but have not heard anything from SIGECO. Mr. Shively said he was out there and saw no evidence at all of utilities. There are concrete posts which signify the right-of-way of the State and obviously they cannot infringe on that area. He does not think there are any utilities at all.

There being no remonstrators present concerning the petition and no further discussion from the Board, motion was made by Commissioner Borries that the vacation of the east line of Lot 13 in the replat of Artes Subdivision be approved. A second to the motion was provided by Commissioner Cox. So ordered. The Chair then asked for a Voice Vote, and there were three (3) affirmative votes. The Commissioners then proceeded to sign the Vacation Ordinance. (Signed Ordinance and Check #9275, Recording Fee to secretary)

RE: BIDS ON MILLERSBURG ROAD BRIDGE

The meeting proceeded with Attorney Jones advising that there were three (3) bids received on the Millersburg Road bridge project. The Engineer's estimate for the Millersburg Road Structure #77 (Project #85-77) is \$249,942.85. Bids were received as follows:

Rig-Mar Contracting, Inc./Evansville, IN	\$280,807.20
Deig Bros. Lumber & Constr./Evansville, IN	\$271,751.10
Key Construction Co. /Evansville, IN	\$334,113.25

Attorney Jones pointed out that all three bids exceed the Engineer's estimate. Commissioner Willner asked by how much we can exceed the Engineer's estimate? It was noted that 5% is allowable. At the suggestion of County Surveyor Robert Brenner, President Willner entertained a motion that the bids be taken under advisement for a period of one (1) week. A motion to this effect was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Absentee Report: Mr. Bethel submitted the Weekly Absentee Report for employees at the County Garage for period April 22nd thru April 26th.....report received and filed.

Weekly Work Report: The Weekly Work Report for employees at the County Garage was also submitted for the same period.....report received and filed. Attached to the Work Report was the following Work Schedule:

Patch: Theatre Dr., Baseline Rd., Browning Rd., Kansas Rd., #3 School Rd., Pollack Ave., Petersburg Rd., St. Wendel Rd., Clover Dr., St. Joe Ave., Boonville-Bew Harmony, Grove St., Allen Lane, Selzer Rd., and Meadow View Dr.

Smear: #3 School Rd., and Hillsvie Dr.

Grader: #3 School Rd., Old Henderson Rd., King Rd., Old Green River Rd., River Rd., Schillinger, Hillsvie Dr.

Gradall: Mann Rd., 8509 Darmstadt Rd., St. Wendel Rd., Middle Mt. Vernon Rd.

Trash: Shop, Old Green River Rd., River Rd., and Lynn Rd.

RE: COUNTY SURVEYOR - BILL JEFFERS, CHIEF DEPUTY

Bridge & Guardrail Repair Report: Mr. Jeffers submitted the Weekly Bridge & Guardrail Repair Report for period April 22 thru April 26, 1985.....report received and filed.

North Green River Road Storm Drainage Improvements: Mr. Jeffers submitted a copy of Notice to Bidders, to be advertised on May 3 and 10, 1985, with bid opening scheduled

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Mr. Jeffers said this project was deemed becoming an emergency due to the development to be carried on at this time and us still in a rainy season. If the bids could be opened on May 20th, contractors could be working before the end of the month and that would conform with all the legalities. The top page of the specs require the signatures of the three (3) Commissioners and the Auditor. The plan drawing requires the same signatures. The County Engineer has already signed specs and drawing.

There being no questions from the Board, the Chair entertained a motion. Motion was made by Commissioner Borries that the specs and drawing be signed and the bids advertised. A second was provided by Commissioner Cox. So ordered.

RE: PAVING TO COVER SEVERAL PIPE INSTALLATIONS - PAST & FUTURE

Mr. Jeffers said he also has a set of specs ready for paving to cover several pipe installations they have made over the past several months and to pave pipe installations they expect to make over the next several months -- and to apply asphalt wedges to certain bridge structures throughout the county (the same as we did last year). Rather than going with invitational bids, they have prepared invitation to bidders for advertisement -- with attached specs -- just as they did on the North Green River Road drainage improvement project. In response to query from President Willner, Mr. Jeffers said they propose to tell the contractors that they plan to install not less than 1,000 tons of asphalt and not more than 10,000 tons -- so we're talking about something between \$30,000 and \$100,000 -- that's what they plan to spend. The Surveyor will provide the contractor with a list on the first day of each month (June, July and August) and they have thirty (30) days to complete the list. This will be a per ton and the lowest per ton bidder will be awarded the contract.

Commissioner Willner asked if Purchasing took a bid the first part of the year? Mr. Jeffers said, "for application of asphalt"? Mrs. Cox said she believed the bids awarded by purchasing was for materials only -- not applied asphalt.

There being no further questions or discussion, the Chair entertained a motion. Motion was made by Commissioner Borries that the Surveyor be authorized to advertise for bids for hot asphalt paving of bridges and culverts per Notice to Bidders presented by Mr. Jeffers. A second to the motion was provided by Commissioner Cox. So ordered.

These bids will be advertised on May 3 and 10, with bid opening scheduled May 28th.

Mr. Jeffers stated that the specs say it will be applied two (2) inches asphalt binder with 1½ inch #11 topcoat on every application.

Melvin Tenbarge (4401 Upper Mt. Vernon Rd.): The Commissioners requested that Mr. Jeffers report back concerning Mr. Melvin Tenbarge. He was unable to contact him over the past weekend or today. But that is a storm sewer installed by the City. He believes that Jebco installed the sewer, and Mr. Bruce Biggerstaff supervised. Mr. Tenbarge said the ditch is eroding along his bank of the ditch and he called Mr. Borries and said he thought his garage might fall into the ditch. The 48" diameter storm sewer was designed by the City of Evansville. Approximately 250 ft. of the open ditch was widened, reportedly to acquire fill dirt to cover the sewer line. Subsequently, they discovered the fill was not needed, but they had it piled up there. It was hauled off and we don't know where it was taken. (Commissioner Borries said that Red Staub hauled the dirt off, as he understands it from a resident.) Mr. Jeffers said the bank on the south side of this open ditch is eroding; there is some evidence of prior erosion and there is some evidence that erosion has occurred since the project ended. The back of the north side of the open ditch is eroding. The grass that was planted as part of the contract has not begun to grow as vigorously as it should by this time and not all the water is being caught by the inlets along Western Avenue. Thus, it jumps the curb and, subsequently, the contractor was called back and they put a concrete apron in this private drive so the water can flow down to the ditch without washing away the driveway. The upstream ditch is wider than the downstream ditch, because they only widened it enough to get their fill. At the curve where the ditch goes thru our boiler pipe, which is a 6 ft. diameter boiler pipe (which is substantially larger than 48") and will handle the water coming out of there, but the force of the water is eroding the bank. The surveyor's crew will take care of that by building up that rip-rap wall with mortar and rip-rap. There is some amount of rip-rap in the flow line which was caused by this water jumping the curb and washing out their rip-rap installation and depositing it in the bottom of the ditch -- and that needs to be removed by the contractor. The rip-rap around the end of the pipe is insufficient. They dumped a load of rip-rap there and poured a little concrete on top of it and it is already washing away -- and it will end up in the bottom of the creek. It is Mr. Jeffers' understanding that the city has one more call-back they can make to

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the contractor and he would suggest that the Commissioners authorize the County Engineer's Office and the Surveyor's Office to recommend to the City Engineer what they would like to see done on that last call-back, and then they will take care of the rest downstream. He doesn't think that Mr. Tenbarger is in immediate danger of losing his garage, but he does have a valid point in that the bank is eroding and possibly was caused by his portion of the ditch trying to conform to what was upstream.

Commissioner Willner requested that Mr. Jeffers draft a letter for the Commissioners' signatures -- and they will get it to the city in an effort to get that project started.

Commissioner Borries told Mr. Jeffers he really appreciates his work on this, as Mr. Tenbarger advised that Fred Blumenauer said that someone had ordered pipe and they were going to pipe part of that ditch. Mr. Jeffers may want to confirm this with Mr. Blumenauer. He believes the confusion has been that it was a project in which no one in the county government was involved or, in fact, even had any knowledge of same. We're now involved after the fact. Thus, he appreciates Mr. Jeffers' work. Mr. Jeffers said he will speak with Fred Blumenauer, as he hasn't heard anything about the pipe being ordered.

Culvert Near Kuester Field: Commissioner Cox had asked that they look at the culvert near Kuester Field. They did; there is a substantial amount of debris which they can remove within the right-of-way of Broadway. However, he suggests that if any of us know anyone who has anything to do with Kuester field that possibly they can get some volunteer help out there to remove a lot of.....Commissioner Cox said they do this every year and it is sickening. Mr. Jeffers said someone has done a lot of dumping in there and there are also a lot of willow trees and other stuff growing in the ditch. Commissioner Cox said the dumping is done from way upstream -- and it floats down and catches at Kuester field area. Mrs. Cox asked Mr. Jeffers if he noted how the bank out there is eroding. He said he did -- and it's all bad out there.

Check for Reimbursement of Guardrail Damages: President Willner asked if Mr. Jeffers can verify that the \$320.00 check received from James D. Ross for guardrail damaged in accident on March 11, 1985, is the correct amount. Shelter Insurance Companies sent the check. Mr. Jeffers said they have been waiting for this, and the amount is correct. Motion was made by Commissioner Borries that the check from Shelter Insurance be accepted, with a second from Commissioner Cox. So ordered.

RE: COUNTY ENGINEER - ANDY EASLEY

Reimbursement from IPSC on Boonville-New Harmony Rd. & ICG R.R. Crossing

Mr. Easley presented copies of the following letter to the Indiana Public Service Commission, requesting that the County be reimbursed for the local share of matching funds.

April 24, 1985

Ms. Sharon Polk, Assistant Director
Transportation Department
Indiana Public Service Commission
309 West Washington Street
Suite 601, Old Trails Building
Indianapolis, Indiana 46204

RE: RRS-7082 (1)
Boonville-New Harmony Road & Illinois Central Gulf R.R. Crossing

Dear Ms. Polk:

The installation of gates and/or signals at subject railroad crossing has been completed. We are enclosing a copy of a letter from the Indiana Department of Highways dated November 16, 1984.

The final cost of the project is \$51,187.40. It is requested that the Public Service Commission reimburse the County of Vanderburgh in the amount of \$5,118.76 for the local share of matching funds.

The Indiana Department of Highways was paid \$5,118.76 by Vanderburgh County Warrant No. 38480 dated December 28, 1984. By copy of this letter, Mr. Steven L. Springston, Accounts Receivable Supervisor of the Indiana Department of Highways, is requested to send Ms. Sharon Polk a receipt for this payment.

(continued)

COUNTY COMMISSIONERS
April 29, 1985

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If any additional information is required, please contact the undersigned.

Sincerely,

R. Andrew Easley, Jr. P.E.

cc: County Commissioners
Indiana Department of Highways
Attn: Mr. Steven L. Springston
Accounts Receivable Supervisor

President Willner asked Mr. Easley if he knows of anyplace else we can use that light signalization? He knows that they are trying to abandon that line?

Mr. Easley said he received a call from the attorney who was handling the suit that was pending against the Seaboard Railroad on the railroad crossing on Lynch Rd. and he asked if we still had any reason to pursue that. He told him he believed the switch has been moved and the hole has been patched by Mr. Bethel's people. He and the attorney agreed that they could probably recommend that the suit be withdrawn. Do the Commissioners agree? Commissioner Willner said he didn't know we had a suit...who sued who? Mr. Easley said he believes Vanderburgh County filed suit against Seaboard.....Commissioner Borries said he believes that is correct. Commissioner Willner suggested that we not withdraw the suit until the project is finished. Mr. Easley said the switch is out. President Willner asked about the rubber mat? Mr. Easley said they have ordered the rubber mat. President Willner said that if we withdraw the suit they may not put it in. Let's wait until the job is done. Commissioner Cox said she believes this matter should be referred to the County Attorney for his determination as to when we can withdraw the suit.

Change Order #3 - Burkhardt Road Improvement Project: Mr. Easley presented the following letter, together with attached Change Order #3, which he said Mr. Jim Morley had handed to him about an hour ago. Mr. Morley is present at today's meeting and can explain the matter to the Board.

April 23, 1985

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

Re: Burkhardt Road Improvements - IDOH #S-15023
Our Project #81-468-5

Gentlemen:

Enclosed is Change Order #3 (I.C. 115) for the installation of 4" solid white thermoplastic line instead of 4" painted line as incorrectly itemized on the bid proposal. All the other traffic pavement markings for the project are thermoplastic.

We have reviewed this with Mr. Dale Lucas, Area Engineer for I.D.O.H., and he recommended that this change order be processed. He recommended also that we not delete the 16,776 lineal feet of paint from the project because there may be occasion during the project that some painted line (temporary) may be necessary for traffic control.

The cost submitted by the contractor for \$0.45/LF is the same as he bid for 4" solid yellow thermoplastic. This would increase the contract by \$7,549.20. Should the contract not require using any of the item for 4" paint line, then a credit would be due of \$1,509.84 (deduct of 16,776 LF of 4" paint line @ \$0.09/LF).

Should you have any questions, please feel free to contact us.

Sincerely yours,
(Signed by James Morley)
Lee A. McClellan, P.E.
Project Engineer

(continued)

Mr. Morley said that Burkhardt was bid two or three times by the State and there are a couple of errors on the bidding documents that we did not see or prepare originally, but they did a keypunch error (they punched one of the line items as white paint line rather than thermoplastic line, which is required by the State). It takes a change order to change the item from white paint line to thermoplastic line, which is what was put on the drawings we designed and originally turned into them. We never see the bidding documents once the drawings are sent off. Nonetheless, the thermoplastic line is required.

Motion was made by Commissioner Borries that the change order be approved, with a second from Commissioner Cox. So ordered.

Closing of Burkhardt Road: Mr. Morley said we are awaiting receipt of change order signed by the State and Federal Highway Departments concerning closing of Burkhardt Road while the eighteen (18) culverts are being installed. The Commissioners had a discussion concerning road closing during meeting last week with State and Federal officials. Commissioner Willner said the State and Federal personnel are completing the papers now (making certain they are in proper form) prior to having forms signed by the State and Federal officials and the contractor approving closing of Burkhardt while the 18 culverts are being installed. They are hurting for time and this is why he thought the approved change order would be here today. If they have to wait for the Commissioners' signatures until next week's meeting, this would delay the matter further. Thus, he entertained a motion concerning Commissioner's approval, so the documents can be stamped when they do arrive. Motion to this effect was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

Subdivision Street Improvement Plans: Mr. Easley said he has three sets of subdivision street improvement plans which he would like to have approved. The drainage has previously been approved on all three subdivisions (Greengate Court on Outer Lincoln, south of the Colonial Garden Center; Ridge Subdivision and Brookview Subdivision).

Greengate Court Subdivision: Commissioner Willner asked Mr. Morley that when this subdivision is sold out -- what plans have been made to take care of the ponding area? When Mr. McCarty is no longer interested in this subdivision -- either by having it completely sold out or when he moves to Florida and retires, what are we going to do with this ponding area? Who is going to be responsible for taking care of it? President Willner said he would think we would need something in every deed and every abstract or whatever -- that they will share in the maintenance of this pond so long as they own a piece of that property. Mr. Morley said he thinks this would be good -- Commissioner Willner has hit on an item that needs to be covered at some point in time -- some way for this to be an ongoing thing. If Mr. McCarty would include this when he sells the lots so the Homeowners' Association can perpetually maintain the ponding easement when Mr. McCarty is gone. It could be put in the plat of the subdivision, which isn't recorded yet (it can be added in the plat or as a separate instrument and recorded in miscellaneous records -- either would probably be satisfactory). Mrs. Cunningham said it could be included in the secondary plat just as easily.

Commissioner Willner said that normally when he purchases property he doesn't look at the plat. But if something is in the abstract, then he knows it is there. He then asked Attorney Jones for his recommendation. Attorney Jones said the conditions of the plat are going to be picked up in the abstract and the attorney who reviews the purchase of it is going to have to advise the purchaser that those conditions are there. Commissioner Willner asked if Attorney Jones is then saying that this is sufficient? Attorney Jones responded in the affirmative. The Chair then entertained a motion.

Motion was made by Commissioner Borries that the changes specified be approved, subject to inclusion of the maintenance of the ponding area. In response to query by Commissioner Cox, Messrs. Morley and Easley responded that there is no change in the drainage plan per se. With the continuous straight slope of the street, some storm sewer was eliminated and it's open surface drainage into the drainage basin. Commissioner Cox said there is a Drainage Board meeting subsequent to the Commissioners' meeting, and she thinks this should be recorded into the minutes of the Drainage Board. Mr. Morley said this is a covenant that you should have with all retention basins that are meant to be permanent. Mr. Easley asked if that covenant can be handled on a plat and not part of a Homeowner's Association Agreement -- insofar as covenant and restrictions? Attorney Jones said it should be in both. Mrs. Cox provided a second to the motion made by Commissioner Borries. So ordered.

Ridge Subdivision: Mr. Easley presented street plan for short cul-de-sac off Evergreen Road. Commissioner Willner asked Mr. Easley for his recommendation. He said he would recommend approval so construction can begin.

(continued)

Motion was made by Commissioner Borries that the street plans for Ridge Subdivision be approved, as presented. A second was provided by Commissioner Cox. So ordered.

Brookview Subdivision: Street plan for Brookview Subdivision was presented by Mr. Easley. It is Mr. Easley's recommendation that these plans be approved, as presented. Motion was made by Commissioner Borries that the plans be approved, as presented. A second to the motion was provided by Commissioner Cox. So ordered.

RE: APPRAISAL OF PROPERTY ON NURRENBERN ROAD

Mr. Jim Lindenschmidt reported that at the Commissioners' meeting of April 15, 1985, the Commissioners requested that he and Bill Bethel serve as appraisers on the 35' x 600' strip of property across from Burdette Park. As this property would only be of use to the County for widening Nurrenbern Road or for mineral rights, this property is appraised at zero dollars.

RE: PROCLAMATION - SOIL STEWARDSHIP WEEK

President Willner read the following Proclamation -- to be approved by the Board:

PROCLAMATION

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

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

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

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

WHEREAS, the soil conservation movement is celebrating in 1985 its 50th anniversary of carrying forward a program of soil and water conservation in cooperation with numerous agencies and countless individuals;

NOW, THEREFORE, I, in full appreciation of the value of our soil and water resources to the public welfare, and desiring to honor those who protect those resources, do hereby proclaim May 12-19, 1985

SOIL STEWARDSHIP WEEK

in the County of Vanderburgh

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

Done at the City of Evansville
in the County
of Vanderburgh
this 29th day of April, the Year of
Our Lord one thousand nine hundred eighty-five.

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

RE: AD CRAFT SIGN ON GREEN RIVER ROAD (NEXT TO HARP'S FISH MARKET)

Mr. Lincenschmidt presented the following letter concerning an Ad Craft message sign on Green River Road next to Harp's Fish Market.

The Board of Commissioners of
the County of Vanderburgh
305 Civic Center Complex
Evansville, IN 47708

Dear Commissioners:

Ad Craft has a message sign on Green River Road next to Harp's Fish Market. This sign is not in compliance with County code, but due to an error in the office of the Area Plan Commission, Arnold Bosse was given a permit for the sign.

Now, due to Bob Evans building on this site, Mr. Bosse has to move his sign 300 feet to the North. However, he was told he could not put the sign at that location.

I am asking that the Commissioners make an exception and allow him, since he has his money invested, to move this sign 300 feet North on the Harp's property. Thank you.

Sincerely,

James E. Lindenschmidt, Superintendent of County
Buildings and Commissioners' Liaison

There being no questions or discussion, the Chair entertained a motion. Motion was made by Commissioner Borries that the request be granted. A second to the motion was provided by Commissioner Cox. So ordered.

RE: OLD BUSINESS

E.U.T.S. Board Meeting: Commissioner Borries said he attended a meeting of the EUTS Board at which a report was given (of which he has a copy) regarding all of the accident intersections -- and the City and County were rated in regards to accident incidents. The intersection at St. Joseph Road and Allen's Lane was ranked as the highest in Vanderburgh County -- and that includes the City of Evansville -- in regards to accident incidents. He is wondering if the County Engineer might work with the EUTS personnel to see what steps we need to take, now that that report has been published. There was some discussion that since there is a stoplight at North St. Joe Avenue and Mill Road, because St. Joe was approved a 4-lane road, it was not designed to have stoplight after stoplight on it. However, the volume of traffic at St. Joe and Mill Rd. might warrant a 4-way stop, and maybe that particular light could be moved south to the Allen's Lane intersection -- to determine if that might be an acceptable trade. He would like to make that as a suggestion at this point -- to see what can be done.

Commissioner Willner said he agrees. His only complaint is that sometime ago the Board of Commissioners asked the County Engineer to compile such a list -- and before the Board gets the information, it is printed in the newspaper.

Mr. Easley said he was after EUTS to give the information to him as soon as they had it. He did give the Board a preliminary. Incidentally, most of those were State highway intersections.

Commissioner Willner said that, nonetheless, Mr. Easley was to get the three (3) worst accident intersections in Vanderburgh County -- not just the one -- does he have them now? Commissioner Cox said she would like for the Commissioners to consider another point at St. Joe and Allen Road. She is not certain that with the heavy traffic that comes out of the Highway County Garage at certain times of the day that we do not still need a light at Mill Road. Mill Road carries a lot of traffic, also. Allen Road -- we should seriously look at the lighting of that intersection. This might help prevent a lot of those accidents. Traffic comes off Diamond, which is lighted by the State with a funny type light; then you come to K-Mart, which also has a lighted parking lot. Then, it's like going into a dark cave -- and this hurts the visibility of people on Allen Road in ascertaining whether cars are coming from the north or south. She is not sure we need a light there; but we ought to consider keeping the light at Mill Road.

Mr. Easley asked if the County has any way to pay for the illumination of an intersection? Commissioner Willner said the Board asked the Traffic Department to do that at one time -- and they came along with yellow paint and painted those islands. And that does no good at all. Commissioner Cox said what we need there is overhead illumination -- and we need it all the way down to the intersection. Commissioner Willner said that if the islands were painted white we'd do a lot better -- but the Traffic Engineer said it was against the federal code to paint those white. Commissioner Borries said he is not for an excessive number of stoplights either; but with 24 accidents at that particular intersection, he does not think we can ignore the situation. We need to take some positive steps. We've

(continued)

COUNTY COMMISSIONERS
April 29, 1985

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tried for over a year to see if driving habits were going to shift -- but they haven't. But there is a problem when you're crossing four lanes of traffic there and the road has obviously improved (there is a 4-lane thoroughfare on St. Joe) -- but there are problems in crossing, and it doesn't seem at this point that we can ignore the problem. If Mr. Easley could explore this and come back with a recommendation, the Commissioners would appreciate it. His recommendation at Mill Road is a 4-way stop. At peak times, it is going to get hectic. But there is not a 4-way stop at Allen's Road -- and that's part of the problem.

RE: SCHEDULED MEETINGS

Wednesday	May 1	County Council Meeting - 2:30 p.m.
Tuesday	April 30	County Commissioners Meeting - Jasper, IN
Monday	April 6	Indiana Association of Counties - Executive Inn

RE: CLAIMS

Fred Nenneker: Claim was presented in the amount of \$41.75 for a refund on duplicate permit. Motion to approve claim was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

Ken Jarboe: Claim in the amount of \$38.00 presented for a refund on permit. Motion to approve claim was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

RE: EMPLOYMENT CHANGES - RELEASES

Surveyor Bridge Crew

Danny Gatewood	4408 N. St. Joe Ave.	Labor	\$6.79/Hr.	Eff: 5/3/85
David Jon Austin	2020 Haven Drive	Labor	\$6.79/Hr.	Eff: 5/3/85
Jeffery Mitchell	1920 Bosse Ave.	Labor	\$6.79/Hr.	Eff: 5/3/85

Prosecutor

Angela Mitchell	605 E. Gum	Sec'y.	\$11,760/Yr.	Eff: 4/29/85
Carol Hustace	1718 Briar Ridge	"	12,500/Yr.	Eff: 4/22/85
Sandra Millard	2251 E. Franklin	Inves.	16,067/Yr.	Eff: 4/22/85
John Gurnsey	101 Court	"	14,600/Yr.	Eff: 4/22/85
Barbara Clark (108.1)	1132 Brookside Dr.	Sec'y.	\$ 5.00/Hr.	Eff: 4/29/85

Circuit Court

Daniel Hall	718 Thornberry Dr.	Bailiff	\$ 200/Wk.	Eff: 4/26/85
John T. Markham	1621 N. Villa	P/T W.R.	\$ 4.50/Hr.	Eff: 4/14/85
Karin Memmer	216 S. Weinbach	Intern	\$ 3.35/Hr.	Eff: 4/12/85
Candice M. Henning		Sec'y.	\$ 6,688/Yr.	Eff: 4/19/85

Burdette Park

Barbara Martin	609 Crestmont Dr.	Rink Gd.	\$ 3.50/Hr.	Eff: 4/22/85
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RE: EMPLOYMENT CHANGES - APPOINTMENTS

Surveyor Bridge Crew

Danny Gatewood	4408 N. St. Joe	Labor	\$ 7.27/Hr.	Eff: 5/3/85
David Jon Auston	2020 Haven Drive	Labor	\$ 7.27/Hr.	Eff: 5/3/85
Jeffery Mitchell	1920 Bosse Ave.	Labor	\$ 7.27/Hr.	Eff: 5/3/85

Treasurer

Rosemary Muensterman	6025 Broadway	Deputy Clk.	\$35.00/Day	Eff: 5/6/84
Mary Jo Mooney	5215 Monroe Ave.	"	"	Eff: 5/6/84
Regina Cartwright	803 Line St.	"	"	Eff: 5/6/84

(continued)

COUNTY COMMISSIONERS ,
April 29, 1985

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Circuit Court

Karen Marriott 2205 Christ Ct. Sec'y. \$6,688/Yr. Eff: 4/22/85

Prosecutor (108)

Angela Mitchell	605 E. Gum	Investigator	\$13,100	Eff: 4/29/85
Sandra Millard	2251 E. Franklin	"	16,067	Eff: 4/22/85
John Gurnsey	101 Court	"	14,600	Eff: 4/22/85
Carol Hustace	1718 Briar Ridge	"	13,500	Eff: 4/22/85

Prosecutor (108)

Barbara Clark	1132 Brookside Dr.	Secretary	\$ 10,500	Eff: 4/29/85
Peggy Kissel	1255 Bella Vista	Paralegal	11,500	Eff: 4/22/85

Burdette Park

Larry Nickens	R.R.#2 Hillview	P/T G. Crew	\$ 4.00/Hr.	Eff: 4/23/85
James R. Jones	1808 .N. Denby	"	3.50/Hr.	4/25/85
Steven Collins	857 E. Gum	"	3.50/Hr.	4/27/85
Barbara Martin	609 Crestmont		4.00.Hr.	4/22/85

There being no further business to come before the Board at this time, President Willner declared the meeting adjourned at 4:30 p.m. -- with the announcement that the Drainage Board Meeting would be held immediately.

PRESENT:

COMMISSIONERS

Robert L. Willner
Richard J. Borries
Shirley J. Cox

COUNTY AUDITOR

Alice McBride

COUNTY ATTORNEY

David L. Jones

COUNTY ENGINEER

Andy Easley

COUNTY SURVEYOR

Bob Brenner
Bill Jeffers

COUNTY HIGHWAY

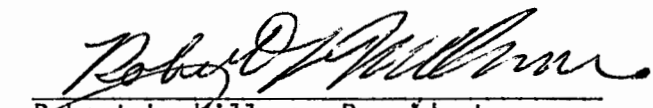
Bill Bethel

OTHER

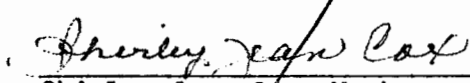
Les Shively
Leonard Tobin
Bill Goff
Mary Lancaster
James Morley

SECRETARY:

Joanne A. Matthews


Robert L. Willner, President


Richard J. Borries, Vice President


Shirley Jean Cox, Member

MINUTES
COUNTY COMMISSIONERS' MEETING
MAY 6, 1985

ACCEPTANCE OF CHECKS

Council of Veterans Organization/Insurance on Coliseum-----	Approved-----	15
Evansville Cable T.V.-----	1st Qtr. Payment -----	Approved ----- 15
Building Authority -----	Refund on % of Centrex System ----	Approved ----- 15

AGREEMENTS

Bridge Inspection Services/between County & Floyd Burroughs---	Approved -----	8
County-State Agreement for Bridge Inspection -----	Approved -----	8
Albertsson-Hunter w/County re Purchase of Water Slide/Burdette---	App'd.-----	13-14

APPROVAL OF MINUTES -----	April 29th Meeting -----	1
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AREA PLAN COMMISSION

Requests to Waiver Sidewalk Requirements		
Brookview Subdivision-----	Approved -----	1-3
Tall Timbers Subdivision.-----	Approved -----	3
Bassemeier Recreational Property on North Green River Road		
Referred to Board of Zoning Appeals for Decision-----		3-7 & 10-12

BIDS

Awarding of Contract for Operation of Souvenir Shop at Burdette Park		
*Awarded to Wild West Concessions, Inc. -----	Approved -----	1
Notice to Bidders on Millersburg Road Structure ---	to be bid in (2) Phases,	
with advertising on 5/9 and 5/18 and Bid Opening on May 28th-----		9
Bids Rejected on Millersburg Road (Initial Bidding)-----		9

BUILDING COMMISSION/Progress Report on Demolition Process

2400 S. Red Bank Rd. -----	To be reviewed at June 3rd meeting -----	8
2408 S. Red Bank Rd. -----	To be reviewed at June 3rd meeting -----	8
6616 Upper Mt. Vernon Rd. --	To be reviewed at June 3rd meeting -----	8
2813 N. Grove -----	To be reviewed at June 3rd meeting -----	8
Drainage Problems/Old Boonville Highway & Morgan Avenue ----	R. Lehman to	
provide B. Jeffers with info, so Jeffers can investigate -----		9

CLAIMS

Pulse Systems -----	\$85,114.54-----	Approved -----	17
Blankenberger Bros.-----	\$ 425.50 (Wallenmeyer Ditch)---	Approved -----	17
Charles Althaus -----	\$ 192.16 (Travel) -----	Approved -----	17
Susan Gathings -----	\$ 37.50 (Refund of Deposit)---	Approved -----	17

CLERK OF THE CIRCUIT COURT ---	MONTHLY REPORT/March 29, 1985 -----	15
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COUNTY ATTORNEY - DAVID L. JONES

Agreement/Purchase of Water Slide at Burdette Park -----	Approved -----	13-14
County Ordinance Violations/Prosecuting Procedures-----		13-14

COUNTY ENGINEER

Ltr. Justifying Extra Work Agreement/Burkhardt Rd. -----		12-13
Progress Report on Eichoff Rd. Project -----		13
Ltr. re Federal-Aid, etc./Lynch Rd. -----		13
Culvert on Bujay Drive ---	A. Easley to check out on May 8th -----	13

COUNTY HIGHWAY

Weekly Absentee Report, Work Report & Work Schedule -----		7-8
List of County Roads to be Paved ----	Bethel to Update List -----	8

COUNTY SURVEYOR

Bridge & Guardrail Repagr Report -----		9
List of Bridges to Be Inspected--(5th Ave. Bridge to be on Priority List)----		9
Initial Bids on Millersburg Road Bridge--	Rejected -----	9
New Specs on Millersburg Road Bridge; to be bid in (2) Phases--	Will be	
advertised on 5/9 and 5/18, with Bid Opening on May 28th -----		9
Request to Write Ltr. to Corps of Engineers Approved -----		9-10
Discussion on REquest to include Drainage Ditch in Millersburg Rd. Project ---		10
Cleaning of Ditches on Harmony Way--	Surveyor to handle Pipes & Highway to	
take care of the ditches -----		10
Problems in Dry Branch Creek/First Avenue---	Scheduling of Gradall referred	
to Bill Bethel of County Highway -----		10

COUNTY TREASURER/INVESTMENT REPORT - May 6, 1985 -----		16
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EMPLOYMENT CHANGES -----	17
SCHEDULED MEETINGS -----	16
VANDERBURGH AUDITORIUM	
Monthly Income Report -----	7
Recovering of Lobby Doors---(should be complete in 30 days) -----	7
Carrier to submit written report concerning Air Conditioning-----	7
Advertising-----No Report and No Revenues Submitted to date -----	7
This is to be checked out	

MINUTES
COUNTY COMMISSIONERS' MEETING
MAY 6, 1985

The Vanderburgh County Board of Commissioners met in session on Monday, May 6, 1985, in the Commissioners' Hearing Room, with President Robert Willner presiding.

The meeting was called to order at 2:40 p.m. by Sheriff Clarence Shepard, who declared the meeting in session pursuant to adjournment.

President Willner entertained a motion concerning approval of the minutes of the previous meeting. Motion was made by Commissioner Borries that the minutes of the meeting held on Monday, April 29th, be approved as engrossed by the County Auditor and the reading of same be waived. A second to the motion was provided by Commissioner Cox. So ordered.

RE: AWARDING OF CONTRACT FOR SOUVENIR SHOP AT BURDETTE PARK

President Willner said that Mark Tuley, Manager/Burdette Park, is absent today due to illness. However, Tom Dorsey, Purchasing Manager, is present and he requests that Mr. Dorsey advise the Board concerning his recommendation on the bid received last week from Wild West Concessions, Inc.

Mr. Dorsey said there was question at last week's meeting concerning the exclusivity of some materials that Wild West Concessions would be handling. He and Mr. Tuley have reviewed the list of materials with Wild West and they have indicated that there would be no problems with short-term projects, especially with casual lessees at the Pavillion and they would also be agreeable to continuing any contracts that Burdette Park might have with other vendors currently. All of this can be negotiated in the lease following; but they did agree to that concept and it appears that the questions raised last week have been worked out satisfactorily. Therefore, it is his recommendation that the Board proceed to award the contract to Wild West Concessions, Inc.

The Chair entertained a motion. Motion was made by Commissioner Borries that the contract for operation of Souvenir Shop at Burdette Park be awarded to Wild West Concessions, Inc., with a second from Commissioner Cox, with the stipulation that the County Attorney proceed to draw up said contract. So ordered.

RE: AREA PLAN COMMISSION - BARBARA CUNNINGHAM

Sidewalk Issues: Mrs. Cunningham said she has two (2) sidewalk issues today, which the Commissioners had asked her to bring back today. She will have more next week. The two requiring the Board's attention today are Brookview Subdivision and Tall Timbers Sub. On April 1, 1985, the requirement for sidewalks was waived by the Commissioners according to ordinance. On April 3rd, it was approved subject to sidewalks being installed on one side and bus terminis be installed. At the APC meeting, a question was raised about the sidewalk issue and Mr. Wallace did mention that sidewalks are required unless or until the County Commissioners waive same in the county -- and that is where it now stands. Would the Commissioners like to see a plat? She then presented a plat. Mrs. Cunningham said there are rolled curbs and gutters.

Mrs. Cox asked that anytime the APC disagrees with something that the County Commission waives then it will come back to the Commissioners?

Mrs. Cunningham said they discussed this recently and from what she has just read -- Mr. Wallace said sidewalks are required unless the County Commissioners waive them. She thinks from now on the sidewalks will be waived or accepted -- and this is the policy now -- after APC has taken their action. Therefore, APC can be a recommending body to the County Commissioners. They can recommend them, but the Commissioners still have the jurisdiction to accept or waive.

Mrs. Cox asked if Mrs. Cunningham has a report concerning their reasons for requiring sidewalks? Mrs. Cunningham responded that she has the minutes of the meeting. They are lengthy.....Commissioner Willner interrupted by asking that Mrs. Cunningham give a condensed version.

Continuing, Mrs. Cunningham read:

They talk about, ..."Mr. Miller brought his question to sub-review about putting sidewalks in the subdivision and he said he understood that since that time the Vanderburgh County Commissioners have waived that requirement, is that correct? Mr. Trockman said that is correct. Mr. Miller was curious as to school busses. Mr. Trockman talked about a long turnaround that they would be providing for school busses to come into the area. They had a 65-ft. radius to allow for

(continued)

school bus turnaround. Mr. Miller said they're picking up a lot of kids at the roads and they have to walk out of subdivisions--it was mostly that. Mr. Moore asked the question if sidewalks will go in or not -- and Mr. Miller said the walks are not going to go in -- and so Mr. Miller said the developer insisted upon not putting walks in -- oh, they said, "Let me ask a procedural question. If we approve and they've already waived the sidewalks -- so it's going to be without sidewalks. So, if we have an objection to not having sidewalks in there, our only recourse right now is not to approve the subdivision. Is that correct? I think a couple of people said they would not vote for it at the time. And Mr. Trockman spoke and said he understood the code -- the requirements for sidewalks are only if the subdivision is within one (1) mile of the city limits. They're dealing here with 4-5 miles outside the city limits. There aren't any sidewalks in the surrounding subdivisions and asked that this not be imposed...

Attorney Jones said that once sidewalks have been waived by the County Commission, neither the Area Plan Commission nor anyone else can require them. If it's been waived, it's not a requirement. If it's been waived, it doesn't exist. Another unit of government cannot hold that up to anybody for any reason. If they don't like it, that's tough. This body is the one in charge of waiving it. And anybody who attempts to superimpose it has stepped outside the scope of their authority in whatever position they occupy. And that goes for any other set-up in government. Whenever the body who has the authority to waive something waives it, another body doesn't come along and put it back in there again. Once it is waived it is waived.

Mrs. Cunningham said that is correct. She thinks the problem will be solved from now on, because the waiving -- if it is to be waived -- will not be done until -- the APC will work with the Commissioners as the Subdivision Review Committee works with them -- they will be a recommending body on sidewalks, because the authority is the Commissioners.

Mrs. Cox said as she recalls, there was no dissent from the Subcommittee Review. Mrs. Cunningham said she seems to recall there was probably a split vote on that. Mrs. Cox said it did not come thru that way to their board. And she thought that was the whole idea. Have subdivision to look at it -- they're the technical people -- and to give us input and when we got nothing to the contrary, she saw no reason to require that the sidewalks be put in. The code specifically says, "The subdivider shall provide sidewalks for all streets within and bounding the subdivision, including those within one (1) mile of the city, except where specifically waived by the Board of County Commissioners of Vanderburgh County."

In addressing Attorney Jones, Mrs. Cunningham said the contention now before the APC is what she read that Mr. Wallace said. She thinks what the APC is going with, "Sidewalks are required unless and until County Commissioners waive", is that correct? Attorney Jones said, "Once it gets to this body and a waiver has been granted, there's nothing to go back to Area Plan with respect to that issue. Procedurally there may be something to go back to them, but not on that...and that goes for anything else -- it's set up that way. The elective body would have the last say.

Commissioner Willner said he believes what happened is that the developer agreed toif we did require sidewalks, who would maintain them? Mrs. Cunningham said the homeowners would; they are always responsible for the sidewalks in front of them, is that correct? In the city it's that way. Commissioner Willner said he's sure that is true in the city, but is it true in the county? Attorney Jones said we've done it on a case-by-case basis -- he doesn't think the county's portion of the code says. Commissioner Willner said he thinks this is a question we need to address.

The second question is, if we ever in the future would require sidewalks -- we can do so under the Barrett Law, is that correct? We've done that before -- and he's sure that's correct.

Mrs. Cunningham said she thinks what was agreed upon when they passed the ordinance was within (1) mile of the city. It's just that the city has that in there -- andCommissioner Willner interrupted by saying if there were a subdivision which went in next to a school, whether it was Scott School or Cynthia Heights, he thinks he'd like sidewalks -- because you know the kids are going to walk to school. But just to say within the mile you'd need them or the mile you'd not need them is kind of ridiculous. Thus, he thinks this Board has to make a decision and once that decision is made he thinks it should.....Mrs. Cunningham interrupted by saying that since Mr. Bussing did she thinks what the Commissioners determine would better clarify things for the record. Commissioner Willner said to maintain sidewalks is very expensive, and he doesn't think that even the city.....Mrs. Cunningham again interrupted by saying it has always been

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her understanding -- and she doesn't know this for a fact -- that if you had an accident on the sidewalks, that was the responsibility of the individual property owner. And she just assumed the sidewalks were the responsibility of the property owner also throughout the city and the county. Commissioner asked if, just for the record, he could have a motion to reiterate the Commissioners' decision not to require sidewalks in Brookview. Motion was made by Commissioner Borries that the requirement for sidewalks in Brookview Subdivision be waived. A second to the motion was provided by Commissioner Cox. So ordered.

Tall Timbers Subdivision: Mrs. Cunningham said she did not realize at the time of the APC meeting that the Commissioners had waived sidewalks in Tall Timbers Subdivision, because they had changed the ruling. She thought Tall Timbers wasn't heard at the proper time, because it was held up as there was not proper notification. Thus, she was unaware that at the same time the Commissioners waived the Brookview Sub sidewalks they also waived the sidewalks in Tall Timbers in McCutchanville. Rolled curbs and gutters are required -- and at the meeting last Wednesday, they asked that sidewalks be installed and that was a condition also of the Subdivision Committee. She hopes that if the Commissioners clarify this one, they won't have to clarify anymore. Chairman Willner entertained a similar motion. Motion was made by Commissioner Borries that the sidewalks in Tall Timbers Subdivision be waived. A second to the motion was provided by Commissioner Cox.

Bassemeier Property on N. Green River Road: Mrs. Cunningham said she needs clarification on one other item. On April 15th, the Commissioners indicated that the property at 7000 N. Green River Road fell under the category of Special Use #24, Private Recreational Use and remanded it to the Board of Zoning Appeals for a special use. She received a letter today from Attorney Jones who states (and she has had conversation with numerous attorneys) that "recently you requested information regarding the opinion of the Commissioners as to the appropriate use group for the above-referenced matter. After further discussion, the Commissioners have indicated to me that they feel Use Group #18 would be appropriate for this development." Mrs. Cunningham said it has been filed for a Special Use and there has been some notification. She doesn't know whether they've sent the letters out -- but there have been a lot of calls on this. If Use Group #18 is what the Commissioners wish, then we need to clarify it right now and we need to find out what category of Use Group #18 that it falls into. Use Group #18, according to the code as set up previously, would go in without a public hearing -- so this is what we're talking about now. Special Use #24 is Private Recreational Use (like Westlake and the pay lakes or fishing and the private baseball diamonds come in under this use). The party house operations have come in under this use. But while she loves to get letters from Mr. Jones, when she and Mr. Jones are long gone -- it's the Commissioners things they will remember. So she thinks this should be clarified now. Mrs. Cunningham distributed packets of information to the Commissioners.

In response to query from Commissioner Borries, Mrs. Cunningham said Use Group #18 is heavy recreational uses which, because of traffic and noise associated with use, are more appropriately located outside residential areas. Commissioner Borries said that was his understanding of what it was. Mrs. Cox interrupted by saying, "No, it was Use Group #24." Mrs. Cunningham said Use Group #24 was what the Commissioner had talked about, which is private recreational uses. She thinks she has the minutes of that meeting. These uses in the 56 Code fall under -- she thinks they call them special exceptions -- with a public hearing type thing. But if the Commissioners feel Use Group #18 is the appropriate one and they have changed their minds, then agricultural is the only area it can go in without a special use. All the others -- the C-4, the M-1, the M-2, all need special uses. In Use Group #18 on amusement parks, animal racetracks, campgrounds, drive-in restaurants, drive-in theaters, etc....those are the recreational uses and the service uses are boarding kennels, childcare, etc.

Continuing, the Commissioners asked for copies of information concerning Use Group #24, and Mrs. Cunningham distributed copies.

Commissioner Willner said he understands that the neighbors have hired counsel; he is present today and the Chair has asked him to keep his remarks brief, but to present his views and the views of the people whom he represents. He then recognized Attorney Mike Mitchell.

Attorney Mitchell said he has two neighbors (Messrs. Seivers and Graham) in the meeting today. Not to disagree totally with Attorney Jones, but if the Commissioners will read the definition of Use Group #18, it talks about heavy recreational use which, of course, will be going on with noise and traffic located outside residential areas. If the

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Commissioners will track that area out there -- they will see that it is very heavily a residential area. Big and moderate nice homes are there on Green River Road, Heckel Road and Millersburg Road. Whether it goes Use Group #18 or Special Use #24, as long as there is a public hearing and the neighbors have their say either before the Commissioners or before the Board of Zoning Appeals -- that is why he is here today. They just found out about this....and that in the Commissioners April 15th meeting it was remanded to the BZA. If it's changed to Special Use Group #18, they feel there should be an obligation upon the Board of County Commissioners to hear the neighbors' concerns before a simple plot plan is filed and all of a sudden you have a Mini-Six Flags over Green River Road out there. And it looks as though it could develop into something like that. It is also interesting to note under the Zoning Code (153.041:B5) says that uses in use groups #17 and #18 may not be within 500 ft. of a residential district. We have an R-1 adjacent to and abutting the western boundary of this plot -- and that is a residential district. Now, does that mean there has to be a 500 ft. corridor if this is eventually passed in public hearing, or does that mean that the facilities themselves have to be 500 ft. away? But, at least that protection is there, also. So you can see they are looking to the protection of the residents who have built expensive homes out there and in some cases people have lived out on Green River Road for a long time. Without making this a public hearing, Mr. Mitchell said he was presenting pictures of the 1972 flood at Heckel and Green River Road....and he has 1961 photos and photos of the 1981 flood out there, also. He and his clients would ask that if the Commissioners do decide to go to Use Group #18 that they set it for public hearing at their regular zoning meeting, or let the meeting stand as remanded to the BZA. Two of the neighbors are present if the Commissioners have any questions.

President Willner thanked Mr. Mitchell for his comments. He said he does not care personally whether it is in Use Group #18 or #24, but like Attorney Mitchell, he does think individuals ought to be able to say they would like to have some input on what goes into their vicinity -- he does think we should do that. He doesn't know whether that would accomplish too much or not -- he's not certain of that.

Mr. Mitchell said if the Commissioners say it is going to be Use Group #18, then he thinks they need to have a hearing before they declare it a #18, as the Counsel will tell you -- or if you have a #18 it's not going to mean anything. He thinks the determination of whether it's Use Group #18 under these definitions (which they don't feel it is because of the very definition when looked at with regard to the neighborhood -- as it is a residential area) and if it is a residential area then Use Group #18 is not applicable.

Commissioner Willner said he does have a little problem. He did talk to the APC attorney, who told him it was in Use Group #18 and now David Jones says it is in Group #18, so he now is in somewhat of a quandry. We certainly need to....

Attorney Jones interrupted by saying he was told that the applicant was initially told and given a designation of Use Group #18 and now it's been changed three times -- so he thinks the applicant deserves to have as much uniformity and consistency in what's going on here as everybody else....that this thing not keep getting flipped-flopped back and forth.

Mrs. Cunningham said Attorney Jones is so right -- and it was a very complicated area -- and the applicant gave bits and pieces to begin with and

Mr. Borries said the Commissioners referred it to the BZA -- "We're not going to rezone it -- we're not going to hear it -- at least that was my understanding and that was why we voted 'no' on it in the first place."

Mr. Willner said, "We voted 'no' on the zoning. Now that didn't mean that group that it came under.

Mr. Borries said he understands that. "As I understood it, that was a technical matter for the staff from the standpoint that our main concern here is -- unless I'm mistaken and you can correct me -- was that we were not going to rezone it as a permanent thing. But that if they were qualified for a special use that that would be a decision by the Board of Zoning Appeals.

Attorney Jones said it was remanded to the Board of Zoning Appeals.

Mr. Borries said that's all there was. "I'm not going to change my decision -- I don't want to rezone it. Now if it goes to a special use, then I think that's their decision. I'm not changing my decision on it -- and I don't know whether the other Commissioners...

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....

Mr. Willner said, "Now let's go one step further. If the Area Plan or Board of Zoning Appeals says it comes under Use Group #18 -- it's not heard by the BZA. It's a foregone conclusion. Now then, if it's Use Group #24, then it has to be heard by the BZA and it's not a foregone conclusion.

Mr. Borries said he heard the expertise of the staff there. There are a number of uses here and he thinks that's a staff matter. Somebody has to decide then what special use this is going to go under....

Mrs. Cunningham interrupted by saying, "This is probably one of the few times we've come before you. I think we've gone before City Council once. When we came before you we gave you the ag listing, the special use #18, the C-2 listing and the special use #24 and at the time we said that we thought that this was best served under use group #24, private recreational use.

Mr. Willner said that private recreational use includes country clubs and recreational camps. Now what's the difference?

Mrs. Cunningham said those are the ones that also included pay lakes and party houses...

Commissioner Cox said, "But in order to be eligible for use group #18 don't they also have to have the rezoning?

Commissioner Willner said, "Supposing that it is your attorney's continued opinion that it should be #18 and our's is #18 and you say now that we leave it in #18...fine. Where do the residents have some input as to what they would tolerate?

Mrs. Cunningham said she does not think it would go to a meeting. The Site Review Committee would review on it...

Commissioner Borries said, "Look what else use group #18 says: Animal racetracks, circus or carnival grounds, drive-in restaurant, drive-in theaters.....

Commissioner Willner said that is why he doesn't necessarily want it in use group #18 either.

Mr. Mitchell said he thinks the motion that the Commission passed on April 15th was that it be remanded to the BZA for hearing under special use #24, which was the staff recommendation at that time -- and he thinks that was the legislative decision and that was a mandate to go to BZA whether their attorneys....

Commissioner Borries said it's just a matter, again, of a lot of interpretation here. Under use group #18 you're talking about recreation uses, amusement park, animal racetrack, campground, premises to use for short-term parking or trailers or campers, circus or carnival grounds, drive-in restaurants, drive-in theaters....so you know, he would....

Mr. Mitchell said their position at this point is that there was a valid motion brought before the meeting and as far as they were concerned they thought they were ready to go to the BZA until they inadvertently found out about this today.

Commissioner Borries asked if there isn't some lengthy thing here on special use group #24 that gets into the same kinds of things here.....

Mr. Mitchell said that if use group #18 goes in, what he thinks they're saying is that that is not a residential area....

Mrs. Cunningham said Use Group #18 is a lot of Ags, C-4, waterfront, M-1, M-2...and in all except in agricultural it has to have a special use and a zoning. It would have to have C-4 or M-1 and a special use if it was going in C-4 or M-1 area. She thinks the point is that if it is similar to Kramer or Westlake or that kind of activity or paylakes or whatever -- then it goes as they said, it belongs in special use #24.

Commissioner Borries said he has no objections to there being a hearing -- let the Board of Zoning Appeals decide and have a hearing...

Commissioner Willner said, "Just to ask that they have a hearing, whichever group they put it in..."

(continued)

Commissioner Borries said, "Right!"

Commissioner Cox asked, "Why don't we just reaffirm our previous decision -- use group #24." Mrs. Cunningham says that is what Westlake is?

Mrs. Cunningham said that Westlake is probably a grandfather clause.....

Mrs. Cox asked, "But would it be a #24?"

Mrs. Cunningham said, "I would consider Westlake a #24."

Commissioner Cox said that all the attorneys have to read is what we have to read here -- and use group #24 says private recreational uses, including country clubs and recreational camps...and that is certainly more specific than this use group #18. My God, anything -- drive-in restaurants, drive-in theaters, anything could go into use group #18 -- and that is certainly not what they proposed here on this site plan -- and she thinks it must be limited. David Jones also says in his letter "The Commissioners have indicated to me that they feel use group #18 would be appropriate for this development."

Commissioner Willner said, "So does the Area Plan attorney."

Mrs. Cox said, "He meant the Area Plan commissioners? No.-....

Commissioner Willner said, "Yes, yes...."

Mrs. Cunningham said, "See, that's why I came before you -- because I was not exactly sure.....

Mrs. Cox addressed Mr. Jones and said, "What do you mean in this letter, David?"

Attorney Jones said he understood that this what was indicated.....

Commissioner Borries said he talked with the Area Plan attorney, who read parts of this ordinance to him and he thinks at this point....

Attorney Jones interrupted by saying, "I'll see if I can get the Area Plan attorney over here and then he can state his opinion, rather than having everybody....

Commissioner Borries said he just thinks there is some real confusion on exactly where the thing is to fit.....

Mrs. Cunningham said that, "Usually the staff does the delegation of.....

Commissioner Borries said, "Well, it also certainly fits under heavy recreational uses."

Mrs. Cox asked, "But how did the question come up? Why did someone question, when the Commissioners referred it to special use #24 -- then what started all the questioning?"

Mrs. Cunningham said she'd had a lot of contact with the attorneys and they indicated that they wanted a letter from her saying that all the activities were o.k. in an agricultural zone and they also indicated they were going to seek a zoning use permit pretty soon. And she just received Attorney Jones' letter this morning....

Mrs. Cox said, "I hadn't heard a thing about it."

Mrs. Cunningham said it is "iffy" -- and that is why she came before the Commissioners. But the thing is, that if they do not like the staff decision there is a procedure or process in the Board of Zoning Appeals where they can appeal.....

Commissioner Willner said he thinks there ought to be a hearing and he thinks the Board of Zoning Appeals ought to decide whether it is a #18 or a #24.

Mrs. Cunningham said, "To go to the Board of Zoning Appeals as a #24 and if they determine at that time that it does not fit that classification then that is their say?"

Commissioner Willner said, "That's the way I see it. I think there's just a difference of viewpoints here as to what it ought to be."

Commissioner Borries said, "I agree."

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Commissioner Willner said, "That's fine with me. David has gone to see if he can get the Area Plan attorney here. He asked that Mrs. Cunningham just bear with the Board in the interim.

RE: VANDEBURGH AUDITORIUM - KIM BITZ

President Willner continued the meeting by calling upon Kim Bitz, Manager of Vanderburgh Auditorium, for his report.

Mr. Bitz presented copies of the monthly income report to the Commissioners, which was as follows:

	<u>1985</u>	<u>1984</u>
<u>Income for April</u>	\$14,460.67	\$ 14,428.03

Although a small increase, this marks the fourth straight month of revenue increase over last year's totals. When taking into account the loss of parking revenue, this month's increase is actually \$931.19.

Year to Date Totals:

<u>1985</u>	<u>1984</u>	<u>1983</u>	<u>1982</u>
\$64,537.26	\$52,310.66	\$58,259.36	\$55,248.07

Year to Date Totals Minus Parking Revenue:

<u>1985</u>	<u>1984</u>	<u>1983</u>	<u>1982</u>
\$63,910.43	\$48,200.46	\$51,108.66	\$48,587.57

It was pointed out by Mr. Bitz that revenues are about \$16,000 ahead of last year and they expect that trend to continue.

Recovering of Lobby Doors: Mr. Bitz said they sent the first set of lobby doors out to be recovered today -- and they are scheduling this work when they have days off and in between events -- so they make certain the doors are back on when they do have events. Thus, the entire process should take approximately one (1) month.

Study of Air Conditioning: President Willner said he would ask that the minutes reflect that we had a representative from Carrier contact the Commissioners and they have agreed to present their written opinion of what we should do at the Auditorium insofar as the air-conditioning is concerned. He asked that Mr. Bitz bring that letter with him to a Commissioners' meeting as soon as he has it, so the Commissioners can make a decision as to the avenue they wish to travel.

Advertising: Commissioner Cox asked if the county is getting any return as of yet on the advertising? Mr. Bitz said that, to date, we have received no income.

Commissioner Willner asked if Mrs. Cox is talking about the sign? She responded in the affirmative. Mr. Bitz said they have received neither the monthly report we requested nor a check. Mr. Willner asked if they've been in operation a month? Mr. Bitz responded in the affirmative. It was the consensus that this should be checked out.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Absentee Report: Mr. Bethel presented the Weekly Absentee Report for employees at the County Garage for period April 29th thru May 3rd, 1985.....report received and filed.

Weekly Work Report: Also presented were copies of the Weekly Work Report for the same period.....report received and filed. Attached to the work report was the following Work Schedule:

Patch: Browning Rd., Baseline Rd., Mesker Park Dr., Cunningham, Baumgart Rd., Twickingham, O'Hara Dr., Burkhardt, Middle Mt. Vernon Rd., Red Bank Rd., Boehne Camp Rd., Speaker Rd., Inglefield Rd., Old State Rd., Fuquay and Lincoln, Old Henderson, Heppler, Telephone Rd., Boonville-New Harmony, Short Mill Rd., April Dr., Old Princeton and St. Joe Avenue.

(continued)

Spread: #6 School Rd., St. Wendel, Plainview, and St. Joe Avenue

Grader: #6 School Rd., St. Wendel, Sheridan Eisterhold and Lyons Rd.

Mowed: Mesker Park Dr. and Mohr Rd.

The Chair entertained questions. There being none, Commissioner Willner asked if Mr. Bethel will be ready to pave next week? Mr. Bethel said they would be ready in the morning. Commissioner Willner said we have a list of roads that need paving; is he going to condense that list to something Mr. Bethel said he would bring the list for the the Commissioners' review. He asked that Mr. Bethel go back over the list and update it and provide each Commissioner with a copy. Mr. Bethel agreed to do so.

Bridge Inspection Services Agreement between Vanderburgh County & Floyd E. Burroughs & Associates:

President Willner asked if Mr. Easley is aware of the Bridge Inspection Services Agreement which needs to be signed. Mr. Easley said he is and the Consultant has a representative present at today's meeting. The Agreement was previously approved by the attorney and it was forwarded to the State; the State returned it and it is now ready for the signatures of the Commissioners. President Willner said this has been approved previously, thus all that is required is a motion to execute the Agreement? Mr. Easley said that is correct. Mr. Willner asked if Mr. Easley has reviewed the agreement? He said he has. It is the standard agreement between a consultant and the county and it has been approved by the state and returned for execution by the Commissioners. There are three (3) copies; the State wants (2) and Burroughs would like to have (1) copy. One will be returned by the State to the County.

The Chair entertained a motion. Motion was made by Commissioner Cox that the agreement between Floyd E. Burroughs & Associates and the County be signed, with a second from Commissioner Borries. So ordered.

County-State Agreement for Bridge Inspection: Mr. Easley advised that there is a second Agreement to be signed. This Agreement is between the State of Indiana and Vanderburgh County concerning Bridge Inspection. The Agreement needs to be executed by the Commissioners and forwarded to the State for proper signatures. A fully signed copy will then be returned to the County. Mr. Easley explained that this Agreement covers reimbursement to the County in the amount of 80% (which is the Federal share of eligible costs, or such other amount as may be allowed and provided by law. In other words, the County will be reimbursed 80%. Motion to execute this Agreement was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

Mr. Easley indicated that he would prepare the letter of transmittal to the State and the representative from Burroughs will hand-carry the letter and signed agreement to Indianapolis tomorrow. The representative said that Burroughs had agreed to look at the list of structures first which are deemed to be of particular concern.

RE: BUILDING COMMISSION - ROGER LEHMAN

Mr. Lehman was recognized by the Chair and proceeded to give an update on the progress of demolition with regard to several properties.

2400 S. Red Bank Rd.: There are some repairs going on, but progress is slow. By the June meeting, if substantial repairs have not been completed, this matter will again be brought before the Board for some action.

2408 S. Red Bank: The contract for demolition was signed last week and that should be gone within the next thirty (30) days.

6616 Upper Mt. Vernon Rd.: There has been basically no progress at Mrs. Carma Huck's property whatsoever. He did not get out there this morning to see whether the grass was cut (that was one of the big issues) and Mrs. Huck could not be present for today's meeting due to a scheduling conflict. Mr. Lehman suggests that this matter be reviewed again in thirty (30) days.

2813 N. Grove: This project is almost complete. The house has been razed and the major portion of the debris removed. There remains, however, some minor debris. We should hold onto this one for another thirty (30) days.

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Mr. Lehman said the foregoing are the only active projects -- all others have been completed.

Drainage Problems/Old Boonville Hwy. & Morgan Avenue: This morning Mr. Lehman was out on the east side of town and noted that we have the start of a fairly substantial drainage problem between Old Boonville Highway and Morgan Avenue -- in the area of Hallenberger's and the old Ryan Construction Co. A couple of the property owners in the area asked Mr. Lehman if something could be done to alleviate the problem. Basically, there is a building on Morgan Avenue where they're raising the elevations in such a manner that the water that normally went to the ditch on Morgan Avenue and out can't get there anymore and it's creating a ponding area back in the back of the properties, which is creating problems. Mr. Lehman said he did not know whether the proper procedure would be to go thru the County Engineer or the County Surveyor. Basically, the property owners want some direction on what they can do to correct the problem. The problem affects approximately six (6) businesses and some 20-25 acres.

President Willner asked Mr. Jeffers if this is a legal drain? Mr. Jeffers said if it drains to the east across Crawford-Brandeis, then it would be a legal drain. Mr. Willner asked if there is a problem before it gets to the legal drain? Mr. Lehman said it is agricultural land a little bit higher than Bell Telephone property. Mr. Willner asked if any roadway drainage affects that or are we talking about private property? Mr. Lehman said he's talking about private property to get to the roadway drainage. President Willner asked that Mr. Jeffers take a look at the problem and come back to the board with a recommendation. Mr. Jeffers said that if Mr. Lehman will provide him with the business names and addresses, he'll check this out.

RE: COUNTY SURVEYOR - BILL JEFFERS

Bridge & Guardrail Repair Report: Mr. Jeffers distributed copies of the Bridge & Guardrail Repair Report for period April 29th thru May 3rd, 1985.....report received and filed. Mr. Jeffers said the major portion of work concerned Mill and Henze Roads, where they are widening the roadway. This will be big help to the new subdivision going in on Henze Road north of Mill -- and it is anticipated the increased traffic can well use the widened roadway -- it will be a lot safer and improve the drainage.

List of Bridges for Inspection: President Willner advised Mr. Jeffers that the Commissioners would like to have a list of the bridges with which the county is most concerned -- so Floyd Burroughs can take a look at this specific list of bridges first. Commissioner Borries stated that he'd like to see the Fifth Avenue Bridge be among the first to be inspected.

Bids on Millersburg Road Structure: Mr. Jeffers stated that the three (3) bids received on Millersburg Road structure were all over the engineer's estimate and it is the recommendation of the surveyor's office that these three (3) bids be rejected (which were taken under advisement for one week). Motion that bids be approved was made by Commissioner Cox with a second from Commissioner Borries. The Chair asked for a voice vote, and there were three (3) negative votes. The motion was defeated.

New Specifications on Millersburg Road Structure/Roadway: The surveyor's office again looked at the Millersburg Road Bridge and they have some concerns. They have devised a new set of specifications and decided to re-bid this project in two (2) parts: the bridge will be one part and the roadway will be the second part. Thus, there are two sets of specifications, each covering a separate part of the project.

The Chair entertained a motion to rebid the Millersburg Road project in two phases, as outlined by Mr. Jeffers. A motion to this effect was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Mr. Jeffers said the Notice to Bidders will be advertised on May 9th and 18th, with bid opening scheduled on Tuesday, May 28th (due to the Memorial Holiday on Monday, April 27th).

Request to include Pigeon Creek Project in Corps of Engineer's Budget: Mr. Jeffers requested permission to write a letter to the Corps of Engineers, who is currently preparing their 1986 budget, which is in effect from 7/1/85 thru 6/30/86 -- saying we would like to remain in their budget. We could be responsible for \$100,000. We are under no obligation at this point in time. Just after they finish their preliminary study of Pigeon Creek (which is what we are requesting at this time) and before they begin the next drainage study -- we have to declare whether we want to participate at the

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estimated cost of \$100,000 (of which half would be cash and the other half effort/manhours). The cash portion would be billed to the county over a 2-year period at an estimated rate of \$25,000 per year. President Willer granted permission to write letter, as requested.

Request to Include Drainage Ditch in Millersburg Road Project: The Commissioners had received a request from a Mr. Titzer to include a drainage ditch in the Millersburg Road project. It is the recommendation of the surveyor's office that a drainage ditch not be included in the Millersburg Road project at this time for two (2) reasons: The excessive cost and lack of a study of said drainage ditch. A study would be required to determine whether it would be feasible for the county to do the work on such a project or whether the proposed project should be contracted to an outside firm.

Cleaning of Ditches on Harmony Way: Commissioner Cox read the following letter from Mr. Robert P. Carithers concerning ditches along Harmony Way:

May 1, 1985

Ms. Shirley Jean Cox
County Commissioner
Civic Center Complex
Evansville, IN 47708

Re: Ditches along Harmony Way

Dear Shirley Jean:

Please be advised that at the very beginning of 1985, we had extensive work done concerning ditches and drainage along the front of our property at 2301 Harmony Way. A culvert was dug up and replaced with a larger pipe and many tons of rock were put in place to prevent water from the other side of the road (the higher side) from jumping the ditch and ending up in our basement. If there is a ditch on the other side of the road, very little of the water gets into it.

The last time we discussed this matter, it was indicated that once we had our repair work done that the ditches and pipes in our area would be flushed out so that the ditches could run freely.

We have now seen through experience that the ditches on our property will hold and move surface water as they should. However, the water does not go away from our property because lower ditches and pipes are still clogged up.

We would, therefore, request that the County take action to clean out the ditches on both sides of Harmony Way, and see that the water is fairly distributed and can run unobstructed to its proper destination.

Very truly yours,

Robert P. Carithers

Mr. Jeffers said the foregoing is a nice letter. He will send the inspector out to look at the area. The surveyor's office will take care of the pipes and the County Highway can take care of the ditches. Mr. Jeffers said the surveyor's office had spoken with Mr. Carithers several times concerning the drainage problems.

Problems in Dry Branch Creek/First Avenue: Mr. Jeffers said he has been advised that there is a log jam in the culvert (Dry Branch Creek under First Avenue, just south of Rax Restaurant. The city has requested that the county supply a gradall and operator to remove the log jams and they will supply the dumptrucks and drivers to haul off the debris. Commissioner Willner advised that the scheduling of the use of the gradall should be referred to Bill Bethel/County Highway.

RE: RECREATIONAL PROPERTY ON NORTH GREEN RIVER ROAD

Just prior to Roger Lehman's report (see Page 8) the Commissioners had a brief discussion and Commissioner Willner asked if Area Plan Commission's attorney had yet arrived? Commissioner Borries indicated he had not. Continuing, Mr. Borries said, "We've made our decision on it; so, if it's going to change and there is some confusion over what the description might be.....Commissioner Willner interrupted by saying that nobody can agree as to who is going to make the final decision -- the Commissioners, Area Plan or the BZA.

(continued)

He asked, "Who says the buck stops here?" He queried Attorney Jones, "Whose desk is that on? Whose job is it to determine which use group it is?"

Commissioner Borries said the Board had already said use group #24. Now they're either going to have to change their mind on it or...

Commissioner Willner interrupted by asking, "Is it our duty to do that?"

Mrs. Cunningham said, "You can appeal a staff decision to the BZA if you feel that the staff has done something that is not correct. Wouldn't that be the process? If BZA did not feel that this was the correct use group, then they could appeal.

Commissioner Willner said, "That's what I'm asking." Mrs. Cunningham said, "They can appeal to the BZA if they do not agree that #24 use group is proper. If the BZA would turn them down, they would go to court. After the appeal of the decision, then they can go to court.

Attorney Mike Mitchell said, "That's right -- that's the correct procedure. If the BZA says it's a #24 and they hear it, the petition can file an appeal today. If he files an appeal today and the BZA maintains -- and they won't hear it -- then we can file.

Attorney Jones offered a couple of brief comments, but they were inaudible (due to other conversation.)

Commissioner Cox interrupted Attorney Jones comments by saying, "No, no -- we voted to pass it on to Area Plan on 1st reading. It was unanimous. We voted that it be referred to BZA as special use #24. Commissioner Borries then quoted passage of April 15th minutes. Commissioner Willner said, "That's right." Continuing, Commissioner Borries said that Area Plan has suggested that Special Use #24 is what they should seek. Commissioner Willner interrupted saying, "Evidently that's not our decision, right? That is a Board of Zoning Appeals' decision." He then asked Attorney Jones if he would agree with that? Attorney Jones hesitated and then asked that the Commissioners allow him about five (5) minutes to respond to President Willner's question -- and he left the meeting room.

Following Bill Jeffer's report, discussion continued on this matter as Attorney Paul Wallace entered the meeting.

Commissioner Willner advised that the Commissioners had considerable discussion prior to his arrival at the meeting -- and they are attempting to find out who the final authority is to say that this is use group #18 or #24. He thinks that is the primary issue now.

Mr. Wallace said that initially the petitioner chooses the route he will follow by filing for a rezoning or filing for a Special Use Permit -- as the case may be. The Vanderburgh County Area Plan Commission office offers its opinion on the appropriate category. This is generally done before the filing or at the time of the filing. As he understands it, initially in this case, the staff recommended a C-2 zoning. At some point thereafter, a decision was made that it should be or might be considered under a special use category. A number of uses in the past couple of years that might be appropriate have been directed to special use so that the underlying use of the property would not change. He said, "We've seen that in several large industrial questions -- where we kept the underlying use -- in this case, agricultural -- by using a special use group.

In this case, there are two (2) categories. Use group #18, which is under both zoning classifications and also under certain special use classifications is called Special Use #25, I believe. There is also another appropriate special use and that is special use #24, which is country clubs, recreational facilities and things like that. My opinion is that it would be appropriate under either. The staff has an opinion that it may be appropriate under special use #24. The ultimate determination of which category is correct is by the courts. The intermediate determination is by the petitioner by what he files for -- and by the staff/area plan commission if they refuse to issue a zoning use permit. I come in and say I want to build something -- I want a zoning permit. They say they can't give me one because they don't believe I'm the proper category. Such a determination by the staff can be appealed to the Board of Zoning appeals. In this case, if there is a staff decision on the table and the petitioner disagrees with that decision, the route for appeal would be to the Board of Zoning Appeals and not to the Commissioners.

COUNTY COMMISSIONERS
May 6, 1985

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Attorney Jones said, "The imput that the Board of Commissioners has in this matter is that they can amend the statute and determine what goes in each special use category. They have that ultimate say -- but not in the procedure. But they can come in and make amendments to the code. He thinks what has happened here is that in asking the Commissioners' opinion -- when they're not decided -- as to what the Commissioners think it should be. But in this scope of things, the staff makes a decision or they enter one at some point -- and the applicant either abides by it or appeals to the BZA.

Commissioner Willner said he had one more question for Mr. Wallace while he is here. Did the Commissioners act right in not zoning it and asking them to go to a special use and the Board of Zoning Appeals?

Mr. Wallace said the Commissioners rely upon the advice they get from certain staff members on the appropriateness of certain classifications. In this case, use group #18, which is one of the two potential categories which would have been appropriate -- in other words, there appears to have been an initial problem with the classification. It probably never should have come to the Board of Commissioners -- it probably should have gone straight to the Board of Zoning Appeals if it was to anywhere. Either because not enough information was given or not enough questions were asked, a misapprehension about the correct zoning code classification occurred. So, in retrospect, it should not have been here.

Mr. Mike Mitchell said that what Mr. Wallace says is absolutely correct. Staff usually makes a determination from the petitioner either goes forward or appeals if it is adverse to him. In this case, the staff made a recommendation of use group #24 and, while the attorneys are in on this, he guesses it was confusing from the first. But in his eight (8) years as area plan attorney, unless staff asked him for an opinion, he never gave one -- and he thinks a determination has been made. He thinks where we are now is that we special use group #24; and if the petitioner doesn't like it he can appeal it -- or he's going to go before the BZA anyway, if it stays #24.

President Willner expressed his appreciation to everyone, saying, "This has been a rough one -- it's been back and forth for about two weeks now -- and I think we did the proper thing in getting it out and getting all the people together -- and finding out what we're doing."

Mrs. Cunningham said that with regard to the suggestion earlier about a meeting between the Commissioners, the Board of Zoning Appeals and the Area Plan Commission -- it has been well taken. She is going to try to set up a meeting on Saturday morning, the early part of June -- so a few of the problems can be addressed.

Commissioner Willner said, "Yes, and we ought to have an agenda for that meeting-- and get it to the proper individuals beforehand.

RE: COUNTY ENGINEER - ANDY EASLEY

Mr. Easley said the Indiana Department of Highways had indicated they needed some additional justification concerning the change order written in connection with the lowering of the flow line on the Crawford Brandeis Ditch along the east side of Burkhardt Road. He presented copies of the following memorandum:

April 30, 1985

Indiana Department of Highways
Vincennes District Office
P. O. Box 376
Vincennes, Indiana 47591

Re: Burkhardt Road Improvement - MAM-M-E-100 (1)
Contract #R-15023 - Extra Work Agreement

Gentlemen:

On April 17, 1985, Morley and Associates, Consulting Engineers for the County on subject project transmitted an Extra Work Agreement to your office to lower the flow line on the Crawford Brandeis Ditch along the east side of Burkhardt Road and to modify the bottom of the existing concrete box culvert under Indiana S.R. 66 to match this flow line.

(continued)

The Crawford Brandeis Ditch is a legal drain that provides primary storm drainage for a large area that abuts or includes the following roads and highways that have improvement projects programmed or under construction.

1. Burkhardt Road (Morgan Avenue to Lincoln Avenue)
2. Division Street (Indiana State Road 66)
3. Morgan Avenue (Indiana State Road 62)
4. Interstate 164 Spur

The extra Work Agreement will allow the storm water carrying capacity of the Crawford Brandeis Ditch and its tributary system of lateral ditches to be greatly increased. As the Indiana Department of Highways is well aware, this area of Eastern Vanderburgh County needs all of the storm drainage capacity it can get and the above-listed highway and road improvement projects will benefit greatly from the proposed ditch improvement.

The proposed modification to the bottom of the culvert under Indiana State Road 66 will be particularly important to the designers of the storm drainage facilities for the proposed improvements to Division Street (Indiana S.R. 66) East of Green River Road. The culvert bottom will be lowered 3.7 feet and this will allow the ditches on Division Street to have a steeper grade.

If any additional information is required, please contact the undersigned.

Very sincerely,

R. Andrew Easley
County Highway Engineer

cc: Morley & Associates

Progress Report on Eichoff Road Project: Mr. Easley said a Monthly Status of Progress Report for Eichoff Road project had been received. They are working on the preliminary environmental assessment statement.

Lynch Road from UAB to Co. Line: Correspondence has been received from Mr. R. E. Woods, Chief/Division of Local Assistance for the IDOH. This is in response to a program sent in by David Gerard. In essence, the letter states that the 1986 annual programming request for Federal-Aid Rural Secondary Funds for the engineering phase of Lynch Road from Oak Hill Road to the County Line does not need to be programmed for preliminary engineering in fiscal year 1986. The next phase of PE can be obligated as a continuation of the further obligation engineering for location studies and environmental.

Culvert on Bujay Drive: Since it was raining last week, Mr. Easley said he did not get into that culvert on Bujay Drive. He did, however, talk to Bill Jeffers about it and he agrees that it probably isn't as serious as they first evaluated. He is going to try to take a look at it on Wednesday of this week, at which time he will be out in the field with Bill Bethel -- and see if he and Mr. Jeffers agree on the method of repair.

RE: COUNTY ATTORNEY - DAVID JONES

Agreement for Purchase of Water Slide at Burdette Park: Attorney Jones said he has an original and two (2) copies of an agreement which was prepared for purchase of the water slide at Burdette, which requires the Commissioners' signatures.

The Chair entertained a motion. Motion was made by Commissioner Borries that the agreement be signed by the Commissioners, with a second from Commissioner Cox. So ordered.

In response to query from President Willner as to who will be forwarding the agreement to Albertsson-Hunter Corporation, Attorney Jones said he will coordinate this with Mark Tuley. President Willner asked if Mr. Jones will point out to Mr. Tuley that the signed agreements are in the possession of Joanne Matthews, secretary.

County Ordinance Violations: Attorney Jones said his office has been approached by the Building Commissioner's office with something that is actually new -- although it has been around for quite a while. When Attorney Jones became County Attorney, there was a statute that had the prosecutor in the county (unlike the city) prosecuting county ordinance violations -- and it has been that way for sometime. Like a lot of other things,

(continued)

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it changes. It is now such that ordinance violations of the building code which occur outside the city limits are, by statute, referred to the County Attorney for prosecution. Attorney Jones said he has received ordinance violations from the Building Commissioner's office with the request that the Board of Commissioners authorize the County Attorney to file civil suit in court on violations of the building code. As he understands it, they now intend to routinely refer those matters here.

Commissioner Willner said he thinks that is correct.

Attorney Jones said that in some cases, there would be a civil penalty up to \$2,500 and all fines recovered go to the County General Fund. The statute authorizes other forms of relief and that, of course, would be up to the Building Commissioners in consultation with the County Commissioners as to whether they want an injunction, condemnation, or whatever remedies are there.

Commissioner Willner said, "The Commissioners will have a decision on a case-by-case basis before it goes to court, is that correct?"

Attorney Jones said the way this thing would work is that there are several levels -- and, again, he is only referring to what is out in the county, the city has a slightly different procedure -- but say they determine there is a violation of the code. The inspector can decide under the ordinance and statute, if it is something that is major, is open, doesn't appear to be something correctible -- just a flagrant violation -- and doesn't like anybody will or could correct it -- the statute says you can refer it to the County Attorney to take action without even giving them anything. The County Attorney can go ahead and file suit. In those instances where the violation is such that it could be remedied, they can give a notice to the person and in that notice they state the nature of the violation, they suggest the remedial action that can be taken to correct it, how long they are given to correct it and the fact if they disagree with the notice of violation that they may appeal it to the Board. In those instances, appeal would be brought in before this body. As a result of that, in that level of proceeding, then if the matter is not corrected or further action is taken -- either way it can then come back to the County Attorney to take action on it. As a result of any action taken at an appeal -- this could be referred to the County Attorney for action. The statute says they may be cited, using uniform traffic citation similar to what a traffic officer gives you, on the violation. We determined that it's probably best if we set these things up and file them all in Small Claims Court to the extent that we can get relief in Small Claims Court and, hopefully, start cranking these things out in the office and help them with their enforcement. But because we have not done that before, he wanted the Commissioners to be aware of this.

Commissioner Willner said they've talked about this before. Was there not some thought about letting Jim Linderschmidt or the Executive Assistant doing some of those rather than the County Attorney handling those with Small Claims? Commissioner Borries said that was on the Alexander Ambulance Service claims.

Attorney Jones said that if there are certain types of relief sought -- it would require an attorney -- because he doesn't know that they would go into small claims. The route to travel is determined by what they are seeking. He also understands there is a procedure in the city whereby you can prepay the fine. He is unfamiliar with that, wherein somebody other than the judge tells you what to pay up front. That is foreign and strange to him; he is not saying you can't do it, but in the portion of the statute pertaining to the county, he cannot find anything that says you can do that. It doesn't say that you can't -- but it also doesn't say that you can. Attorney Jones said that if the statute doesn't say, then you need an ordinance saying that you can do it. The Building Commissioner's office itself decides in the case of the city if someone wants to what is called "prepay" the fine -- then they will say \$100 for this violation and the individual pays it directly. It is not set by a judge.

Commissioner Borries asked if Mr. Roberts does this in his code of enforcement? Attorney Jones said that Mr. Roberts' office is a creature of the city -- we don't have anything to do with that -- we're not involved in his office at all.

RE: AGREEMENT ON WATER SLIDE FOR BURDETTE PARK

Commissioner Willner asked if there is a time period in the agreement? He believes they agreed to one, did they not? Mr. Lindenschmidt said that Albertsson-Hunter said that if they got the agreement by Thursday or Friday...it would be done by June 20th.

(continued)

It was finally determined that this is covered in Schedule A.....Schedule B.....it is taken care of in this.

RE: ACCEPTANCE OF CHECKS

Council of Veterans Organization for insurance for Coliseum.....check in the amount of \$2,821.40 for insurance from 4/8/85 to 4/8/86.....motion to accept check was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Evansville Cable T-V, Inc.: Check in the amount of \$8,285.56, which represents the first quarter payment of 1985.....motion to accept check was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

The following letter, in connection therewith, was also included:

April 26, 1985

Mr. Robert Willner, President
Board of Commissioners of
Vanderburgh County
305 Administration Building
Civic Center Complex
Evansville, Indiana 47708

Dear Commissioners:

Enclosed you will find a check in the amount of \$8,285.56 which represents the first quarter payment of 1985. We are slightly ahead of the first quarter payment of 1984 which amounted to \$8,153.02. The biggest problem we have had is a drop in the area of pay services.

We are now completing St. Joe, Indiana, and contiguous areas. We are looking at an area out at Old State Road to Baseline Road, from Busler's on 41 North, taking in several subdivisions along with Millersburg Road, Green River Road, the Horner's Nest area and a section off of Heckel and Green River Road.

As already stated to you, Evansville Cable TV will raise their basic rate effective June 1, 1985 for all subscribers from \$9.00 to \$10.00, additional outlets from \$2.25 to \$2.50 and FM outlets from \$2.00 to \$2.25. We find this is necessary due to the tremendous increases we have had from our programmers in 1985, plus our Copyright fees imposed upon us by the U.S. Copyright Tribunal.

Again, Evansville Cable would like to thank the County Commissioners for giving Evansville Cable the pleasure of serving residents in the county with cable TV service. If the Commissioners have any questions, please feel free to call me at any time. My private number is _____.

Thank you, and

Best regards,

Robert D. Ossenberg
Vice President & General Manager

Building Authority: Check in the amount of \$1,796.74....percent of Centrex Refund for period November 16, 1984 - December 16, 1984.....motion was made by Commissioner Borries that check be accepted, with a second from Commissioner Cox. So ordered.

RE: MONTHLY REPORT - CLERK OF THE CIRCUIT COURT

The monthly report from the Clerk of the Circuit Court was presented for period ending March 29, 1985.....report received and filed.

(continued)

COUNTY COMMISSIONERS
May 6, 1985

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RE: INVESTMENT REPORT - COUNTY TREASURER

President Willner said the following investment report from the County Treasurer had been received.....report received and filed.

COUNTY COMMISSIONERS
COUNTY COUNCIL

May 6, 1985

Reassessment (249)....Invested \$1,000,000.00 January 7, 1985, at 8.8%. Estimated income at maturity is \$86,288.89. Maturity date is December 26, 1985.

Monies on Deposit -- Invested \$500,000.00 (\$100,000.00 to each of the 5 Savings & Loans) January 8, 1985, at 8.1%. Estimated income at maturity is \$20,025.00. Maturity date is July 5, 1985.

Revenue Sharing (506)--Invested \$150,000.00 January 15, 1985, at 8.05%. Estimated income at maturity is \$5,500.83. Maturity date is June 28, 1985.

Local Roads and Streets (216)--Invested \$1,000,000.00 February 8, 1985, at 8.45%. Estimated income at maturity is \$42,250.00. Maturity date is August 7, 1985.

Cumulative Bridge (203)--Invested \$2,000,000.00 February 8, 1985, at 8.45%. Estimated income at maturity is \$84,500.00. Maturity date is August 7, 1985.

Monies on Deposit -- Invested \$1,000,000.00 March 1, 1985, at 8.65%. Estimated income at maturity is \$28,923.61. Maturity date is June 28, 1985.

Local Option Income Tax (413) -- Invested \$300,000.00 March 5, 1985, at 8.65%. Estimated income at maturity is \$8,577.92. Maturity date is July 1, 1985.

Monies on Deposit -- Invested \$1,000,000.00 April 1, 1985, at 8.575%. Estimated income at maturity is \$21,675.69. Maturity date is July 1, 1985.

Monies on Deposit--Invested \$2,000,000 April 2, 1985, at 8.45%. Estimated income at maturity is \$40,841.67. Maturity date is June 28, 1985.

Local Option Income Tax (413)--Invested \$125,000.00 April 41, 1985, at 7.8%. Estimated income at maturity is \$2,356.25. Maturity date is July 1, 1985.

Revenue Sharing (506)--Invested \$250,000.00 April 24, 1985, at 8.0%. Estimated income at maturity is \$4,333.33. Maturity date is June 28, 1985.

Monies on Deposit--Invested \$1,000,000.00 April 26, 1985, at 7.75%. Estimated income at maturity is \$13,902.78. Maturity date is June 28, 1985.

Monies on Deposit--Invested \$1,000,000.00 April 26, 1985, at 7.75%. Estimated income at maturity is \$13,562.50. Maturity date is June 28, 1985.

Monies on Deposit--Invested \$1,500,000.00 May 3, 1985, at 7.75%. Estimated income at maturity is \$15,822.92. Maturity date is June 21, 1985.

Actual Interest Received to Date: Local Roads and Streets -----\$ 3,276.00
County Revenue-----\$ 48,469.51

RE: OLD BUSINESS

In response to query by President Willner, it was determined that there were no old items of business to be discussed.

RE: SCHEDULED MEETINGS

May 6th 5:30 p.m. Indiana Association of Counties at Executive Inn,
with County Auditor Alice McBride functioning as
Chairman.

(continued)

RE: CLAIMS

Pulse Systems: Claim in the amount of \$85,114.54 for data processing services from 7/1/85 thru 9/30/85 and hardware additions, etc.....Motion to approve claim was made by Commissioner Borries, with a second from Commissioner Cox, subject to accuracy of claim being verified by the County Auditor. So ordered.

Blankenberger Brothers, Inc. Claim in the amount of \$425.50 for 5-3/4 hrs. work with excavator on Wallenmeyer Ditch.....Motion to approve claim was made by Commissioner Borries, with a second from Commissioner Cox. (It was noted that this claim would be approved and not held for the next Drainage Board meeting.) So ordered.

Charles Althaus: Claim in the amount of \$192.16 for attendance at a meeting, which had previously been approved by the Board of Commissioners, including per diem, hotel charges and mileage. Motion to approve claim was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Susan Gathings: Claim in the amount of \$37.50 for refund of deposit on Clubhouse at Burdette Park on May 25, 1985.....Motion to approve claim was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: EMPLOYMENT CHANGES - APPOINTMENTSBurdette Park

Nancy Buckman 1637 E. Illinois St. P.T. Grnd. Crew \$3.50/Hr. Eff: 5/2/85

Convention & Visitor's Bureau

Nola Brinkley 645 S. Fares Info Ctr. \$3.75/Hr. Eff: 4/29/85

Pigeon Township Assessor

Mary Joan Payne 629 S. Harlan Ex. Help \$30.00/Day Eff: 5/6/85

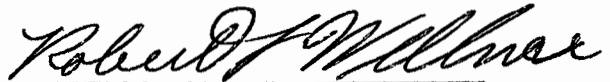
Surveyor

Robert E. Mangold 714 Concord Blvd. Bdrge. Insp. \$15,192/Yr. Eff: 5/2/85

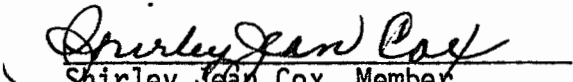
There being no further business to come before the Board at this time, President Willner declared the meeting adjourned at 4:30 p.m.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	Robert L. Willner Richard J. Borries Shirley Jean Cox	Alice McBride	David L. Jones
	<u>COUNTY SURVEYOR</u>	<u>COUNTY ENGINEER</u>	<u>COUNTY HIGHWAY</u>
	Bill Jeffers	Andy Easley	Bill Bethel
	<u>AREA PLAN</u>	<u>PURCHASING</u>	<u>BUILDING COMMISSION</u>
	Barbara Cunningham Beverly Behme	Tom Dorsey	Roger Lehman

SECRETARY: Joanne A. Matthews


Robert L. Willner, President

Richard J. Borries, Vice President


Shirley Jean Cox, Member

Approved copy

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MINUTES
COUNTY COMMISSIONERS' MEETING
MAY 13, 1985

AGREEMENT/Wild West Concessions, Inc./Burdette Park Souvenir Shop--Approved -----	3
APPROVAL OF MINUTES -----May 6th -----	1
AREA PLAN COMMISSION/TRAVEL REQUEST-----Approved -----	2
BURDETTE PARK - MARK TULEY	
Monthly Financial Report -----Period ending 4/30/85 -----	3
Introduction of New Park Mascot (Burl, the Bear) -----	1-2
Request To Go On Council Call (Overtime Transfer of \$1,000 and \$2,000 to Establish Cash Fund)-----Approved -----	2
CLAIMS	
Home Indemnity Insurance Co. -----\$ 500.00 -----Approved -----	8
Charles D. Riley -----\$ 83.00 -----Approved -----	8
David L. Jones -----\$2,268.00 -----Approved -----	8
John C. Cox for Deaconess Hospital ---\$3,500.00 -----Approved -----	4
Carl Helldt/Legal Services -----\$1,005.00 -----Approved -----	7
CLERK OF THE CIRCUIT COURT - MONTHLY REPORT -----Period Ending 4/30/85 -----	8
COUNTY ATTORNEY - DAVID V. MILLER	
Complaint from Robt. Reich re Excessive Noise/Henze Road -----	3
Agreement/Wild West Concessions, Inc./Burdette Park Souvenir Shop---Approved ---	3
Claim/John C. Cox for Deaconess Hospital-J. Schackelford-----Approved ---	4
Release Agreement also approved	
Request for Authority to Purchase Additional Right-of-Way on Burkhardt Rd. from the Eulers or Initiate Condemnation Proceedings (25. ft.) --Approved --	4
COUNTY AUDITOR	
Introduction of Sam Humphrey, New Chief Deputy Auditor -----	8
COUNTY ENGINEER - ANDY EASLEY	
Claim/Carl Helldt/Legal Services -----\$1,005.00 -----Approved -----	7
Storm Drain on Bujay Drive -----A. Easley to order Material and R. Willner to handle using either Guardrail or Bridge Crew to make repairs -----	7
Culverts Across Burkhardt Rd. ----A. Easley to take care of flapgate for Mr. Holder, as requested---Change Order may be needed -----	7-8
COUNTY HIGHWAY - BILL BETHEL	
Absentee Report, Work Report & Work Schedule -----	5
COUNTY SURVEYOR - BILL JEFFERS, CHIEF DEPUTY	
Bridge & Guardrail Repair Report -----	5
Drainage Problem/Morgan Avenue -----Surveyor recommends the Property Owners Cooperate & Surveyor will offer suggestions to solve problem -----	5-6
Acceptance of Insurance Check for Stolen Equipment ----B. Jeffers to provide Auditor with receipts for replacement equipment -----	6
Log Jam/Dry Branch Creek -----Accomplished by Outside Contractor -----	6-7
Drainage Problems/Capella Drive -----Surveyor's investigation reveals that I-164 Drainage Plans should cure these problems -----	7
Request for Drainage Board Meeting on Tuesday, May 28th -----Approved -----	7
EMPLOYMENT CHANGES -----	8-10
QUIT-CLAIM DEED/HUGH McGEE (CORRECTED)-----Approved -----	8
SCHEDULED MEETINGS -----	8
CES Voting Equipment Demonstration re-scheduled for June 10th	
TRAVEL REQUEST/AREA PLAN COMMISSION -----Approved -----	2
VANDERBURGH AUDITORIUM - KIM BITZ	
Advertisements - Atlas Van Lines, Inc. & Daktronics -----	1
Repair of Outdoor Columns----(In Progress) -----	1
Recovering of Lobby Doors --(1) Set completed & 2nd Set being recovered -----	1
Air-Conditioning Complaints----K. Bitz clarified that Air-Conditioning is shut off during Philharmonic & Dance Theater Performances at request of art group----	1
Electronic Sign Revenues------(Check for \$47.47) -----	1

MINUTES
COUNTY COMMISSIONERS' MEETING
MAY 13, 1985

The Vanderburgh County Board of Commissioners met in session on Monday, May 13, 1985, in the Commissioners' Hearing Room with President Robert Willner presiding.

The meeting was called to order at 2:40 p.m., with President Willner entertaining a motion concerning approval of the minutes of the previous meeting. Motion was made by Commissioner Cox that the minutes of the meeting held on Monday, May 3rd, be approved as engrossed by the County Auditor and the reading of same be waived. A second to the motion was provided by Commissioner Willner. So ordered.

President Willner announced that Commissioner Borries would be late in arriving at today's meeting, as he has a job interview with the Evansville-Vanderburgh School Corporation. In the interim, the meeting will proceed as scheduled.

RE: VANDERBURGH AUDITORIUM - KIM BITZ

Advertisements: Mr. Bitz said he received two advertisements in last week's mail: One from Atlas Van Lines, Inc. and one from Daktronics (the maker of the outdoor marque at the Auditorium). He presented the two advertisements to the Commissioners for their perusal, saying he just wanted to show them that we are getting some nice free advertising in national publications. With regard to the Atlas Van Lines advertisement, he said it was Atlas' last year's advertisement which went into the National Convention & Trade Show Directories and they have since taken a new shot of the marque to put in this year's series of publications. Insofar as the Daktronics' advertisement is concerned, this is their brochure they distribute for purposes of sales and marketing on their other signs. In response to a query as to the location of Daktronics' home office, Mr. Bitz said he believes it is in South Dakota.

Repair of Outdoor Columns: Work has commenced on the repair of the outdoor columns. Baker Incorporated will be finishing this work as soon as the rains cease long enough to permit them to do so.

Recovering of Lobby Doors: One set of lobby doors has already been recovered and another set was sent out today. Mr. Bitz said they will be sending out one set a week -- trying to time it with the events they have scheduled in the building. Those who would like to see what the recovered doors look like are invited to drop by the Auditorium.

Air-Conditioning: One specific item Mr. Bitz would like to clarify today concerns the Evansville Philharmonic and Dance Theater performances at the Auditorium over the past several months. He has received several complaints that the air-conditioning was not working or it was too warm inside the Auditorium during the performances of these art groups. He wants to make it clear that the Philharmonic requests that the air-conditioning be turned off because of the noise and vibration during their concerts. Thus, the lack of air-conditioning during these periods is not due to faulty air-conditioning at the Auditorium but rather a choice that is made by the Philharmonic. Since they rent the building, he carries out their wishes. Likewise with the Dance Theater performances this weekend. In order for the dancers to keep warm and their muscles in tone, they also request that the air-conditioning be shut off for performances. Before the rumor gets around that the Auditorium is losing their air-conditioning early in the season -- Mr. Bitz said he did want to clarify the matter.

Electronic Sign Revenues: At last week's meeting, mention was made that no report or revenue check had been received from Moving Media to date. Mr. Lindenschmidt said he has report and check in the amount of \$47.47 (20% of purchased advertising) for a one (1) month period. The report gives a breakdown on the three (3) clients.

The Chair entertained a motion to accept the check. Motion was made by Commissioner Cox that the check be accepted, endorsed and quietused into the County General Fund. A second to the motion was provided by Commissioner Willner. So ordered.

RE: BURDETTE PARK - MARK TULEY

Mascot for Burdette Park: The meeting was briefly interrupted as a surprise guest paid the Commissioners a brief visit -- Burl the Bear! Mr. Tuley explained that Burl is a new mascot, being donated by a couple of interested citizens who wish to remain anonymous. The public will be seeing more of Burl the Bear -- in all the advertisements of Burdette Park. Burl will traverse the park freely, helping to entertain the children. He will be Burdette's goodwill ambassador, appearing in parades and visiting hospitals and other locations (upon request).

(continued)

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The first time that Burl will actually be introduced to the public will be on June 7th, when KIDS' DAY will be held at Burdette Park -- that will be his grand entrance!

Request to Go on Council Call: Mr. Tuley requested permission to appear before County Council in June, with regard to one transfer and one appropriation. Basically, he is requesting \$2,000.00 for a starting cash fund. The current set-up is not acceptable to the State (although they've been doing it that way for some nine years) -- and the easiest way to do it is to request appropriation of \$2,000.00 and he will give them whatever cash he has on hand.

Commissioner Willner said that actually the last time the State Board of Accounts audited Burdette they asked that we do something about this -- but they never did tell us what to do. Mr. Tuley contacted them to resolve the matter -- and this is what they want.

Mr. Tuley said this is just a matter of shuffling paper -- the State said it could be corrected at budget time, but he feels we might as well go ahead and correct it now.

Mr. Tuley said that a month or two ago we put \$1,000.00 into the overtime account. That is already almost depleted -- what with his people working 10 hours trying to get that park in shape. He would recommend that \$3,000.00 be put in next year at budget time in the account.....the Auditorium has overtime, the Highway has overtime -- and Burdette Park needs it, too; unfortunately, they can't get around it.

Commissioner Willner commented that he read where someone is supposed to rule on the overtime pay in the next week or two.

Continuing, Mr. Tuley said he will be requesting a transfer of \$1,000.000 from Acct. 145-118 (Other Employees) to Acct. 145-130 (Overtime Account).

Motion was made by Commissioner Cox that Mr. Tuley be authorized to appear before Council to request \$2,000.00 for the establishment of a Cash Change fund and a transfer of \$1,000.00 for the overtime account. A second to the motion was provided by Commissioner Willner. So ordered.

RE: AREA PLAN COMMISSION - BARBARA CUNNINGHAM

Mrs. Cunningham commented that while she is listed twice on today's meeting agenda, she only has one (1) item for the Commissioners' attention -- a travel request -- as follows:

May 10, 1985

County Commissioners
Room 305
Civic Center Complex
Evansville, IN 47708

Commissioners,

I am requesting travel to attend the Lieutenant Governor's Conference on Community Development to be held May 29-30 in Indianapolis. Since the American Planning Association and Indiana Planning Association have joined forces, this conference will take the place of the Indiana Conference for Local Planning Officials Conference, which I attend each year at Purdue.

I feel this conference is necessary for the performance of my job.

Sincerely,

Barbara L. Cunningham
Executive Director

Mrs. Cunningham said there will also be a Board meeting of the State Planning Board, of which she is a member. She will be driving and will be going by herself.

Commissioner Willner entertained a motion. Motion was made by Commissioner Cox that Mrs. Cunningham's request be granted. A second to the motion was provided by Commissioner Willner. So ordered.

(continued)

RE: BURDETTE PARK - MONTHLY REPORT

President Willner presented copies of the Burdette Park Monthly Report for period ending April 30, 1985 to the Commissioners.....report received and filed.

1985 STARTING BUDGET

1985 Budgeted	\$ 485,881.00
1985 Encumbered by P.O.	6,319.43
1984 Encumbered by Contract	14,445.01
1984 Additional Appropriation	<u>200,000.00</u>

Total 1985 Budget	\$ 706,645.44
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Expenditures & Balance 1/1/85 - 4/30/85

Total Expenditures	\$ 129,599.90
Total Balance	\$ 577,045.54

Income - 1/1/85 - 4/30/85

Pool	- 0 -
Rink	\$ 15,890.70
Rentals	17,833.69
Misc.	<u>1,923.30</u>
Total	\$ 35,647.69

April 30, 1985

Total Expenditures	\$ 129,559.90
Total Income	<u>35,647.69</u>
Total Deficit	\$ 93,952.21

RE: COUNTY ATTORNEY - DAVID V. MILLER

Complaint re Excessive Noise/Henze Road Area: Attorney Miller said he had a telephone call from a Mr. Robert Reich of Henze Road in the County, wanting to know if the County Commissioners could take any action against the operator of a drilling rig (apparently oil drilling rig) which is situated between Mill Rd. and Highway #65 near 6900 Henze Rd. He is saying that he and his family have been unable to sleep for the last several nights because of the drilling rig noise. Attorney Miller advised him that he had certain private legal rights but that the County, at this point, could not take any action that he could think of -- and he advised that he should discuss the matter with the Prosecutor, to determine whether any criminal charges might be filed for noise, pollution, etc., under the decibel ordinances. However, he said the Prosecutor's office told him to contact the County Attorney; thus, he assumes they have already made that decision. Mr. Reich ask that, in any event, Attorney Miller advise the Commissioners concerning what he considers to be a nuisance and ask them about helping him in any way. Attorney Miller said he has Mr. Reich's telephone number if the Commissioners want same.

Agreement with Wild West Concessions, Inc./Burdette Park Souvenir Shop: Attorney Miller presented copy of agreement between the County and Wild West Concessions, Inc., for the operation of the Souvenir Shop at Burdette Park. He said the agreement was prepared by David Jones and is, in his opinion, ready to sign. He said he personally knew nothing about it. The agreement is being presented for the Commissioners' examination and signatures. Mr. Tuley will subsequently obtain the McCormick's signatures.

Commissioner Willner commented that he was out at Burdette Saturday morning. Wildwest is already re-doing the building and working -- and they have a display of items for sale -- so they are moving forward. Mr. Tuley said one of the first items they need to put in is the ball cap. He bought six (6) dozen of these caps for the workers at Burdette and everyone is coming in wanting to buy them -- so they need to do something.

(continued)

President Willner requested that Attorney Miller proceed with his next item, while he and Commissioner Cox review the agreement prior to signing same.

Claim/Deaconess Hospital-John Schackelford: Attorney Miller said he has a claim to Deaconess Hospital in the amount of \$3,500.00 relating to a lawsuit that was settled by his office, growing out of the medical treatment rendered to Mr. Schackelford shortly after his suspension from duty in the Sheriff's Department. There was a very substantial controversy as to whether the County continued responsible for his medical treatment during that period of time.. due to the kind of action taken by the Sheriff. Rather than take the chance of being exposed to substantially more, the County agreed to pay the \$3,500.00. (Payable to John C. Cox for Deaconess Hospital.)

President Willner said the Commissioners were informed concerning the Schackelford case. Thus, he entertained a motion -- if there are no questions of Counsel. Motion that the Release and Claim be approved and signed was made by Commissioner Cox. A second to the motion was provided by Commissioner Willner. So ordered. Attorney Miller pointed out that the Release has been prepared for the signature of the President of the Board of County Commissioners only.

Agreement with Wild West Concessions, Inc.: Commissioner Cox noted that there was one item of concern -- and she notes that has been handled under Item #14 -- "The Board, however, reserves the right to allow on a temporary basis, individuals or groups who use or lease Burdette Park facilities to sell merchandise for their own fund-raising purposes." Mrs. Cox said that takes care of the Boy Scouts and other organizations who rent/lease facilities and might be selling like items for their fund-raisers on a temporary basis. Thus, she moved that the agreement prepared for the operation of the Burdette Souvenir Shop by Wild West Concessions, Inc., be approved, signed by the Commissioners and submitted for the McCormick's signatures. A second to the motion was provided by Commissioner Borries (who had only moments before entered the meeting). So ordered.

Necessity for Additional Right-of-Way for Widening of Burkhardt Rd.: Attorney Miller said he had been advised by Morley & Associates that in connection with the widening of Burkhardt Road, the County will require an additional right-of-way of 25 ft. in width all along the eastern boundary of Burkhardt Rd. from Division Street south to the end of the widening. He is also told by Mr. Morley's office that the need for this additional right-of-way arises out of the need to move the ditch that is currently in place 25 ft. to the east. He has no engineering other than a drawing and he is advised by Mr. Morley's office that we need to enter into negotiations with the Eulers, with authority to file condemnation, if necessary, because of the time frame with which we are involved. Thus, he asks the Board's authority to enter into negotiations with the Eulers and commence legal proceedings, if necessary, to obtain this additional right-of-way.

Commissioner Cox asked if the Eulers are the only property owners affected? Attorney Miller said he believes they are.

Commissioner Willner said this did come about with the City asking the County to lower the ditch so that they might have more adequate drainage on the east side of Evansville.

County Engineer Andy Easley said he thinks the guardrail stays in that section -- and we do need this right of way.

Commissioner Borries said he had discussed this with Mr. Easley and his question concerned whether there is still going to be some guardrail there. There were recent questions about the State's plan that said there will now not be guardrail on the east side of the road. Mr. Easley interrupted.....there may be places where the design standards call for deletion of the guardrail. They have a policy that if it is less than 10 ft. deep and a 2 to 1 slope (and there is going to be an 8 ft. shoulder) -- and he thinks that even with the road in its present condition -- there has been no history of very many people going off in that ditch. If the Board will recall, there is national policy that guardrail, itself, is not the safest thing to have on the highway. And he thinks part of the national policy is not to use it indiscriminately. Unless you can save someone going over a cliff -- where the alternative is sudden death -- then he thinks this is part of their policy.

The Chair entertained a motion to grant permission to the Attorney to enter into an agreement or into a court proceeding, if necessary, concerning the necessary right-of-way on Burkhardt Road. A motion to this effect was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

(continued)

COUNTY COMMISSIONERS
May 13, 1985

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RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Absentee Report: Mr. Bethel submitted copies of the Absentee Report for employees at the County Garage for period May 6th thru May 10th.....report received and filed.

Weekly Work Report: Also submitted were copies of the Weekly Work Report for period May 6th to May 10th.....report received and filed. Attached to the Work Report was the following Work Schedule:

Gradall: Mann Rd.

Paver: St. Joe Avenue and Baseline Rd.

Patched: Mill Rd., Hogue Rd., West Haven, Meadow Lark, Denzer Rd., Middle Mt. Vernon Rd., Boehne Camp Rd., Kuebler Rd., Maier Rd. St. Joe, Brookdale, Koring, Harmony Way, Old 460, Everglades, Peerless, Baseline, Sharon Place, Nurrenbern, and Upper Mt. Vernon.

Mower: Darmstadt Rd., Mohr Rd., Mill Rd., Wimberg, Orchard and Old Princeton

Oil Roads: Folz Rd., Laubscher and Telephone Rds.

Trash: Lynn Rd., Old Green River Rd., S. Weinbach and River Rd.

Commissioner Willner asked if current paving just includes sections? Mr. Bethel acknowledged that Mr. Willner is correct.

RE: COUNTY SURVEYOR - BILL JEFFERS, CHIEF DEPUTY

Bridge & Guardrail Repair Report: Copies of the Weekly Bridge & Guardrail Repair Report for period May 6th thru May 10th were presented by Mr. Jeffers. He stressed that they spent the entire time on Mill Rd. & Henze Rd., continuing to make improvements to the bridge.

Commissioner Willner asked if that bridge is yet open? Mr. Jeffers said it is not. SIGECO (Mr. Luttrell) said they will begin relocating the gas line today. As soon as they get this gas line relocated and it is felt safe to open the bridge -- it will be opened.

Drainage Problem/Morgan Avenue: With regards to request of Roger Lehman that the Surveyor's office look at a drainage problem which exists behind Indiana Bell and the Old Boonville Highway and New Boonville Highway (east of Hoosier Avenue and west of Burkhardt) -- the inspectors looked at that and they looked at it in the office. The oldest aerial photo from 1966 and other information going up to about 1970 shows that the only development in that particular section of ground prior to 1970 was Ryan Construction Co. and what is presently Hallenberger and what is presently Honda. The rest of it was agricultural land and there was a natural depression in the ground which carried the water basically east and northeast directly into Crawford-Brandeis Ditch. Ryan Construction had a wide drain or "W" drain -- some buried drain tile which ran from their back corners south to the roadside ditch; the roadside ditch carried it east to Crawford-Brandeis. All persons in this section of ground are being billed for Crawford-Brandeis Ditch and that is where the water should continue to go. Subsequent to 1970, there has been a great deal of industrial and commercial development in that area and as they have built, they have filled in that old depression and Indiana Bell is the only property owner that they noticed who took a great deal of pain in constructing a new ditch along their west line and south line to carry that water in the same direction it used to travel naturally. Elliott Trucking, Hallenberger, B&D Mold and the other property owners through there over the course of the years have filled in that natural drain or depression -- and currently there is a lot of equipment and other materials being stored at the back of the lot, along with a build-up of soil along the agricultural parts -- that is keeping that water from flowing into Crawford-Brandeis Ditch. He imagines that most of the old drain tile has been covered over with construction. There doesn't seem to be any coordinated effort to substitute a new ditch, except in the case of Indiana Bell -- to carry the water to the east -- and there is no coordinated effort to remove any of the obstacles that are keeping that water from flowing thru its natural water course. It is the recommendation of the surveyor's office that they get together and cooperate on a ditching project -----the property owners get together and settle it among themselves. The surveyor would be happy to work with them and the Building Commissioners to determine just how this

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can be accomplished and give them some friendly suggestions on how to do it.

Commissioner Willner asked if Mr. Lehman asked Mr. Jeffers to do this? Mr. Jeffers replied in the affirmative -- Mr. Lehman is not present at today's meeting. However, there was a notation in last week's minutes that Mr. Jeffers was supposed to report back to the Commissioners on this.

Commissioner Willner asked if Mr. Jeffers would relay this information to Mr. Lehman. Mr. Jeffers said he would be happy to work with Roger Lehman and have both his inspectors and his own inspectors go out to help those people. Commissioner Willner requested that he keep the Commissioners up-to-date on this matter.

Acceptance of Insurance Check: Mr. Jeffers presented a check in the amount of \$1,251.90 from Home Insurance which is what surveyor's office claim was their loss due to stolen equipment. The figures are all correct. Mr. Jeffers indicated he would provide the Auditor with a list of subject equipment.

The Chair entertained a motion to accept the check, endorse same and have the Auditor quietus it into County General Fund for the bridge account. Mrs. McBride indicated that if the Surveyor's office purchased replacement equipment from the bridge account, then the insurance money can be put back into that account. Mr. Jeffers commented that they may not have bought everything they lost originally -- but he will provide her with the receipts for equipment purchased. Motion to accept the check, endorse it and have Auditor quietus it into the bridge account was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

Log Jam - Dry Branch Creek/First Avenue: Last week, Mr. Jeffers said permission was requested to use a gradall and an operator to remove a log jam from Dry Branch Creek next to Rax Restaurant on First Avenue. Mr. Bethel was kind enough to send the gradall over to that location. He could not, however, reach the log jam from the roadway and he couldn't reach it from the top of the bank. The gradall was too large a piece of equipment to put down into that ditch and too expensive to take a chance that it would turn over; thus, they couldn't remove the log jam via using the gradall and he returned it to the job on Mann Rd. The weather reports indicated that we might have rain Saturday and Sunday, so the surveyor's office felt it important enough to remove that log jam that they called various contractors and checked the availability of three (3) contractors to do that emergency job. Only one (1) responded. That contractor worked from approximately 8:00 a.m. until 6:00 p.m. Saturday by taking a small backhoe all the way down the ditch, removing the log jam and throwing it up on the bank. That constituted the removal of the immediate danger to the property upstream from that location. The brush and rubble still remain on the bank and he will try to remove this using city and county forces at no additional cost. He had to sign an agreement with Rax Restaurant to repair any damage to their property and he had to order a tow truck to get the backhoe out of the ditch -- because once he got down in there, there was no way for him to get back out under his own power. He believes the bill from the contractor will reflect the use of a tow truck.

In response to Commissioner Willner's query as to whether Mr. Jeffers got the contractor on an hourly basis, Mr. Jeffers said it was strictly hourly price for the use of the backhoe and operator and one laborer. He also had to purchase a cable to pull some of that out of the pipe. Thus, the bill will reflect time and material -- but very little material.

Commissioner Willner said they did call Friday; Mr. Jeffers said, "Right, it just got to the point where they were afraid to let it go over the weekend. Fortunately, we didn't have a lot of rain Saturday. But at that time, we didn't have any idea of how much rain we would get. Out of approximately 70 sq. ft. of area in that pipe, there was only 2 sq. ft. open to the flow of water."

Commissioner Cox asked where the logs and everything is coming from? He said that what happened is that all the development between Buena Vista and First Avenue and that corner up there has taken place over the last couple of years. This required the removal of a substantial amount of willow trees that grew in that ditch -- and the county does not maintain that ditch; neither does the city. It's all on private property. The people who removed the willow branches left them in areas subject to flood. He doesn't believe they threw them down into the channel. Commissioner Cox said we just cleaned that out last year? Mr. Jeffers said we usually clean it out once a year. What happens is that the river comes up and the creek gets in backwater and the entire area is flooded. He's not going to assign any fault to any individual, because they left the brush lay outside the

limits of the bank. But in a backwater situation it floated it down into the stream and jammed it up. Hopefully, most of that development will take place and be finished in a year or so. The people who are developing that area are very particular about their own landscaping and he doesn't think we'll have this problem once it is moved.

Drainage Problem/Capella Drive: There has been an on-going drainage problem of concern to the Commissioners and the Surveyor's office -- on Capella Drive. He and Bob Brenner looked at the I-164 plans, which shows an extensive drainage plan using a 48-inch tube, which will carry all the water from Indian Mounds Drive, Polaris and Capella due east along Spry Road into Warrick County all the way to Stacer Rd., where it will cross Stacer and dump into Willow Pond Creek. If the residents of that area can live with the problem until I-164 is constructed, I-164's drainage plan will cure the problem totally -- or at least it appears on paper that it will cure the problem. He wanted the Board to be aware of this before we go spending "x" amount of dollars in that area.

Request for Drainage Board Meeting: Mr. Jeffers advised a Drainage Board meeting will need to be held prior to June 1st, as there have been some subdivisions come in and some other needs making a meeting a necessity. May 20th is a night meeting. May 28th (the day after the Memorial Day holiday) is a Tuesday meeting -- and this would be soon enough to get in before the Area Plan Commission's June meeting.

Commissioner Willner asked that Mr. Jeffers set up the Drainage Board Meeting for May 28th.

RE: COUNTY ENGINEER - ANDY EASLEY

Claim/Carl Heldt - Legal Services: Mr. Easley presented a claim to Carl Heldt in the amount of \$1,005.00 for work done on the suit against the L&N Railroad on the Lynch Road switch. It is Mr. Easley's understanding that Mr. Heldt talked to David Jones and Mr. Jones was happy with the way it was resolved and talked like he was not going to have a dismissal agreement. Apparently the two attorneys agreed that a Dismissal Agreement was not necessary. He asked if Attorney Miller is familiar with that matter? Mr. Miller said he has had to stay out of that because of his relationship with the railroad.

Mr. Easley said he thinks Mr. Heldt is entitled to be paid. He talked to him today. Commissioner Willner interjected that the Commissioners talked about this last week and when it originally came before them, they thought it was going to have a dismissal and they wanted to keep it open until the scuffplate or wearplate is installed. Mr. Easley said that he and Mr. Heldt agreed that the county would get something out of the railroad -- that they would be aware in writing -- that they would put that in. Commissioner Willner said the Commissioners had no question insofar as Mr. Heldt's bill. Mr. Easley said he'd had several conversations with Mr. Heldt and that what he did was of value in helping to solve the problems.

President Willner entertained a motion concerning approval of the claim. Motion was made by Commissioner Borries that the claim in the amount of \$1,005.00 to Mr. Heldt be approved for payment, with a second from Commissioner Cox. So ordered.

Storm Drain on Bujay Drive: Mr. Easley said he went into the 6-ft. storm drain on Bujay Drive this past week. Mr. Townsend, who is a resident on the west side of the storm drain, was also there. Mr. Easley said it is a fine storm drain and the mastic on a couple of joints apparently did not get distributed properly -- and apparently the hydrostatic pressure has pushed the mastic out of the joints and soil and water from the surface has washed soil thru the opening into the sewer and left holes in the yard. He thinks that either an employee of the guardrail crew or bridge maintenance could go in there with five (5) gallons of heavy mastic and a knife and cut back the mastic that is there and re-tar it and then seal the outside holes. No equipment would be needed.

Commissioner Willner asked that Mr. Easley order the material, let him know when it is in -- and he will work out something to take care of this.

Culverts Across Burkhardt Road: Mr. Easley said he understood Mrs. Cox has a question concerning Burkhardt Rd. She asked if Mr. Easley received a call from a Mr. Holder? He is concerned about the culverts being put across at various intervals on Burkhardt. The one he currently has has a flapgate, the way he explained it to her. His ground is probably the lowest line acreage along the entire Burkhardt Road improvement area and he is very concerned. He had talked with a State man who was out there -- and they said they thought it should be done, but referred him to the County. Mr. Holder indicated he was going to call the other Commissioners; and Mrs. Cox also referred him to Mr. Easley

(continued)

and Mr. Morley. Mrs. Cox asked if this would present any problem? Mr. Easley said that if it wasn't on the plans it might require a Change Order, but they're not that expensive. Mrs. Cox said she tried to explain to Mr. Holder that we are improving the drainage out in that area and this should help to alleviate his problem.

RE: CLERK OF THE CIRCUIT COURT - MONTHLY REPORT

President Willner presented Monthly Report for period ending April 30, 1985, from the Clerk of the Circuit Court.....report received and filed.

RE: INTRODUCTION OF NEW CHIEF DEPUTY AUDITOR

The meeting proceeded with President Willner introducing Mr. Sam Humphrey, new Chief Deputy Auditor. Mr. Humphrey is a graduate of U of E in 1949, with a Financial Management and Literature Degree. He welcomed Mr. Humphrey and wished him luck.

RE: CORRECTED QUIT-CLAIM DEED/HUGH McGee

President Willner presented a corrected quit-claim deed to Hugh McGee for the signatures of the Commissioners. He asked Attorney Miller if he is aware that Mr. McGee is deceased? Attorney Miller indicated that he is.

The Chair entertained a motion. Motion was made by Commissioner Cox that the quit-claim deed be signed, with a second from Commissioner Borries. So ordered.

RE: OLD BUSINESS

The Chair asked if there was any old business to come before the meeting. There was none.

RE: SCHEDULED MEETINGS

The Chair queried the Commissioners concerning scheduled meetings. There were none. President Willner announced that CES Voting Systems called. They were to have been here at 4:30 p.m. today for purposes of demonstrating their new tabulation equipment. They advised that the equipment was dropped off the back of a pick-up and damaged same. They have tentatively re-scheduled demonstration for June 10th. He said we will await further word on this, in preparation of viewing their equipment.

RE: CLAIMS

Home Indemnity Insurance: Claim in the amount of \$500.00 to settle claim against Vanderburgh County -- in paying \$500.00 to claimant, J. Bethel. This claim involved the arrest of the claimant after the warrant had been ordered withdrawn by Superior Court. The insurance recommends that we approve the claim. Motion to approve claim was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

Charles D. Riley: Claim in the amount of \$83.00 for refund of building permit #7742-V. Motion to approve claim for payment was made by Commissioner Cox, with a second from Commissioner Borries. Do ordered.

David L. Jones: Claim in the amount of \$2,268.00 for litigation concerning several matters. Mr. Willner said he has reviewed this claim and finds it to be true and correct. Motion to approve claim was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: EMPLOYMENT CHANGES - RELEASES

Superior Court

Michelle A. Link	Court Admin.	\$32,344/Yr.	Eff: 5/1/85
Mark A. Forster	MT Referee	\$33,300/Yr.	Eff: 5/1/85
Robert P. Carithers	Juvenile Referee	\$18,963/Yr.	Eff: 5/1/85

Auditor's Office

Larry Lazart	508-B Lodge	Chief Deputy	\$20,393/Yr.	Eff: 5/3/85
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Circuit Court

Beverly Harris	7500 Outer Lincoln	Asst. Ct. Comm.	\$384/Wk	Eff: 5/3/84
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Burdette Park

Richard Bender	1517 Western Hills	Rink D.J.	\$3.75/Hr.	Eff: 4/24/85
James Jones	1801 N. Denby	P.T. G. Crew	\$3.50/Hr.	Eff: 5/7/85
Steven Collins	857 E. Gum	P.T. G. Crew	\$3.50/Hr.	Eff: 5/5/85

Prosecutor

Sandra Millard	2251 E. Franklin	Investigator	\$16,067/Yr.	Eff: 5/1/85
Susan D. Johnson	709 S. Willow	Investigator	\$15,227/Yr.	Eff: 5/1/85
Susan G. Mattingly	940 Wessel	Paralegal Secy.	\$14,500/Yr.	Eff: 5/1/85
Earl E. Chandler	2805 Oak Hill Rd.	Dep. Pros.	\$12,000/Yr.	Eff: 5/1/85
Charlie P. Andrus	670 Audubon	Dep. Pros.	\$23,600/Yr.	Eff: 5/1/85
James E. Rode	1803 N. Roosevelt	Dep. Pros.	\$16,197/Yr.	Eff: 5/1/85
Robert E. Zoss, Sr.	733 S. Lombard	Dep. Pros.	\$16,100/Yr.	Eff: 5/1/85
Barbara Williams	2319 E. Mulberry	Dep. Pros.	\$13,500/Yr.	Eff: 5/1/85
Charlie A. Spaetti	4820 Stringtown	Dep. Pros.	\$13,737/Yr.	Eff: 5/1/85
Steve Bohlever	3604 Rodenberg	Dep. Pros.	\$14,671/Yr.	Eff: 5/1/85
Richard D-Amour	111 Main St.	Dep. Pros.	\$13,600/Yr.	Eff: 5/1/85

RE: EMPLOYMENT CHANGES - APPOINTMENTSSuperior Court

Michelle A. Link	Ct. Admin.	\$34,344/Yr.	Eff: 5/1/85
Mark A. Forster	MT Referee	\$33,300/Yr.	Eff: 5/1/85
Robert P. Carithers	Juvenile Referee	\$19,463/Yr.	Eff: 5/1/85

Auditor's Office

Sam Humphrey	1113 N. Villa Dr.	Chief Deputy	\$20,393/Yr.	Eff: 5/7/85
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Circuit Court

Robt. D. Montgomery	1274 Woodbine Ln.	Intern	\$140/Wek.	Eff: 4/29/85
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Burdette Park

Laura Hutchison	2026 W. Michigan	P.T. G. Crew	\$4.00/Hr.	Eff: 5/9/85
Jonathon Gugin	417 Schreeder Ave.	P.T. G. Crew	\$4.00/Hr.	Eff: 5/2/85
Richard Bender	1517 Western Hills	Rink D.J.	\$4.00/Hr.	Eff: 4/24/85
Greg Bruce	9800-A New Harmony	P.T. G. Crew	\$3.50/Hr.	Eff: 6/8/85
Kimberly Parker	4506 Greencove	P.T. G. Crew	\$3.50/Hr.	Eff: 5/9/85
James Jones	1808 N. Denby	P.T. G. Crew	\$4.00/Hr.	Eff: 5/8/85
Scott Christian	524 S. Grand Ave.	P.T. G. Crew	\$3.50/Hr.	Eff: 5/11/85
Jeff Craft	2834 Pennsylvania	P.T. G. Crew	\$4.00/Hr.	Eff: 6/3/85

Prosecutor

Sandra Millard	2251 E. Franklin	Investigator	\$17,747/Yr.	Eff: 5/1/85
Susan D. Johnson	709 S. Willow	Investigator	\$17,747/Yr.	Eff: 5/1/85
Susan G. Mattingly	940 Wessel	Paralegal Secy.	\$15,000/Yr.	Eff: 5/1/85
Earl E. Chandler	2805 Oak Hill Rd.	Dep. Pros.	\$13,000/Yr.	Eff: 5/1/85
Charlie P. Andrus	670 Audubon	Dep. Pros.	\$26,500/Yr.	Eff: 5/1/85
James E. Rode	1803 N. Roosevelt	Dep. Pros.	\$17,000/Yr.	Eff: 5/1/85
Robt. E. Zoss, Sr.	733 S. Lombard	Dep. Pros.	\$17,000/Yr.	Eff: 5/1/85
Richard D'Amour	111 Main St.	Dep. Pros.	\$15,000/Yr.	Eff: 5/1/85
Charlie A. Spaetti	4820 Stringtown	Dep. Pros.	\$15,000/Yr.	Eff: 5/1/85
Steve Bohleber	3604 Rodenberg	Dep. Pros.	\$15,000/Yr.	Eff: 5/1/85
Barbara Williams	2319 E. Mulberry	Dep. Pros.	\$14,000/Yr.	Eff: 5/1/85

Cooperative Extension Service

Gary Randall Brown	9828 Darmstadt Rd.	Youth Agent	\$8,868.30/Yr.	Eff: 5/6/85
R. Calvin Kimbrough, Jr.	429 Adams Ave.	P.T.	\$ 35.00/Day	Eff: 5/6/85

(continued)

COUNTY COMMISSIONERS
May 13, 1985

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Surveyor Bridge Crew

James Chris Baldi 945 Varsity Dr. Laborer \$7.27/Hr. Eff: 5/9/85

There being no further business to come before the Board at this time, President Willner declared the meeting adjourned at 4:45 p.m.

<u>PRESENT:</u>	<u>COUNTY COMMISSIONERS</u>	<u>AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	Robert L. Willner Richard J. Borries Shirley Jean Cox	Alice McBride	David V. Miller
	<u>COUNTY ENGINEER</u>	<u>COUNTY SURVEYOR</u>	<u>COUNTY HIGHWAY</u>
	Andy Easley	Bill Jeffers, Chief Deputy	Bill Bethel
	<u>AREA PLAN COMMISSION</u>	<u>BURDETTE PARK</u>	<u>AUDITORIUM</u>
	Barbara Cunningham Beverly Behme	Mark Tuley	Kim Bitz
	<u>OTHER</u>		
	News Media		

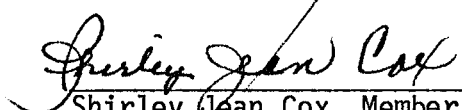
SECRETARY: Joanne A. Matthews

Distribution:

County Commissioners (5)
County Attorney (1)
County Engineer (1)
County Surveyor (1)
County Highway (1)
Area Plan Commission (1)
Vanderburgh Auditorium (1)
Burdette Park (1)
Building Commission/R. Lehman (1)
Harold Elliott (1)
Mark Owen (1)
Betty Hermann (1)
County Auditor (1)
Chief Deputy Auditor (1)
Gloria Evans/Claims (1)
DoLores Gugin/Payroll (1)
J. H. Rudolph (1)
News Media


Robert L. Willner, President


Richard J. Borries, Vice President


Shirley Jean Cox, Member

MINUTES
COUNTY COMMISSIONERS MEETING
MAY 20, 1985

<u>Subject</u>	<u>Page No.</u>
AGREEMENTS	
Modification of Agreement/U.S. Marshal's Service-----	Approved ----- 5-6
APPROVAL OF MINUTES -----May 13th meeting -----	1
AREA PLAN COMMISSION	
REQUEST FOR SIDEWALK WAIVER/PLAZA COURT SUB -----	Approved ----- 1-2
REZONING PETITIONS	
VC-10-85/1st Reading -----	Approved/Forwarded to APC ----- 2-4 & 9-10
VC-11-85/1st Reading -----	Approved/Forwarded to APC ----- 2
VC-5-85/3rd Reading -----	Approved ----- 2
VC-6-85/3rd Reading -----	Approved ----- 4
VC-8-85/3rd Reading -----	Deferred for (30) Days ----- 4, 9-10
BIDS	
N. Green River Road Drainage Improvement Project -----	1
*Deig Bros. (Evansville)-----\$29,544.00	
*B.M.B., Inc. (Inglefield) -----\$19,381.00	
*Bids taken under advisement for (1) Week	
Invitational Bids on Materials for N. Green River Road Project -----	8-9
*Kentucky Concrete Pipe (Owensboro) -----\$30,479.15	
*A&W Concrete Supply (Evansville) -----\$23,211.40	
*A. Easley to check with Attorney David Miller; bids in excess of \$15,000 should be advertised, etc.	
CLAIMS	
Gary Jeffers-----	\$44.00 (Bldg. Permit Refund)-----Approved ----- 13
David V. Miller -----	\$1,572.33 (Litigation) -----Approved ----- 13
Gene Adler -----	\$1,000 (Easement Purchase)-----Approved ----- 13
Key Construction (Mill Road)-----	Deferred for (1) Week ----- 5
COUNTY ATTORNEY	
Modification Agreement/U.S. Marshal's Service-----	Approved ----- 5-6
Autopsy Collections/County Coroner-----	Commissioners to contact State Senators and Representatives & request they obtain opinion from Attorney General --- 8
COUNTY ENGINEER - ANDY EASLEY	
Invitational Bids on Materials for N. Green River Road Storm Drainage Project--	(See BIDS above) ----- 8-9
N. Green River Road Storm Drainage/Installation-----	Bids to be taken under advisement for (1) Week (See BIDS above) ----- 1
COUNTY HIGHWAY - BILL BETHEL	
Weekly Absentee Report, Work Report & Work Schedule -----	5
COUNTY SURVEYOR (ABSENT)	
Bridge & Guardrail Repair Report -----	5
Claim/Key Construction (Widening of Mill Road)-----	Deferred for (1) Week until Surveyor is present to answer questions ----- 5
DRAINAGE DITCH - BURKHARDT ROAD -----Messrs. Easley & Morley to meet with Contractor in effort to reduce Excavation Charges, etc. ----- 11-12	
EMPLOYMENT CHANGES -----	13-14
EVANSVILLE PHILHARMONIC ORCHESTRA/LTR. OF COMMENDATION TO AUDITORIUM -----	10
EVANSVILLE-VANDERBURGH SCHOOL CORPORATION -	
Request to Construct Free-standing Bldg. on West Heights Property Parking	Lot for Apprentice School-----Approved ----- 9
HOLIDAY OFFICE CLOSING -----MEMORIAL DAY-----Monday, May 27th-----	10-11
POSTAGE INCREASE/PITNEY BOWES-----	Pitney-Bowes requesting \$2.00 rate increase effective August 15, 1985; Matter deferred for (30) days in view of proposal for new Postage Meter to be shared by City/County Units----- 10
SCHEDULED MEETINGS	
Mtg. with State Highway Commission on Tuesday, May 28th at 1:30 p.m. re I-164 and Lack of Bridges on Kansas Road, etc. -----	11
TRAVEL REQUEST - COUNTY AUDITOR-----	Approved ----- 13

MINUTES
COUNTY COMMISSIONERS' MINUTES
MAY 20, 1985

The Vanderburgh County Board of Commissioners met in session on Monday, May 20, 1985, at 7:30 p.m. in the Commissioners' Hearing Room, with President Robert Willner presiding.

The meeting was called to order at 7:35 p.m., with Chairman Willner entertaining a motion concerning approval of the minutes of the previous meeting. Motion was made by Commissioner Borries that the minutes of the meeting held on Monday, May 13th, be approved, as engrossed by the County Auditor, and the reading of same be waived. A second to the motion was provided by Commissioner Cox. So ordered.

RE: OPENING OF BIDS ON NORTH GREEN RIVER ROAD STORM DRAINAGE IMPROVEMENT PROJECT

President Willner entertained a motion that the County Attorney be instructed to open the bids received on North Green River Road Storm Drainage Improvement Project. A motion to this effect was made by Commissioner Borries, with a second from Commissioner Cox. So ordered. President Willner commented that two (2) bids had been received.

RE: COUNTY CORONER - CHARLES ALTHAUS

Chairman Willner announced that Mr. Althaus will not be present, as scheduled, tonight. He said that while he, personally, did not read it -- he understands there was an article in the local newspaper concerning the problems being experienced by Mr. Althaus in collecting autopsy fees. He did, however, have a check to present to the Commissioners at tonight's meeting from Muhlenburg County, Kentucky -- a county in Kentucky who decided to at least pay the first one. His efforts did, at least, pay off somewhat.

RE: REQUEST TO WAIVE SIDEWALKS IN PLAZA COURT SUBDIVISION

The Chair recognized Mr. Roger Klassy, who was present to speak concerning request to waive sidewalks in Plaza Court Subdivision. Mr. Klassy said as per letter submitted May 18th, he is requesting that the County Commissioners delete that requirement stipulated in Subdivision Code concerning sidewalk requirements in Plaza Court area. Briefly, the most recent submission is a re-run of the 1981 activity, where this particular subdivision was approved by all governmental authorities. It was approved in April, 1981, by the Plan Commission. Again, most recently, in May 1981, by the Plan Commission. The submission at this time includes only a reapportionment or realignment of the streets, providing less permeable surfaces. The drainage plan is still applicable; it is recorded. For all intent and purposes, it is still a usable and viable plan. The fact that the economic conditions in 1981 prevented the development of this subdivision without sidewalks leads them to believe that they have a valid request before the Commission. From their records, they show that the areas to the east (the most expensive or highest priced subdivision in the city, Carrolton Court, is developed entirely without sidewalks). The area that they developed and built back in the 1960's (Plaza Meadow Section A & B) which lies between East Walnut and Outer Lincoln, was developed without sidewalks. The area to the southwest (Plaza Terrace, Section C) is developed without sidewalks. As they see it, they have farmland on the west, farmland on the north -- and they're some 1,960 ft. northwest of the school property (Plaza School) and only 660 ft. had city sidewalks. Mr. Klassy said he would be glad to answer any questions the Commissioners may have but, basically, his comments and the earlier letter to the Commissioners pretty well covers his request.

The Subdivision Code, as he defined, is on P. 14 and addresses itself to the requirements for curbs, gutters and sidewalks. Certainly, they are going to build concrete streets with curbs and gutters. They are simply asking that the Commissioners waive the requirement for sidewalks since the subdivision was, in fact, approved in its entirety in 1981.

President Willner thanked Mr. Klassy for his comments and entertained questions from the members of the Board. There being none, President Willner asked if there are any persons in the audience who would like to speak concerning the sidewalk issue in Plaza Court? There being none, President Willner said that the ordinance does say, "The sub-divider shall provide sidewalks for all streets within the boundaries of the subdivision, including those within one (1) mile of the city limits, except where specially waived by the Board of County Commissioners of Vanderburgh County." He said there is probably one more criteria which should be included and that is that if there are any thru streets where a vehicle may trespass from one avenue to another Mr. Klassy said these are not going to front on Division.....but in a case like that, Mr. Willner said the Board should probably require sidewalks, because the vehicles may get up to a high rate of speed where they could not in a subdivision. Mrs. Cox asked how far does Walnut Street go thru here -- in addressing Mr. Klassy? Mr. Klassy said it extends west to their west line and

(continued)

east to Carrolton Court to Martin's Lane. In response to query as to whether it comes out on Burkhardt, Mr. Klassy said it does not.

The meeting continued with the Commissioners and Mr. Klassy reviewing site plan of the subdivision, streets, etc., and Mr. Klassy answering intermittent questions from the Commissioners.

There being no further questions, the Chair entertained a motion. Motion was made by Commissioner Borries that Mr. Klassy's request to waive sidewalks in Plaza Court Subdivision be granted. A second to the motion was provided by Commissioner Cox. So ordered.

RE: BIDS ON STORM DRAINAGE IMPROVEMENT ON NORTH GREEN RIVER ROAD

County Attorney David Jones said there were two (2) bids received, both of which were in proper order, as follows:

Deig Bros. of Evansville, IN	\$29,544.00
B.M.B. of Inglefield, IN	\$19,381.00

President Willner asked if anyone is present from the Surveyor's Office? No one was present. In response to query, Mr. Andy Easley, County Engineer, indicated he was handling this and they would like to award that bid tonight.

Mr. Willner asked that Mr. Easley review the bids and make certain that everything asked for on specs is indeed, in the contract, and get back to the Commissioners later in the meeting.

Commissioner Cox asked that Mr. Easley advise how much the bids figure per lineal foot?

Mr. Willner commented that there is a big difference between the two bids -- and asked that Mr. Easley make certain they are correct and get back to the Commissioners? Mr. Easley exited the meeting to study the bids.

RE: REZONING PETITIONS

VC-10-85/1st Reading: Petitioner is Rick Rideout. Requested change is from Agricultural to C-4. Property is located at 5221 Hogue Rd. Sewers are not available. Sanitary sewer is available; storm sewer is not. Present use of the property is residential. Mr. Rideout is requesting that the residential be changed to C-4 for a catering, packaging and shipping service. He plans to raze the present building and build a new structure. There is also a home on the property that is not going to be razed. Owner wishes the front of the property to remain residential and utilize the back for commercial purposes.

The Chair entertained a motion. Motion was made by Commissioner Borries that VC-10-85 be approved on 1st Reading and forwarded to the Area Plan Commission. A second to the motion was provided by Commissioner Cox. So ordered.

VC-11-85/1st Reading: Petitioner is Tom R. Wolf. Present zoning is Agricultural and requested zoning is R-1 and R-2. Property is located at 8820 Petersburg Rd. Sanitary sewers not available; storm sewers not available. They do have city water. The proposed use for property is thirty (30) single-family residences and fifteen (15) duplexes. The petitioner is seeking to rezone 51.58 acres R-1 and 17 acres for R-2. The property is surrounded by agriculturally zoned single family residences. Location is just north of Heinlein Drive on Petersburg Rd., within the actual city limits of McCutchanville. There being no one present to speak pro or con concerning subject petition, the Chair entertained a motion. Motion was made by Commissioner Borries that the petition be approved on 1st Reading and forwarded to the Area Plan Commission. A second to the motion was provided by Commissioner Cox. So ordered.

VC-5-85/3rd Reading: Petitioners are Ronald & Shirley Southwell. The Chair recognized Attorney Les Shively, who was present for purposes of addressing subject petition.

Mr. Shively said that, briefly, this petition is for 2701 W. Mill Rd. The purpose is a change in the zoning from Agricultural to R-2. To give some better idea of the uses of the property (he thinks the zoning classifications are somewhat misleading) Mr. Shively presented photos of the subject property, along with several photographs of the surrounding area. The purpose of the rezoning is for additional building being constructed on the subject property. Currently residing in this additional structure (a converted garage) are the son and daughter-in-law of Mr. and Mrs. Southwell. The additional building will have to be (as a matter of regulations) joined with the main building (home of the Southwells)

(continued)

--there will have to be an overhang or some sort of common roof area that will join both buildings. The staff field report noted concern regarding septic tank system. The septic tank system has been checked out by the Health Department and is functioning perfectly -- and is serving both the duplex units and the main building adequately. Mr. Shively said this was a concern and this concern has been met. He would also direct the Commissioners' attention to the fact that their packets contain a petition signed by the surrounding property owners who are aware of what Mr. and Mrs. Southwell intend to do and they have consented to this rezoning. The Commissioners will also note that there were no remonstrators present at the APC meeting -- and he does not believe there are any present this evening. Mr. and Mrs. Southwell and their son and daughter-in-law are present. Mr. Shively then entertained questions.

President Willner asked that the record reflect that the Commissioners are in agreement with a Petition -- Consent to Rezoning from fifteen (15) residents whom, he presumes, all live on Mill Road. Mr. Shively confirmed that this is correct.

Mr. Willner said a letter had been received from the Evansville-Vanderburgh County Health Department, as follows:

TO WHOM IT MAY CONCERN:

The property at 2701 West Mill Rd., owners Ronald Southwell and Steven Southwell.

A small building containing 3 rooms was constructed adjacent to 2701 West Mill Rd. This building was dyed by a representative of this department on January 22, 1985, as both residences are tied into one private sewage disposal system. The dye test was negative, which indicates that this system was functioning satisfactorily as of January 28, 1985.

Mr. Willner asked if both residents are still on the one system? Mr. Shively responded that that is correct. He talked with Mr. Angle (County Health Department) as late as this past Friday afternoon and he said that as far as he was concerned, January is the key time for testing those facilities -- and that is when he did the test. Unless there were some unforeseen circumstances, it would be his assumption that it is still functioning properly and as long as the set of duplexes being built now is the only additional building tied into the existing system he does not anticipate any problems.

Commissioner Willner said that, in relation to the foregoing, the Area Plan Commission passed this on to the Commissioners with no recommendation -- as there were five (5) affirmative and five (5) negative votes. The Chair then entertained further questions.

Mr. Shively interjected that he would note that one of the issues brought to the APC that he later followed upon was the issue of the test -- and he followed that up with discussions with Mr. Angle on Friday, which he thinks satisfies most concerns.

President Willner asked, "If this is granted this evening, will there be another driveway installed? Or, will all residents use the same driveway? Mr. Shively said that if Commissioner Willner will again review a specific photo, it will show adequate turnaround. Mr. Willner asked, "They will not require another curb cut? Mr. Shively said they will not. There is adequate turnaround -- and these are the only individuals who contemplate using the facility -- and they do not anticipate nor ask for an additional curb cut.

Commissioner Willner asked Attorney Jones if it is possible to approve this request with a stipulation that if this septic tank ever ceases to operate efficiently that they will forthwith install a dual system? Or does that have meaning?

Mr. Shively said they would agree to that -- if it ceases operation, they will take remedial action as necessary....according to Health Department Standards. They will make it a part of the minutes of this meeting that they will agree to do that if the Commissioners approve this rezoning.

The Chair entertained further questions.

Commissioner Borries said the only question that might come up -- he thinks the Southwells have a beautiful home and it's very well maintained; therefore, he sees no problem. But, at some point in the future, should they sell -- is it the Southwell's intention to build another structure? Or, are they going to keep it as it is at this point?

Mr. Shively said it is his understanding, after talking with the Southwells -- and they

(continued)

can correct him if he is in error -- is that it was built simply for the convenience of their son and daughter-in-law, until they can get into a position where they can build their own home (not on that lot, obviously, but on another location) and there is no intention to expand that or make their residence an income-producing situation. They have a beautiful home there and they won't even consider another family living in that situation -- unless it were a part of their family. They have a considerable amount of money (and, indeed, he thinks Mr. Southwell built the home) invested; not only do they have money invested, but they have sweat equity and pride in that home. He doesn't think they at all intend to make that an income-producing piece of property.

There being no further discussion, the Chair entertained a motion. Motion was made by Commissioner Borries that VC-5-85 (Petitioner/Ron & Shirley Southwell) be approved. A second to the motion was provided by Commissioner Cox. So ordered. President Willner then asked for a roll call vote, with the motion receiving three (3) affirmative votes.

VC-6-85/3rd Reading; Petitioner, Eden Investments: The Chair recognized Mr. Jerry Baugh, who was seated in the audience. Mr. Baugh approached the podium and said he represents Eden Investments, which is the owner and petitioner of approximately twenty (20) acres located on Evansville's east side. The location map, which is attached to the petition, is self-explanatory. But if there is any doubt, the property is just north of Eastland Place, just south of Boonville Highway and right in the middle of a cornfield at the present time...although it is presently zoned R-4. The request is that this property be rezoned to C-4 (General Commercial). This is the ever-expanding eastside commercial area in close proximity as it is to both Eastland Mall and Eastland Place and the commercial areas which are now north of Boonville Highway. The petitioner, in connection with the requested rezoning, has undertaken to build an extension of 1,900 ft. or thereabouts of Vogel Avenue, right thru the middle of the petitioner's property. At the present time, if the Commissioners have recently been up there, they will notice that just south of Harp's Fish Market Vogel Avenue is just beginning to be extended across -- that is east of Green River Road -- where it presently terminates. Their property adjoins Mr. Harp's property. Mr. Harp has approval for and has extended Vogel Road to the east edge of his property. Eden Investments will pick up at the point where Mr. Harp stops his construction of Vogel Road and extend it the additional approximate 2,000 ft. across their property. He believes the developer on the far side is George Ryan, and he will eventually be doing something about that as well. In connection with the rezoning, Eden Investments is attempting to rebuild the street and install the storm sewers and sanitary sewers and they are also giving to the County an easement for Royal Avenue, which is along the east edge of their property. This is a wholly logical development in Mr. Baugh's opinion. There was unanimous agreement in the Area Plan Commission on the desirability of this particular rezoning. There were no remonstrators and he is here today to answer any questions on the part of the Commissioners.

The Chair entertained questions. Commissioner Willner said that, as stated by Mr. Baugh, the APC did vote ten (10) affirmative votes. The statement is true on Royal Avenue and Vogel Road -- and for that, the County is appreciative.

Mr. Baugh interjected that they do hope that cooler heads prevail and that Royal Avenue is not opened to the south of Vogel Avenue. He thinks the Commissioners will find it much better for all concerned if it is only opened to the north. But should they decide to open it to the south, then the County has the easement. Commissioner Willner said that will probably come a little later. Although, due to the growth in that area, it might come quicker than we think. That does now finish Vogel Road up two (2) more parcels. Mr. Baugh said there are two (2) more parcels involved. Mr. Borries said that when this is extended thru, it will certainly ease the traffic off Green River Road at that point. Mr. Willner said that when Burkhardt is finished that will be another improvement in that area.

There being no further discussion, motion was made by Commissioner Borries that ---

Commissioner Willner interrupted by asking if there were any remonstrators in the audience who would like to remonstrate against VC-6-85? There being none, he entertained a motion.

Motion was made by Commissioner Borries that VC-6-85 (Eden Investments) be approved on 3rd Reading. A second to the motion was provided by Commissioner Cox. So ordered. The Chair then asked for a roll call vote. There were three (3) affirmative votes.

VC-8-85/3rd Reading; Petitioner, Hazel Fulton: The Chair asked if anyone is present to represent Hazel Fulton? There was no response. Commissioner Cox asked if the Board thinks that possibly there are some rezonings going on in City Council and someone could be in the wrong meeting?

COUNTY COMMISSIONERS
May 20, 1985

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Commissioner Willner asked that the record reflect that the Board will postpone this matter for a period of ten (10) minutes to see if counsel for the petitioner shows. Commissioner Borries commented that he had spoken with Attorney Larry Daly earlier in the day at Deaconess Hospital, but he did not indicate whether he would be attending tonight's meeting.

RE: COUNTY GARAGE - BILL BETHEL

Weekly Absentee Report: Mr. Bethel submitted Weekly Absentee Report for employees at the County Garage for period May 13 thru May 17, 1985.....report received and filed.

Weekly Work Report: Also submitted for the same period was the Weekly Work Report for employees at the County Garage.....report received and filed. Attached to the Work Report was the following Work Schedule:

Gradall: Mann Rd., Broadway, Baseline, Brookdale, Kirchoff, Speaker Rd. and Nolan Rd.

Paved: Baseline from Highway 41 to Old State Rd.

Grader: Long Rd., Hickory Hill, Newman, King Rd., Golden Rule, Old Henderson, Kleitz, St. Wendel and Waterworks Rd.

Mowed: Lynn Rd., Pollack Ave., Spry Rd., Fuquay, Indian Mounds Blvd., Polaris, Lincoln, Green River Rd., Millersburg Rd. & Browning Rd.

Patch: Kleitz, Peerless, Mels Dr., Drexel, Crestmont, Green River Rd., Kremer Rd., Lynn Rd., Heather Ct., Aspen Drive and Walnut Lane

Oil Roads: River Rd., Sensemeier and Telephone Rd.

Tree Creek: Woodland and Browning Rd., Tree down.

In response to query from Commissioner Willner, Mr. Bethel responded that they are just paving a section of Baseline Road -- not resurfacing the entire road per se.

RE: COUNTY SURVEYOR

President Willner stated that no one is present from the Surveyor's Office for tonight's meeting. However, he said he had received copies of the Weekly Bridge & Guardrail Repair Report -- and he proceeded to distribute same for period May 13 thru May 17, 1985..... Report received and filed.

Claim/Key Construction Co. (Widening of Culvert on Mill Rd.: Claim presented in the amount of \$9,274.50, which had been signed by County Surveyor Robert Brenner. The Board had questions concerning this claim and subsequently determined that the claim should be held until the meeting scheduled for May 28th, at which time it is hoped that any questions can be resolved.

RE: COUNTY ATTORNEY - DAVID L. JONES

U. S. Marshal's Service/Jail Improvement Project: Attorney Jones said he had the following request letter concerning transfer of funds in conjunction with the Jail Improvement Project, which had been forwarded by the U.S. Marshal's Service for the Commissioners' approval and signatures, as follows:

United States Marshal Service
Prisoner Support Division
Contracts Branch
One Tyson's Corner Center
McLean, VA 22102

Re: Contract No. 5-28-83
Vanderburgh County, Indiana, Jail Improvement Project

Attn: Mr. Joseph B. Enders

Dear Mr. Enders:

Request is hereby made for modification of the above-referenced

(continued)

cooperative agreement between Vanderburgh County and the U. S. Marshal Service regarding Jail Improvement Project Cooperative Agreement No. 5-28-83. Vanderburgh County requests the agreement to be modified to transfer the sum of Thirteen Thousand Six Hundred Eighty-four Dollars and Twenty-Six Cents (\$13,684.26) previously allocated to a Smoke Evacuation System No. 0043-28-83-SE and reallocate said amount toward the Exercise Area and Multi-Purpose Room No. 0041-28-83. These modifications will reflect the adjustments made in the project in the course of construction.

Very truly yours, "

BOWERS, HARRISON, KENT & MILLER

By:

David L. Jones, County Attorney

DLK:1rm

APPROVED by the Board of County Commissioners this 20th day of May, 1985.

By: Robert L. Willner
Richard Borries
Shirley Jean Cox

ATTEST:

Alice McBride, Auditor

Attorney Jones said the foregoing request will take care of what has already happened. There was a difference in the amount of those two items -- this project is now being completed and we're awaiting the final.....Commissioner Willner interrupted by asking, "And you would expect this to be approved?" Attorney Jones responded in the affirmative. The Chair entertained a motion. Motion was made by Commissioner Borries that the Modification Agreement be approved, with a second from Commissioner Cox. So ordered.

Attorney Jones presented the original and one (1) copy of the Agreement for execution, explaining that he needed to forward the original to Washington and the Auditor could retain the copy.

Autopsy Collections/County Coroner: Attorney Jones said, as the Commissioners know, this matter has been researched previously. He is of the same opinion that he gave Dr. Wilson in January 1984 with respect to these fees. However, there are two things he'd like to go back to that were in the original opinion letter in view of what is taking place with the Coroner in his autopsy collection attempts. There is an 1878 case on the books that says that -- now the general statute says that the Coroner can only perform autopsies for persons who die in the county. But there is an exception to that in this 1878 case. The only thing is that he can't find anything newer that says that this case is still good. So, in taking anything that moldy, it's like any other antiquity -- you wonder whether it will hold up to the current times or whether it crumbles into dust. A lot of old opinions, when challenged, do not hold up. When a person dies in one county but is buried in another, the Coroner for the county where the decedent is buried in the proper county to conduct an inquest -- and that is a 1878 U.S. Supreme Court Case..... not U.S., but Indiana Supreme Court Case. That could create some obvious problems if suddenly someone is brought in as they have been in many instances from other counties -- because we have larger and better and bigger facilities, etc., and we have hospitals, helicopters that go get them, etc. But they die here and the folks make arrangements for burial, then legally this case says we don't have to do the autopsy no matter what they want. If it's the question of the commission of a crime, then that tips off another set of circumstances. Thirdly, since that 1878 case the recodification of local government laws says that a unit of government can impose reasonable service charge for administrative functions. That being the case, he supposes the only thing left to take the leap of faith is performing an autopsy for another unit of government or somebody from another jurisdiction for which we can impose a fee. The letter to Dr. Wilson suggested that we try to obtain an opinion from the Attorney General.....and they haven't gotten anywhere with that. One of the things which the Commissioners could consider would be to authorize the County Attorneys to prepare an ordinance to pose an administrative fee, by ordinance, on autopsies performed for other units of government. Whether that will suffice, he cannot be certain. It appears to him that it is possible under the statute -- this is an administrative function that we perform, particularly when, as the older case

(continued)

says, the decedent is buried in another county, then that would appear to relieve our Coroner from any legal obligation to perform that function and, therefore, it would be administrative. The other statute requires that the County Treasurer pay the Pathologist. Because the Pathologist is paid doesn't mean that we can't put something back in there from another source. There is nothing prohibiting that, but there is nothing authorizing it either. It is not clear cut. We may pass it. Somebody may refuse; we may go after them and it may get challenged. He doesn't know. For a \$1,000 or \$2,000 fee, he doesn't know who is going to take up a \$5,000 appeal. That is the economics of statutes and their validity and their constitutionality. They stand until somebody challenges -- and then you see what happens. But it is his best and considered opinion that if there is any way to recoup that that it should be by ordinance; it should be under Indiana Code

which authorizes us to impose a reasonable service charge -- and that we simply attempt to set that up. Beyond that, he has no other solution and he can't absolutely tell the Board that this will suffice. It's the same opinion rendered before. But that's the outer limits.

Commissioner Willner asked if it would be the will of the Commissioners to instruct the County Attorney to write such ordinance, at which time they would review it and either approve or deny same?

Commissioner Cox said she doesn't know. Does this speak as to who signs the Death Certificate (in the 1878 case)? That's the big point. The law says that when the death occurs in the county, the County Coroner is responsible for issuing a Death Certificate and a lot of times that cannot be done without an autopsy. If we prepare an ordinance, it very well may be that the other counties will prepare ordinances. It's just like the reciprocal action between the sheriffs for serving process papers. Right now they do this as a reciprocal action. She would like to see the Legislature get in gear and change this so that the Vanderburgh County Coroner, whenever an accident happens in Warrick County and they bring the body to St. Mary's or Welborn and the death occurs here in Evansville -- to issue a waiver of that to the investigating coroner and the county in which the death occurred. She thinks that is the way this should be. Back at the time of the 1878 case, people didn't hardly go out of the county or cross the state lines; they didn't travel that much. But we have a lot of deaths occur here where the individuals are from New York, California, Texas, etc., etc. -- and she doesn't think we could use that 1878 ruling.

Commissioner Willner asked if the proper explanation of "home rule" is something that says you can do anything as long as it is not forbidden within the state statutes.

Attorney Jones interrupted by saying, "It has not been pre-empted by the State." There is a statute that says the Pathologist is to be paid by the County Treasurer, but there is nothing that says you can't take what you have to pay the Pathologist and pose that fee on someone else. There is nothing that forbids that -- it speaks to how he gets paid. But it doesn't say how the county gets reimbursed -- and that is where we stand. The second question is, "Is that an administrative function?" He doesn't know -- he hasn't found the law; is the performing of an autopsy an administrative function? If it's not administrative, is it obscurial? There are some questions there and that is why he can't say. That is why he says give it his best effort and prepare an ordinance and go after it. At least there is some authority there for posing it. He supposes that is what a county says now that gets a bill -- "What's the authority to impose it?" Right now all we can say is that we sent them a bill. If we had an ordinance, at least the ordinance would say they have to challenge the ordinance. If somebody goes beyond that and they want to take us to court and see whether the ordinance will stand, then we will probably be determining some new law in Indiana. Whether it is pre-empted by the state; whether it is legally required, etc., etc.

Commissioner Borries said he believes this is the only merit he can see. He believes that Commissioner Cox is correct; the Legislature needs to take action. But he doesn't think they are going to, because you probably have five or six counties who probably get the bulk of transient autopsies and situations (ours being one of them) -- if they are as tight-fisted as we try to be, he just doesn't think they are going to do anything.

Commissioner Cox said that at the time Dr. Wilson brought this up, she was under the impression that home rule gave you the authority to do anything that was not specifically prohibited by existing law. But she was told by Council at that time (three years ago) that anytime any monies were involved that this was something different and that it took an act of the Legislature to pass anytime we wanted to charge anyone for doing things, because she brought up the matter of Kentucky residents paying wheel taxes or delivery taxes on vehicles that come over here. Has that changed?

(continued)

Attorney Jones said that taxes are different; that is set by Legislature. An administrative fee is what he said we could do at best, and recommends same, because it is not as clear. Again, there is a statute that talks about who gets paid. They could say that it has been pre-empted -- that is where his uncertainty was at that time. He has not changed anything since that time. There has been no law change; the bases are still there. There has been as much interest under this coroner as under the previous coroner. There has been an attempt to pose a fee. He has talked with Mr. Althaus, as has David Miller. They dug out this opinion and gave that to him. All he is saying now is that in his efforts or anyone else's, this is the best that the County Attorneys can give from the legal standpoint.

Commissioner Cox asked if there has never been an opinion come down from the Attorney General?

Attorney Jones said, "Not in any way that touches this question." There have been opinions of the Attorney General that say which county would be responsible for performing the autopsy, but nothing that says one county can charge another. The only way that we're reaching on that is saying that provision under home rule to charge administrative fees -- but nothing that says whether an autopsy is administrative.

Commissioner Cox asked if issuing a Death Certificate would be an administrative function of the Coroner? Attorney Jones responded in the affirmative. Mrs. Cox said that that is directly tied in.

Attorney Jones said that is difficult to say. The State has set up this statute that says how autopsies are done, who does it, and even say how the Pathologist gets paid. But it is silent to the rest of it. Again, it was the same thing with Dr. Wilson that it is currently with Mr. Althaus -- he can't take it any further. If this thing has reached the point where the Board is willing to go further, then that is their best shot. Otherwise, we're exactly in the same spot as before. Except, now we have some people who have paid and some who have not. But the opinion has not changed.

The Chair entertained a motion.

Commissioner Cox stated, "We would be making an ordinance that we don't know whether or not it is legal -- that is what this boils down to?" Attorney Jones responded, "I wouldn't give you a one hundred percent guarantee on it."

Commissioner Borries queried Attorney Jones re our alternative? To ask the Attorney General for an opinion? Attorney Jones said he does not know whether the Attorney General will or will not give an opinion on this. But an opinion from the Attorney General would certainly carry more weight than a single ordinance of the county.

Commissioner Willner said the Commissioners could ask the Legislature to ask the Attorney General.

Motion was made by Commissioner Borries that the Board contact the State Senators and State Representatives and ask for the Attorney General's opinion re this matter. A second to the motion was provided by Commissioner Cox. So ordered.

RE: COUNTY ENGINEER - ANDY EASLEY

Green River Road Storm Drainage Improvement: Mr. Easley reported that he had perused the bids received on this project. The extensions are in order. He does think, however, that they should be taken under advisement for one (1) week, because there is an agreement with Mr. Neville that requires that the amount be adjusted. He has agreed to contribute so much to this specific project and that amount needs to be adjusted. Therefore, it is his recommendation that we take the bids under advisement for one (1) week. The Chair entertained a motion. Motion was made by Commissioner Borries that the awarding of bid on Green River Road Storm Drainage Improvement project be delayed for one (1) week. A second to the motion was provided by Commissioner Cox. So ordered.

Continuing, Mr. Easley said the Commissioners will recall that the county was to provide the material. They sought three (3) invitational bids on the material. One of the firms (Indianapolis Concrete Pipe) declined to bid. They did receive two (2) bids (delivered to his office): Kentucky Concrete Pipe (Owensboro) for \$30,479.15; A&W Concrete Supply (Evansville) bid \$23,211.40. This is something we're going to purchase and make available for the bid they aware for installation, labor and equipment. He said he thinks these bids can also be taken under advisement for a period of one (1) week.

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Commissioner Willner asked if there is some specific reason we took invitational bids? Mr. Easley said there are very few suppliers for concrete pipe in the area.

Commissioner Cox asked if they can take invitational bids for \$23,000 and \$30,000 on one project?

Mr. Easley said he spoke with David Miller and he advised they needed to seek bids on amounts in excess of \$15,000, so they went ahead and sent the bid package out to the three concrete pipe suppliers.

Attorney Jones said that anytime you go over \$15,000 you have to advertise bids....

Commissioner Willner said that perhaps the city did this; do they come under the agreement concerning the \$15,000?

Attorney Jones said all units of government come under this rule. Perhaps Attorney Miller thought it was between \$10,000 and \$15,000. The \$15,000 is what trips off the advertised bids.

Commissioner Willner asked that Mr. Easley check with Attorney Miller and see what his intentions were. If he tells him that he can go ahead and advertise bid, then Mr. Easley has authorization from the Commissioners to proceed with advertisement.

RE: REQUEST FROM SCHOOL CORPORATION RE EXTENSION/WEST HEIGHTS PARKING LOT

Commissioner Willner presented the following request from the Evansville-Vanderburgh School Corporation:

May 14, 1985

Board of Commissioners of
Vanderburgh County
City-County Building
Evansville, IN 47708

Dear Sirs:

As you are aware, the Evansville-Vanderburgh School Corporation leases the West Heights property at 1430 Harmony Way from the County. The building houses our Building Trades Apprentice School. This facility has served us well but, once again, we find that we are in need of additional room to provide expanded instructional programs.

We request that the County Commissioners permit the construction of a free-standing building, approximately 50' x 100', west of the parking lot. The building would be similar in style to the 1980 addition. The proposed building would be used as a training facility for Electrical Apprentices.

The International Brotherhood of Electrical Workers (IBEW) would fund the project in its entirety and arrange for the construction. The building would substantially improve the property.

We are very anxious to proceed with this project and would appreciate any consideration you can afford us. If any additional information is needed, please feel free to contact me at telephone 426-5036.

Sincerely,

Ardath K. Eskridge
Director of Practical Arts,
Vocational and Adult Education

Motion was made by Commissioner Borries that the request be granted, with a second from Commissioner Cox. So ordered.

RE: REZONING PETITION

With regard to VC-8-85 (Petitioner, Hazel Fulton) Commissioner Willner asked that the

(continued)

record reflect that the 3rd Reading of this petition will be deferred for thirty (30) days, in accordance with request by Beverly Behme of the Area Plan Commission. It was well within the ninety (90) day limit.

Commissioner Cox asked if she found out why no one was present tonight to speak concerning this petition? Commissioner Willner said she does not know; she will contact them in the morning.

Motion that VC-8-85 (3rd Reading) be deferred for thirty (30) days was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: INCREASE IN POSTAGE/PITNEY BOWES

President Willner said he has a letter from Pitney-Bowes indicating our postage machine will have a monthly increase of \$2.00. They presented a visual demonstration this evening to the county and have given us a quote of a new postage meter that will serve both the county and city. We are currently in the position of having a meter for each unit of government. The new meter would create a substantial savings, but they are going to talk to the city and get back to the Commissioners to let them know whether the city is agreeable to installing a postage meter shared by both units of government. The Chair then entertained a motion to approve \$2.00 monthly increase.

A motion to this effect was made by Commissioner Borries. Commissioner Cox asked when this \$2.00 increase becomes effective? Commissioner Willner responded that it becomes August 15, 1985. Commissioner Cox said that if we get another meter, then this is redundant.

Commissioner Borries said he withdrew his motion.

In view of the fact that we may be getting a new meter to be shared by both units of government prior to the August 15, 1985 date, President Willner indicated that this matter would be deferred for thirty (30) days.

RE: EVANSVILLE PHILHARMONIC ORCHESTRA

The following letter from the Evansville Philharmonic Orchestra was read by President Willner:

May 14, 1985

Mr. Kim Bitz
Vanderburgh Auditorium
715 Locust Street
Evansville, IN 47708

Dear Kim,

Though the applause from the All-Gershwin conclusion to the Philharmonic's 50th Anniversary season is still resounding in the auditorium, I want to take a moment to let you know how much I appreciate all of the assistance and support you have shown this year.

Without question, this Anniversary season has been a tremendous success for the Orchestra. Your encouragement and support have helped to ensure this success.

Accolades also to Les Sanders, and especially to Ruby Norris, for their hard work and assistance. On behalf of all of us involved with the Philharmonic, please accept my sincere thanks and appreciation.

Sincerely,

Stephen R. Vann

cc: Stephen R. Johnson, President
Vanderburgh County Board of Commissioners
Auditorium Advisory Board

RE: OFFICE CLOSING FOR MEMORIAL HOLIDAY

President Willner announced that the County offices will be closed on Monday, May 27th,
(continued)

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in observance of Memorial Day. Thus, the Commissioners' meeting will be held at 2:30 p.m. on Monday, May 28th. Drainage Board Meeting will be held immediately subsequent to the Commissioners' meeting.

RE: SCHEDULED MEETINGS

The Chair queried Board members concerning other scheduled meetings. There were none, with the exception of the meeting scheduled with State Highway Commission (Lee Gallivan and Rex King) concerning I-164 and lack of bridges on Kansas Road. Meeting scheduled on Tuesday, May 28th, at 1:30 p.m.

RE: OLD BUSINESS

Drainage Ditch/Burkhardt Rd.: The Chair recognized Mr. Jim Morley, who was seated in the audience. He approached the podium and advised he has the date on the Change Order for the drainage ditch on Burkhardt Rd. But this has problems. Just slightly before this project was bid, the idea (which he assumes originated with the City Engineer's office perhaps in conjunction with the County Surveyor's office of dropping the drainage of this ditch) they did not want to hold up bidding time and said to handle it via change order afterwards. The contractor had given some rough estimates of cost via phone. When we received the actual proposed cost from the contractor, the change for the extra ditch excavation originally proposed at the time this was typed was \$150,000. Today, Bill Lucas of the State Highway was on the telephone for two or three hours with the contractor trying to get justification for the cost. The contractor came back with another cost, dropping it from \$17.90 per lineal foot to \$12.33 per lineal foot, for a cost of \$103,880.25. This is for the excavation alone on the ditch. The price stands right now -- the contractor is proposing that he be paid \$103,880.25 to deepen the ditch; that he be paid \$47,802.35 to do the modifications to the box culvert under Division Street -- to deepen it; that he be paid \$800.00 for 80 tons of stone bedding; that he be paid \$4,928.00 to increase guardrail length from 6'3" to 7'3", as requested by the State Highway. Along with the deepening of the ditch and moving it out, there are a lot of locations where guardrail can be deleted. The items where we had unit prices where there are deletions on this job -- are \$22,800.04. But we have increased items \$157,410.60 less \$22,800.04 for a net cost to deepen the ditch of \$134,610.56. In addition to that, to deepen the ditch we require right-of-way acquisition from the Euler parcel and he doesn't know the appraised value on that. Mr. Lucas said that he would not approve this amount for reimbursement by the state of 75%.

Commissioner asked, "What was his reason?" Mr. Morley said that Mr. Lucas said the price was too excessive. The prices are approximately six (6) times the estimate given to us about two weeks ago. The contractor says he made a mistake, that that was not nearly enough -- now that he's looked at it hard, he wants \$12.33 per lineal ft. for excavation.

Commissioner Cox asked if Mr. Morley thinks that if Mr. Lucas tries again that the contractor would drop it another \$5.00 to \$6.00 per lineal ft.? Mr. Morley said he knows for a fact that he worked on it about three hours this morning -- back and forth via phone-- to go back over the original quantities of excavation. The contractor changed his price this morning from the \$17.90 to \$12.33 (a drop of \$5.00). Mrs. Cox said that if Mr. Lucas calls him again, maybe he'd drop it another \$5.00 to \$6.00. Mr. Morley said he doesn't know. But we are in a situation where it isn't just the \$134,000 of which the county pays the 25%. If the State won't participate, then it's \$134,000 right away entirely at the county's expense.

Mr. Easley interjected that the Euler property is a very small part of it...they want less than \$5,000.

Commissioner Borries asked Mr. Morley what he sees as our alternatives?

Mr. Morley said one alternative would be not to make it a part of this project. If we didn't make it a part of this project at all -- we let them go ahead -- first of all, the pipes that they are putting in under the Hirsches driveway (only about 4 large pipe structures) to replace those narrow constricting box culverts that are out there. The drainage flow out there is one of the key items. We could let them go ahead and do that ditch just as the flow line is designed and originally set up by the county to drain from the box culvert control on Division on a straight grade to Morgan and then come back in as the County Drainage Board and do a reconstruction of Crawford-Brandeis Ditch, drop the ditch whatever we want (1, 2 or 3 ft.) and take those four (4) box culverts and drop them at the same time. They are new culverts; they are in place; we simply dig down and lower

(continued)

them. What do you dredge a ditch for? On a major reconstruction out in a ditch, you pay something like \$3.00 per lineal ft.

Commissioner Willner interjected that the total cost would be at the expense of the property owners in that watershed. Mr. Morley said that is correct; the actual cost to the county is nothing.

Mrs. Cox asked if this project is not supposed to help drainage on city property, also? Is the city going to participate with some of the funds, because they get the bulk of the wheel tax money and also the gas tax money that is coming down? Mr. Morley said that if this goes into the county's drainage project, she is correct. The city pays the assessment for all portions of the drainage basin that is within the city limits, whereas the county people pay as individual taxpayers.

Commissioner Borries asked what Mr. Lucas will allow? Mr. Morley responded that he does not know.

Mrs. Cox said she thought the cost was going to be \$3.00 or \$4.00 per ft., that is what the Board was told. Mr. Morley said that is what we were told only two weeks. He appeared before the Board and the matter was discussed -- the estimate we got from the contractor. We've got an estimate now.

Commissioner Borries asked if the contractor ever put the initial cost on paper? Mr. Morley said he did not.

Mr. Easley interrupted by saying he thought the Commissioners approved a change order that had been approved by Lucas. Mrs. Cox said there were three (3) change orders on Burkhardt Road which she recalls the Commissioners approving. This was one of them.

Mr. Easley said he believes that he and Mr. Morley should pay the contractor a visit.

Commissioner Willner requested that Messrs. Morley and Easley meet with the contractor to see what can be done.

Mr. Morley said that in the interim, we may want to approach with caution the final closing on the Euler parcel. Or, maybe we need it anyway.

Mr. Borries lowering that ditch will really help, because that thing is so flat out there.

Mr. Morley said the Commissioners may want to have the County Attorney investigate the State Drainage Law as it relates to our power to tell the State Highway that they shall lower the ditch. Whenever he worked for the State Highway, he came up on this very same situation. At that time, the state was building box culverts with no bottoms in them, because of a couple of cases that came up. It was found that it didn't make a bit of difference as to the expense, but if the County Drainage Board declared that a certain flow-line was to be applied to a ditch, the State had to comply; there were no questions asked. That happens to be almost \$47,000 of this particular change order -- dropping a box culvert under Division Street. The Drainage Board would have to say, "This is the flow-line we're going to establish, let a dredging contract and go out and drop the ditch to what they want. Then tell the State to get their Division plans fixed up. They are in the design process -- they have time. We would expect that that would happen when they let the contract in a year or two.

Commissioner Cox asked if the State isn't aware that we have problems out in that area? They should. Mr. Morley advised that they don't particularly care -- other than drainage of the highway. Their job is drainage of highway-- not drainage portions of a city or a county.

Mrs. Cox said it is also holding back water they created by putting the road in from not going on to other residents, too. They put in retention ponds and lakes alongside the highway.

Commissioner Borries asked that Mr. Morley and Mr. Easley talk with the contractor this week -- and we will be having a drainage meeting on May 28th.

Mr. Morley said the Board really shouldn't sign the change order at the moment. For if they sign it, they are going to pay for all of it.

(continued)

President Willner requested that Messrs. Morley and Easley keep the Commissioners advised.

RE: TRAVEL REQUEST - COUNTY AUDITOR

President Willner continued the meeting by reading the following travel request letter from County Auditor Alice McBride:

TO: Vanderburgh County Board of Commissioners
FROM: Alice McBride, Vanderburgh County Auditor
DATE: May 16, 1985
SUBJECT: Travel Request

The purpose of this letter is to request permission to attend the State-called meeting of Auditors and Deputies to be held on May 29 and 30 in Indianapolis. Additionally, I will be taking Peggy Powless (First Deputy) with me. We will share a hotel room.

A copy of the letter from the State is attached herewith and is self-explanatory.

Thank you in advance for your consideration in this matter.

Alice McBride

Motion was made by Commissioner Borries that the request be granted, with a second from Commissioner Cox. So ordered.

RE: CLAIMS

Gary Jeffers: Claim in the amount of \$44.00 for building permit refund. Motion to approve claim for payment was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

David V. Miller: Claim in the amount of \$1,572.23 for litigation/pending matters. Motion to approve claim for payment was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Gene Adler: Claim in the amount of \$1,000.00 for five (5) additional feet of easement purchased by Vanderburgh County in conjunction with revision of an agreement, changing footage from 25 to 30 feet for the installation of a drainage ditch. This additional footage is being purchased from Gene Adler in the Mann Road Settlement. Motion to approve claim was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: EMPLOYMENT CHANGES - RELEASES

Pigeon Township Trustee

Jacqueline Adcock	1141 W. Heerdink	Clerk	\$ 12,500/Yr.	Eff: 4/26/85
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Prosecutor

Allen Loosemore, Jr.	8374-A Lincoln	Dep. Pros.	\$19,000/Yr.	Eff: 5/20/85
Cynthia Hansen	8006 Heather	Dep. Pros.	\$18,000/Yr.	Eff: 5/20/85

RE: EMPLOYMENT CHANGES - APPOINTMENTS

Prosecutor

Donna Kaye Bennett	509 Old Cannon Way	Secretary	\$5.00/Hr.	Eff: 5/13/85
Allen Loosemore, Jr.	8374-A Lincoln	Dep. Pros.	\$20,000/Yr.	Eff: 5/20/85
Cynthia Hansen	8006 Heather	Dep. Pros.	\$19,500/Yr.	Eff: 5/20/85
J. Michael Woods	5413 N. Fares	Dep. Pros.	\$19,500/Yr.	Eff: 5/28/85

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There being no further business to come before the Board at this time, President Willner declared the meeting adjourned at 9:05 p.m.

PRESENT:

COUNTY COMMISSIONERS

Robert L. Willner
Richard J. Borries
Shirley Jean Cox

COUNTY AUDITOR

Alice McBride

COUNTY ATTORNEY

David L. Jones

COUNTY HIGHWAY

Bill Bethel

COUNTY ENGINEER

Andy Easley

AREA PLAN COMMISSION

Beverly Behme

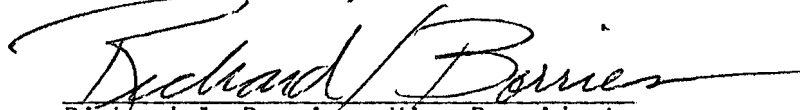
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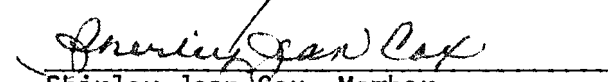
Roger Klassy
Les Shively
Ronald Southwells
News Media

SECRETARY:

Joanne A. Matthews


Robert L. Willner, President


Richard J. Borries, Vice President


Shirley Jean Cox, Member

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MINUTES
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MAY 28, 1985

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County Line Rd. Bridge (at Ruston Lane)-----Specs are complete; project deferred until next year -----	3-4
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MINUTES
COUNTY COMMISSIONERS' MEETING
MAY 28, 1985

The Vanderburgh County Board of Commissioners met in session on Monday, May 28, 1985, at 2:30 p.m., in the Commissioners' Hearing Room, with President Willner presiding.

The meeting was called to order at 2:45 p.m. by President Willner, who entertained a motion concerning approval of the minutes of the previous meeting. Motion was made by Commissioner Borries that the minutes of the meeting held on Monday, May 20th, be approved as engrossed by the County Auditor and the reading of same be waived. A second to the motion was provided by Commissioner Cox. So ordered.

RE: OPENING OF BIDS

President Willner announced that there were three (3) bid openings scheduled today, as follows:

- 1) Removal and Replacement of Bridge #77 on Millersburg Rd.
- 2) Roadway Construction/Bridge #77 on Millersburg Rd.
- 3) Hot Asphalt Paving of Bridges & Culverts

He then entertained a motion that the County Attorney be authorized to open all bids. A motion to this effect was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Absentee Report: Mr. Bethel submitted the Weekly Absentee report for employees at the County Garage for period May 20th thru May 24th.....report received and filed.

Weekly Work Report & Schedule: Also submitted for the same period was the Weekly Work Report. Attached to the Work Report was the following Work Schedule:

Gradall: Mann Rd. and Peerless Rd.

Grader: Baehl, Schmitt, Bixler, Kirchoff, Eichele, Nunning, Schmuck, Summertime, Melody Lane, Green River Rd., Lenn, Old Green River, Nurrenbern, Heerdink, Hornby, Mann, Creamery Rd., Kimbell, Mimosa, Calf Lane, Oak Grove and Magnolia.

Paving: Section of Browning, Lenn Rd. and Baseline Rd.

Patch: Old Princeton Rd., Eissler Rd., Park, Hogue Rd., Eichoff Rd., Creamery Rd., Nurrenbern Rd., Campbell, Boonville-New Harmony, Oak Hill, Middle Mt. Vernon, Peerless, Red Bank, Pollack and New Green River

Mower: Broadway, Nurrenbern, Boonville-New Harmony, Browning, Old Petersburg, Old State, St. Joe Avenue, Baseline and Old Princeton.

RE: VANDERBURGH AUDITORIUM - KIM BITZ

Specs for Repaving Auditorium Parking Lot: Mr. Bitz said he noted that County Engineer Andy Easley has not yet arrived at this meeting. He has, however, compiled a set of specs for repaving the Auditorium Parking Lot and Mr. Bitz is requesting permission to advertise subject specs.

Commissioner Willner asked if we're going to repave the entire area and reset the concrete abutments? Mr. Bitz said that is correct -- and purchase new ones where necessary.

Commissioner Willner asked if Mr. Easley had given Mr. Bitz a different kind of design? Mr. Bitz responded in the affirmative, saying a different traffic flow design has been worked out and, hopefully, there will be a few more parking places.

Commissioner Willner asked if we're going to coordinate this project with our new parking lot gates? Mr. Bitz said that is what they plan to do, if they can advertise notice to bidders on the repaving and get the bids in, etc.

In response to Commissioner Willner's query as to whether the material is in for the new gates, Mr. Bitz responded in the negative. He said it will be one (1) more week before said materials arrive.

(continued)

COUNTY COMMISSIONERS
May 28, 1985

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Commissioner Willner then asked if the gates will be definitely installed before the repaving? Mr. Bitz said they will.

The Chair entertained approval of the specs for advertising. A motion to this effect was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: REQUEST FROM WELBORN HOSPITAL TO LAND HELICOPTER AT AUDITORIUM

President Willner read the following letter, received from Welborn Hospital:

"May 14, 1985

Mr. Kim Bitz
Vanderburgh County Auditorium
715 Locust Street
Evansville, IN 47708

Dear Mr. Bitz:

As per our telephone conversation on May 13th, I would like permission to allow the Life Flight helicopter to land on the lawn of the Auditorium on June 22, 1985.

The helicopter would be on the ground from 11:30 a.m. until 1:00 p.m. This request is to allow persons who will be attending the Tri-State Emergency Medical Seminar, at the Executive Inn, an opportunity to view the helicopter.

We will make arrangements for security of the helicopter and for traffic control during landing and take-off.

Thank you for consideration of this request.

Sincerely,

Joe E. Gamble
EMS Coordinator

JEG:mcs
pc: Warren Hankins

Mr. Bitz said he doesn't know whether this would involve our getting some sort of Certificate of Insurance from Welborn, etc.

Commissioner Cox asked if they want to use the parking lot? Mr. Bitz responded, "No, they want to use the lawnacross the street from the Executive Inn.

County Attorney Jones asked if Mr. Bitz has checked with the county's liability insurance carrier? He said he also doesn't know whether they can land the helicopter in that area. Have they checked with the Federal Aviation Administration? Mr. Bitz said that, according to Welborn's letter, they are taking care of all those arrangements. Mr. Jones said, "Not our liability, though."

Commissioner Willner said the letter does not say that they have contacted the F.A.A.

In response to Commissioner Willner's query, Commissioner Borries said he would like for them to send a copy of the letter to our county agent of record, Mr. John Hodge. He would like to see the Board get his recommendation on that.

Commissioner Willner asked if Mr. Green doesn't have a heliport on top of the parking garage? Mr. Borries said he does -- and so does Welborn.

Commissioner Cox said she doesn't like the idea of landing the helicopter on the lawn at all. We have a sign there; we have other wires, etc., and she doesn't think this is a good place to have it. And she knows people will be walking across the lawn to look at the helicopter. They are not just going to view it from across the street. We've had problems in keeping any kind of landscaping, grass, etc., at the Auditorium looking half way decent anyway.

Commissioner Borries said that, subject to F.A.A. approval and approval from our agent of record concerning liability, he would move that the request be granted.

(continued)

County Attorney Jones said that Welborn should also agree that they will be responsible for any damage to the building, the lawn, etc., in addition to any injuries, etc.

Commissioner Willner asked if we should give Welborn the parking lot rather than the lawn?

Commissioner Borries said, "What about all the people?"

Commissioner Cox asked, "When is this going to be?"

Commissioner Willner said it will be on Saturday, June 22nd. Commissioner Borries said that since it is on Saturday, why couldn't they land on the parking lot?

County Attorney Jones said they are not renting the auditorium. They are renting Bob Green's facility but want to land on our property -- and not pay us a thing for it. He thinks this is a bad deal for the county.

Commissioner Willner pointed out that there is no lawn whatsoever across the street.

Sheriff Shepard had entered the meeting briefly and commented that they need a 60' x 60' landing space; they have worked with them -- and they need 60' wide and 60' long space to land.

Commissioner Willner said a motion has been made that Welborn needs F.A.A. approval and sufficient insurance on everything.

Commissioner Cox provided a second to the motion. So ordered.

RE: VANDEBURGH AUDITORIUM - COLUMN WORK

Mr. Bitz announced that the work on the exterior columns at the Auditorium has been completed by Baker, Inc. and turned out nicely.

RE: COUNTY SURVEYOR - ROBERT BRENNER

Mr. Brenner said he gathers we had a little success on our venture concerning the closing of Kansas Road today. Commissioner Willner said, "I wouldn't say that, but we got their attention."

Bridge on Heckel Rd.: Continuing, Mr. Brenner said there is a similar problem with bridge on Heckel Rd. There is a 157 ft. bridge that will service 10 or 12 houses and the bridge will cost at least \$1/4 million to replace. The current structure (a 3-span bridge) is falling down. They have done a lot of surveying out in this area. The section of the proposed road going north -- there is 20 ft. dedicated to the county and 10 ft. dedicated in the east-west road. The state is building the new frontage road (he pointed to area on map, as he showed it to the Commissioners). The Surveyor said he would propose that we buy an additional 30-ft. going north and an additional 40 ft. and build a road there. We can build a 24-ft. wide gravel road for under \$30,000. Commissioner Borries asked what we'd do about the existing structure? Mr. Brenner said we would tear it down. Heckel is going to dead-end at I-164 anyway. Mr. Brenner said he has already made up the easements for the right-of-way. The Commissioners can go out and look at it. There is a dirt road out there now, which goes back to a junk yard...and Mr. Spencer could get out on Millersburg Rd., since we're building a new bridge up there.

Commissioner Willner asked if Mr. Brenner would like to make an initial inquiry on the two proposed sections and report back to the Commissioners. Mr. Brenner said he'd like to attempt to get the right-of-way. It very possibly will be donated to us, if we build the road -- because it opens that whole area up. It is high enough for subdivisions and they are getting a free road. He asked if the Commissioners are interested? Mr. Willner said, "Certainly. He doesn't say we'll do it yet -- but we certainly want to investigate the possibility. He asked that Mr. Brenner keep the Commissioners informed.

County Line Road (at Ruston Lane): Discussion on this matter began with Commissioner Willner noting that Ruston Lane keeps cropping up when, in fact, this should be County Line Road (at Ruston Lane). The surveyor had a Notice to Bidder and cover sheet of plans for bridge on County Line Road (as discussed with the State Highway Department). Mr. Jeffers said this is Bridge #106 on County Line at Ruston, for which Vanderburgh County Council appropriated \$ 85,000 last month. The specs are complete and the Notice to Bidders needs to be signed by the Commissioners, then advertised twice in both local papers. Bid opening is scheduled for June 24th.

(continued)

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Commissioner Willner asked if he requested the surveyor to bid 500 ft. of roadway on either side of that bridge? Mr. Jeffers said he asked them to paving 500 ft. on each side, but they found they could not do that within the \$185,000 appropriation, due to the

Commissioner Willner interrupted by saying they could do this on another claim ----- if extra money were appropriated.

Mr. Jeffers continued by saying they are tapering into the existing roadway about 100 ft. on either side.

Mr. Brenner said the contractors have more work than they can handle and nobody wants to do the work. They gave the bidders unlimited time and they are still way over the engineer's estimate. They will withdraw their proposal at this time and come back on this project next year.

Commissioner Cox said she thought we needed this bridge! But Mr. Willner pointed out that she was confusing this with Millersburg Road bridge, on which we're opening bids today. He's getting to this right now.

Bridge & Guardrail Repair Report: Mr. Jeffers distributed copies of the Weekly Bridge & Guardrail Repair Report for period May 20th to May 24th.....report to be received and filed.

RE: BIDS ON HOT ASPHALT PAVING OF BRIDGES & CULVERTS

Attorney Jones stated that the Engineer's estimate was \$46.00 per ton. There were two (2) bids received, as follows, both of which were in order:

<u>J. H. Rudolph (Evansville):</u>	Hot Bituminous Binder #9	\$57.90 per ton
	Hot Bituminous Surface #11	\$57.90 per ton

<u>Rogers Group (Bloomington, IN):</u>	Hot Bituminous Binder #9	\$58.85 per ton
	Hot Bituminous Surface #11	\$65.63 per ton

Mr. Jeffers said the surveyor's office would recommend that the bids be rejected because they are over 5% over the engineer's estimate. They had expected four (4) bids today and only received two (2). Mr. Brenner said he does not feel the engineer's estimate of \$46.00 is out of line.

Commissioner Borries said he has one question. The price of petroleum is going up. What is the surveyor going to do then? Are they going to re-advertise bid or what?

Mr. Jeffers said that last year they had one (1) bidder or (2) -- and the price was \$47.69. They expected four bidders today and, again, due to the major nature of the projects and the method in which the asphalt is applied that their estimate of \$46.00 per ton was not out of line. They will check with the City Engineer to see what the city is paying for the same type of job.

It was the consensus that the two (2) bids received today should be rejected and if the county wants to re-advertise at a later date they can do so. Evidently the contractors have all the work they want and they are playing the dollar game now. He then entertained a motion to reject the bids. Motion to this effect was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: BIDS ON REMOVAL & REPLACEMENT OF BRIDGE #77 ON MILLERSBURG ROAD

Attorney Jones said the engineer's estimate on this project was \$129,000.00. There were three (3) bids received, as follows; all of which were in order:

Rig-Mar Contracting Co. (Evansville)	\$160,630.15
Deig Bros. (Evansville)	\$172,000.85
Key Construction Co. (Evansville)	\$176,284.20

The Chair entertained questions. There being none, a motion was entertained. Motion was made by Commissioner Borries that the bids be rejected, with a second from Commissioner Cox. So ordered.

(continued)

RE: BIDS ON ROADWAY CONSTRUCTION - BRIDGE#77/MILLERSBURG ROAD

It was noted by Attorney Jones that the engineer's estimate on this project was \$121,000.00. Three (3) bids were received, as follows, all of which were in order:

Key Construction (Evansville)	\$ 135,932.50
J. H. Rudolph (Evansville)	\$ 135,869.60
John Mans	\$ 100,726.73

Comment was made that it was too bad that Mr. Mans did not bid on the removal and replacement of the structure, itself.

Mr. Jeffers said the surveyor's office might want to recommend that the bids be taken under advisement; and, if possible, they could work out something whereby they would build the road first. Maybe if the contractors for the bridge see that the road is complete and they have perfect access to the creek.....

Commissioner Willner interrupted by urging that the surveyor's office check the totals on the bids. It seems that Rig-Mar was the low bidder on the removal and replacement of the structure. Combined with Mr. Man's bid of \$100,726.73, this would be a total of \$261,356.88.

The Chair entertained a motion that bids on both projects be taken under advisement for period of one (1) week and the motion to reject bids be recinded. A motion to this effect was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

RE: MILL ROAD WIDENING PROJECT - KEY CONSTRUCTION (CLAIM)

Commissioner Willner said the Board had held claim from Key Construction Co. on Mill Road widening project in the amount of \$9,594.50 last week, until such time as someone from surveyor's office could be present to clarify same. Mr. Jeffers noted the claim had been reduced to \$9,274.50 (a reduction of \$320.00). He explained that Key's portion of the work is complete. Mr. Willner asked if the road is open? Mr. Jeffers said it is not yet open. But his crews should have it open late today or tomorrow. Mr. Willner asked if there is any retainage here? Mr. Jeffers said there is not. What had happened was that they had an item in the bill that should have been included in the cost of the concrete. This was clarified with Key and they knocked off the \$320.00. Mr. Jeffers said the work had been completed to the satisfaction of the surveyor. The Chair entertained a motion concerning corrected claim. Motion was made by Commissioner Borries that the claim be approved for payment, with a second from Commissioner Cox. So ordered.

RE: ACCEPTANCE OF CHECK FOR GUARDRAIL DAMAGE - DUANE WILLIAMS

Mr. Jeffers submitted a check from Farm Bureau Insurance for Duane Williams in the amount of \$205.00 for guardrail damage, etc. Motion to accept check for endorsement was made by Commissioner Borries, with a second from Commissioner Cox. So ordered. (Quietus #14286)

RE: COUNTY ATTORNEY - DAVID JONES

Letter to County Offices re Applicability of Fair Labor Standards Act: Attorney Jones questioned whether a letter has ever been sent to all county offices and departments about the applicability of the Fair Labor Standards Act? He said this was to have been sent out by the Commissioners or the Auditor's office...the opinion letter which was drafted. He doesn't think any of the offices have received it. It needs to be authorized and distributed.

Commissioner Willner said that Attorney Jones can correct him if he is wrong, but he thought we were waiting -- the other night when they attended the Indiana Association of Counties meeting -- they said a test case or an opinion from the Attorney General would be forthcoming within a week or two on just that question. Is that not correct?

Attorney Jones said he doesn't know anything about an Indiana Attorney General's opinion as to a U.S. Supreme Court Case -- it wouldn't be worth much.

Commissioner Willner said he thinks the opinion was to be on whether it covered salaried workers or something to that effect, rather than hourly workers.

Attorney Jones said he didn't agree with the things the State had already told the

(continued)

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Commissioners. He doesn't think the state people are following the law. This thing is governed by Federal Law; there is no state aspect to it. The letter which the County Attorney's office gave to the Commissioners contained what is set forth in the Federal Statute as to who is covered and who is not -- and it sets forth the different tests to determine what employees are covered and which are not. They are basically professionals, contractual, executives and one other category. And he would think that each officeholder who receives the letter should be able to go thru his or her roster and determine which employees in their office are covered and which are not -- and then each office knows and we're off and running. But the longer this thing goes, the more danger there is that we are accruing overtime that has to be paid in cash at time and a half instead of one per one. There are a lot of things that probably have to be flushed out and that case itself got sent back down to decide whether it is retroactive and how far back. But we know enough on what they did say to take some action on it, notwithstanding whatever else anybody does. He doesn't know what the state is going to do about it -- but it's a Federal matter.

Commissioner Willner said the opinion letter would be passed on to the county offices in due time.

RE: E.U.T.S. - INTERSECTION ACCIDENT ANALYSIS

The Chair recognized Rose Zigenfus, Environmental Planner for E.U.T.S. Ms. Zigenfus said that before David Gerard (Director of E.U.T.S.) left town, he conducted an Intersection Accident Analysis. What she has to present today is the report compiled. She knows the Commissioners have been looking for a list, and this will be presented to them at the end of today's meeting.

Commissioner Willner said what he thinks he said is that the Commissioners asked for such a report -- and the newspapers carried it several weeks ago and the Commissioners had never seen it. He found this odd. Ms. Zigenfus said she apologized for the delay. It should have been presented to the Commissioners before it got to the local news media; but somehow that did happen. President Willner indicated there was no problem.

Continuing, Ms. Zigenfus said the study shows the number of accidents within Vanderburgh County, the accident rate for those intersections and the accident severity. She has a copy of the report for each of the Commissioners. If there are questions, she will be happy to try to answer same. Intersections with five or more accidents are listed. She will be providing President Willner with a list of intersections with all the way down to "zero" accidents. High accident intersections included St. Joe & Allen's Rd. (25); Ruffian Way & U.S. 41 (13); Diamond Avenue & St. Joe (12); Boonville-New Harmony and S.R. #67 (7). These figures were compiled throughout 1984. Even though some intersections have a lot of accidents... this doesn't necessarily mean that they have a high accident rate -- and this is all spelled out in the criteria. What happens is that when an accident occurs at St. Joe & Allen's Lane, they try to determine property damage (if there was property damage) and whether there was personal injury or fatality and assign it a number of points and then calculate the severity. The last part of the report details the suggested improvement for those three aforementioned intersections.

Commissioner Willner suggested that Ms. Zigenfus give the Commissioners a couple of weeks to review the report. Perhaps they will call her at the end of that time if they have further questions.

RE: COUNTY HIGHWAY ENGINEER - ANDY EASLEY

Lynch Road Environmental Impact Statement: Mr. Easley reported that he did get in touch with McKnight's office concerning the Lynch Road Environmental Impact Statement; he talked with Larry Jones (since Jim McKnight was gone). He said he would have Mr. McKnight get back with us tomorrow. They need to have a meeting to discuss whether any realignment is necessary because of Warrick County's comments on their not being able to participate. They say that is the only thing up in the air -- and then they can wind up the report.

Commissioner Willner asked if this is one Commissioner in Warrick County? Or, is this a Board decision which he was bringing to the State Highway Department? Commissioner Borries interrupted by saying that there has been no Board decision on this of which he is aware. The individual in question is a member of the E.U.T.S. Board and has repeatedly expressed concerns about their inability to fund certain projects. However, if he (Borries) is correct, he does not think they have taken any official action.

(continued)

Mr. Easley said that perhaps a joint meeting with the two county boards is in order if Mr. McKnight is going to come to Evansville. Commissioner Willner said that we certainly should find out whether this is one man's opinion or whether that is the consensus of the Commissioners in Warrick County. If it is, then he guesses we could go ahead with the project on our own. Or, we have a choice of stopping at Green River Road. He knows that Zayre Corporation is certainly looking at that road to extend to I-164 and that is what it should do.

Commissioner Borries noted that Mr. Lee Gallivan of the Federal Highway Administration is in the audience today....but this is not good planning....that we would even continue to I-164 if there were not an adjoining road on the other side. Thus, he thinks we must get a determination of what Warrick County wants to do. They are not going to have to come up with their share immediately; they'd have some options....maybe increased funding from gasoline tax, etc., that would help them. He doesn't think that Warrick County has ruled it out; he does, however, think they have some concerns. They had some concerns on Covert Avenue extension -- and those are resolved. This is the other one they had some concerns on -- so we need to ask for help there. Their's was not going to be a four-lane anyway; it was going to connect with Telephone Road.

Mr. Gallivan said the project was going to be developed based on the right-of-way for a four-lane facility all the way to Telephone Rd. But the initial construction east of the Interstate was going to be for two lanes. The original draft called for an earlier curve just to the east of the Interstate tying into Telephone Rd. The preferred alignment in the draft extended the alignment before it came back to Telephone Rd. So there is the question mark -- which one do we want? Initially it is going to be set up as a four-lane facility, but built from a two-lane road.

Commissioner Willner expressed appreciation to Mr. Gallivan for his comments. He then requested that Mr. Easley set up a meeting between Vanderburgh County Commissioners and Warrick County Commissioners, since some of the pre-structure construction on I-164 is beginning. In response to Mr. Easley's query as to suggested time, Commissioner Willner said it should be at the Warrick County Commissioners' convenience. He would imagine that, in view of the Zayre Corp., an I-164 spur into Warrick County is as advantageous to them as it is to Warrick County. He agrees that when it comes to dollars you have to prioritize, but they need to do that, too. Such a meeting would at least reveal their thinking and we can go from there.

Claim/Morley & Associates: Mr. Easley presented a claim to Morley & Associates in the amount of \$27,586.66 for construction engineering services on Burkhardt Rd. for the month of April. He has checked the claim and signed it and recommends approval. Motion to approve claim was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Change Order/Burkhardt Road Ditch: Commissioner Willner said he understands that the change order on the ditch has not been signed by the state. Mr. Easley said it is in the hands of Lee Gallivan. Mr. Gallivan said he has not yet had an opportunity to look at the change order. However, the concept is what they considered to be acceptable, providing they get a bit more descriptive explanation and the hydraulics. But the price has been drastically reduced, which makes it a little more palatable.

Mr. Easley asked if Mr. Gallivan received his letter of some three to four weeks ago? Mr. Morley explained that what Mr. Gallivan wanted was a letter justifying the project -- why the ditch should be deepened, why the Feds should share the cost of deepening the ditch, etc. Mr. Easley said the letter was addressed to the State (Vincennes office) with a copy to Mr. Morley. If Mr. Gallivan doesn't have the letter, Mr. Easley said he will provide him with a copy.

Additional Right-of-Way (Euler): Mr. Easley said he spent some two hours yesterday morning with Mr. Euler, concerning the additional right-of-way we need for this change order.

Commissioner Willner asked if Mr. Easley has been talking with Mr. Roger Klassy concerning the idea of Mr. Euler? He seemed to have some new information of which Commissioner Willner wasn't aware. Mr. Easley said he has not spoken with Mr. Klassy. Commissioner Willner said that Mr. Klassy is here today -- and perhaps Mr. Easley should speak with him after the meeting. Perhaps Mr. Klassy has something he wants to say publicly -- but he thinks that he and Mr. Euler had some prior discussion concerning the drainage, so perhaps Mr. Easley would like to touch base with Mr. Klassy on this.

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Acceptance of Streets - Valley Downs II: Mr. Easley presented the following letter, prepared by Sam Biggerstaff of Associated Land Surveyors & Civil Engineers, Inc.:

April 15, 1985

Board of County Commissioners
Room 305, Civic Center
Evansville, IN 47708

Re: Valley Downs II

Gentlemen and Mrs. Cox:

We are, at this time, requesting approval of the construction of the following streets:

- 1) Hunter's Trace: from Autumnwood Drive to Saratoga Drive 641 L.F.
- 2) Hunter's Court: from Hunter's Trace North 130 L.F.
- 3) Quail Hollow: from Autumnwood Drive to Saratoga 748 L.F.
- 4) Quail Hollow Court: from Quail Hollow Northeast 213 L.F.

Very truly yours,

Sam Biggerstaff

Recommended for approval:

Ralph A. Easley

May 10, 1985.

Mr. Easley said that he and Mr. Bethel inspected two streets in Valley Downs II subdivision several weeks ago (Hunter's Trace and Quail Hollow). They found the pavement to be in very fine shape. There were two inlets that needed a little work (they were not properly sealed around the castings). That work has now been completed and they request acceptance of these streets. He said he believes Mr. Bethel can verify that there were no cracks in the concrete and the streets seems to be very well constructed. Thus, it is his (Mr. Easley's) recommendation that the aforementioned streets be accepted for county maintenance.

Commissioner Cox asked if she understood Mr. Easley to say that the items which needed to be corrected have now been corrected? Mr. Easley confirmed that they have. Motion was made by Commissioner Cox that the subject streets be accepted for county maintenance --as outlined by Mr. Biggerstaff in his memo. A second to the motion was provided by Commissioner Borries. So ordered.

County Bridge Sufficiency Rating/Purdue University: Mr. Easley said he has a printout of the County's Bridge Sufficiency Rating as reported by the Indiana Department of Highways to the Federal Highway Administration for 1985. This is an official sufficiency rating. Mr. Easley said we haven't performed our inspection yet; we are still waiting to have the bridge inspection contract approved by the State. But the one bridge about which we are all concerned is on Fulton Avenue..which received a 58.80 rating.

Commissioner Willner asked if they take our last report and then apply some magic equation to come up with a 1985 rating? Commissioner Borries said that specific bridge was a 51 point something the last time it was rated. The bridge is older and he can't understand how the rating went up. Some things get better with age -- but he doesn't think that bridge does.

Commissioner Willner requested that the record show that Mr. Easley did issue a 5/13/85 Sufficiency Rating to the Commissioners.

(continued)

RE: BUILDING COMMISSION - ROGER LEHMAN

Weeds at Upper Mt. Vernon & Red Bank Rds.: The Chair recognized Mr. Roger Lehman from the Building Commission office. Mr. Lehman said that a very influential person in the community had asked him if he would bring a specific matter to the Commissioners' attention. He, of course, told his wife that he would! Upper Mt. Vernon & Red Bank Rds. (fairly close to his habitat) has weeds about four (4) ft. tall. It is very difficult to see around the corners. He doesn't know whether the Commissioners have been taking any action on this matter. If not, perhaps they could do so before someone gets "smacked" -- particularly his wife. Commissioner Willner asked if Mr. and Mrs. Lehman own a lawnmower? Joking aside, Commissioner Willner asked if Mr. Bethel is still in the meeting room? Mr. Lindenschmidt said he is not -- but he had just handed him a note concerning this problem prior to his departure.

Weed Problem on Briarwood Drive: Commissioner Cox advised Mr. Lehman that she has something for his attention. A Mrs. Cabrera of 7821 Briarwood Drive came into the Commissioners' office. She had been to the Building Commission office and was told that since this property is in the county that they could not act without some kind of documentation from the Commissioners. Mrs. Cox said that Mrs. Cabrera has a neighbor with high grass and weeds. She will provide Mr. Lehman with Mrs. Cabrera's phone number and asks that he take care of this. Mr. Lehman said that Mrs. Cabrera must have talked with someone from the Code Enforcement area, as he never tells people this -- he always tells them he will take care of the problem as best he can.

RE: COUNTY AUDITOR - COMPUTER SYSTEM CHANGE REQUEST

President Willner presented a Computer System Change Request, which had been submitted by County Auditor Alice McBride, explaining that he assumes she is asking for an update in the penalty program to reflect change in state law, revise state tax sale program (which was changed by State Law), to include number of months delinquent, penalty and interest; program to include courtesy letter to the taxpayer. Increase field size to 8 digits in exemption column. And last, to increase exemption field to include government, non-profit, enterprize zones, etc. Mr. Willner said these are being asked in order to comply with state law. The changes will require 56 hours of programming. Sixteen (16) hours of this are required to conform to state law and, therefore, will be done at no charge. Forty (40) hours of this are for system enhancement. There will be a one time cost of \$1,000.00. Mrs. McBride has not indicated whether she has the \$1,000 in her budget. Following brief discussion, Commissioner Borries said he believes there is money in the conversion -- when they went off the NCR system, Alice had budgeted a certain amount last year in advance of this change. He does not think all of that money was used for her NCR system.

Commissioner Cox asked that since this is state-mandated, it doesn't have to go the Data Processing Committee for study and recommendation? Mr. Lindenschmidt remarked that this request was brought to him by Pulse Systems. Commissioner Cox said she thinks it should go to the Data Processing Committee. The Chair entertained a motion. Motion was made by Commissioner Cox that this request be referred to the Data Processing Committee and subsequently returned to the County Commissioners for their decision at a later date. A second to the motion was provided by Commissioner Borries. So ordered.

RE: ACCEPTANCE OF CHECKS FOR REFUND OF INSURANCE PREMIUMS

President Willner said that Mr. Jim Lindenschmidt is in receipt of a couple of checks which he wants to explain.

Mr. Lindenschmidt said he has a check for year 1/1/82 to 1/1/83 and 1/1/83 to 1/1/84 from Hartford Insurance Co. (through the Torian Agency) which came into John Hodge, our agent of record. This check is for premium refunds for those two years in the amount of \$25,202.00. He said that Mr. Hodge has sent the following letter to the Torian Agency:

May 20, 1985

Mr. Paul Torian
Torian Agency
P. O. Box 3647
Evansville, IN 47735

Dear Paul,

(continued)

COUNTY COMMISSIONERS
May 28, 1985

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Thank you for the payroll audit reports for Vanderburgh County for 1982 and 1983. We acknowledge also receipt of your check for \$24,847.48.

We have prepared our check for \$25,202.00 and forwarded it to the insured.

After a discussion with the insured, I was directed to request from you a reasonable amount of interest on their return premium amount which was due the insured in April of 1983 and 1984. I agree with the insured and feel that a delay of this length warrants some compensation for loss of use of the money.

Using a conservative rate of 7% annual interest, this total is \$2,756.00 (\$5,953.00 + \$8,219.00 = \$14,172.00 x .07 = \$992.00 per year x 2 = \$1,984.00 for 1982 report. \$15,888.00 - \$4,858.00 = \$11,030.00 x .07 = \$772.00 for 1983 report. \$1,984.00 + \$772.00 = \$2,756.00).

Please provide the check from the appropriate party to Board of Commissioners, County of Vanderburgh, and forward to our office for delivery.

Your attention to this matter is appreciated.

Very truly yours,

HELFRICH INSURANCE AGENCY

John D. Hodge
Agent-of-Record
County of Vanderburgh

JDH/seb

The Chair entertained a motion concerning acceptance of subject check. Motion was made by Commissioner Borries that the check be accepted and endorsed, with a second from Commissioner Cox. So ordered. (Quietus No. 14288)

Attorney Jones said that prior to endorsing the check, "With reservation of all rights" should be written on the back of the check (and he proceeded to do so).

Mr. Lindenschmidt submitted a second check -- from Home Insurance Co. -- in the amount of \$2,701.00 for premium for year 1/1/84 to 1/1/85. Attorney Jones said he would make the same recommendation concerning this check. The Chair then entertained a motion. Motion was made by Commissioner Borries that "With reservation of all rights" be written on the back of the check, and the check accepted and endorsed, with a second from Commissioner Cox. So ordered. (Quietus No. 14287)

RE: ACCEPTANCE OF CHECK FROM SCHOOL CORPORATION - RENT FOR WEST HEIGHTS SCHOOL

President Willner presented a check from the general activities fund of the Evansville-Vanderburgh School Corporation in the amount of \$1.00 for rent for West Heights School for 9/3/85 to 9/1/86. Motion was made by Commissioner Borries that the check be accepted and endorsed, with a second from Commissioner Cox. So ordered. (Quietus #14285)

RE: ALEXANDER AMBULANCE SERVICE, INC. - MONTHLY REPORT (4/30/85)

Commissioner Willner submitted a monthly report for period ending April 30, 1985 from Alexander Ambulance Service, Inc.....report received and filed.

RE: CERTIFICATES OF INSURANCE

Gilbert C. & Audrey F. Schiff: Wedding Reception to be held in the Gold Room at the Civic Auditorium on June 29, 1985.

Wild West Concessions: Souvenir/Gift Shop at Burdette Park.

RE: COUNTY TREASURER'S OFFICE - DAVID L. JONES

Attorney Jones said that the Board of Commissioners had previously advised County Attorney Miller and himself to monitor the situation with respect to the Treasurer's office. He did obtain a copy of the State Board of Accounts Report on Friday and prepared letters

(continued)

(which have not yet been mailed) attaching a copy and putting the bonding companies and all insurance companies that carried any kind of policy to cover that situation on notice and, as of Friday, that was the first time they could do so. They simply tracked it. But up to that time they had no confirmation that there was any amount for which we could file a claim. He has now done that. There is more than one company involved -- so they will have to have their time to sort through and sift it out. But the County Attorneys will track this at the instruction of the Commissioners.

Commissioner Willner asked if Attorney Jones divulged a dollar limit -- he just put them on notice?

Attorney Jones said they simply said that we are putting them on notice that we are making a claim against those policies that were in effect for the years cited in the report and -- attached a copy of the State Board of Accounts report as the authority for any proof that there was, in fact, something missing and what the basis of it was. It may be that they will come back and reserve their rights against us and wait and see if there is anything more definite or additional information. But they have initiated that process to protect the county's interest.

Commissioner Willner thanked Attorney Jones for this report and asked that he keep the Board of Commissioners informed. He asked if it is the role of the Commissioners that at the time we find a dollar amount that we go ahead and inform them of said amount? Is that correct?

Attorney Jones said that at this time the report cites an amount of something like \$100,000.00. It could be subject to change. But we need to put them on notice immediately. The other problem is that there will be a deductible in one.....one company only covered a part of it for one (1) year. The shortages are alleged over a period of time, which spills into different coverages by different companies and they each have other insurances clauses which talk about their pro-rata participation. It will take a normal sorting and sifting process with insurance claims to work itself out.

RE: SCHEDULED MEETINGS

May 28th 4:00 p.m. - Drainage Board Meeting, immediately subsequent to Commissioners Meeting

May 30th 4:00 p.m. - E.U.T.S. Meeting

June 3rd 5:00 p.m. - Board of Zoning Appeals Meeting

RE: CLAIMS

Helfrich Insurance Agency: Claim in the amount of \$1,514.00 on Public Employees Legal Liability policy, which was a premium charge of \$14,068.00 and a premium credit of \$13,554.00, leaving a total of \$1,514.00. Motion was made by Commissioner Borries that the claim be approved, with a second from Commissioner Cox. So ordered.

Helfrich Insurance Agency: Claim in the amount of \$3,794.00 for Business Auto Policy, adding Units #107, 108 109, 110 and 111. Motion to approve claim was made Commissioner Borries, with a second from Commissioner Cox. So ordered.

Eileen Stanton (S&N Homes): Claim in the amount of \$173.00 for building permit refund. Motion to approve claim was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: EMPLOYMENT CHANGES - APPOINTMENTS

Superior Court

Toni Brinson (return from Maternity Leave)	Asst. Clk.	\$14,489/Yr.	Eff: 5/20/85
Brenda Robbins	Clk. Asst.	\$ 2,500	Eff: 5/20/85

Convention & Visitor's Bureau

Kathy Snodgrass	399 S. Alvord	Info Cntr.	\$3.75/Hr.	Eff: 5/18/85
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COUNTY COMMISSIONERS
May 28, 1985

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Prosecutor

Christian Michael Lenn 2800 Saratoga Dep. Pros. \$19,000/Yr. Eff: 5/28/85

Burdette Park

Sharon Jankowski	6912 Cliftwood	P.T.G.C.	\$ 4.00/Hr.	Eff: 5/13/85
Tracy VanZant	101 S. Peerless	"	"	"
Lori Wagner	R.R.#10, Box 160	"	"	"
Gregory Topper	1906 S. Red Bank	"	"	5/09/85
Michael Gerard	7601 Hogue Rd.	"	"	5/15/85
Andrew Branham	6000 Apple Grove	"	"	5/10/85
Dona Barton	3721 Koresse1	"	"	5/15/85
Leisa M. Good	11540 Village Lane	"	"	5/16/85
Beth Minton	10515 Olivia St.	"	"	5/14/85
Brad Norman	R.R.#2, Box 63	"	"	5/18/85
Charles Coleman		"	3.50/Hr.	5/20/85
Mark Matison		"	3.50/Hr.	5/21/85

There being no further business to come before the Board at this time, President Willner declared the meeting adjourned at 4:10 p.m.

PRESENT:

COMMISSIONERS

Robert L. Willner
Richard J. Borries
Shirley Jean Cox

AUDITOR

Sam Humphrey,
Chief Deputy

COUNTY ATTORNEY

David L. Jones

COUNTY ENGINEER

Andy Easley

COUNTY HIGHWAY

Bill Bethel

COUNTY SURVEYOR

Robert Brenner
Bill Jeffers

AUDITORIUM

Kim Bitz

E.U.T.S.

Rose Zigenfus

BUILDING COMMISSION

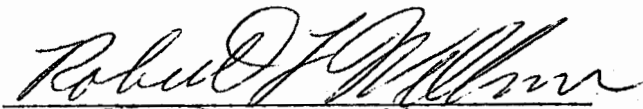
Roger Lehman


OTHER:

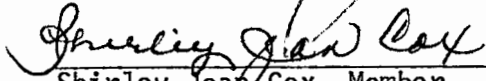
News Media

SECRETARY:

Joanne A. Matthews


Robert L. Willner, President


Richard J. Borries, Vice President


Shirley Jean Cox, Member

MINUTES
COUNTY COMMISSIONERS MEETING
June 3, 1985

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MINUTES
COUNTY COMMISSIONERS MEETING
JUNE 3, 1985

The Vanderburgh County Board of Commissioners met in session on Monday, June 3, 1985, in the Commissioners' Hearing Room at 2:30 p.m., with President Robert Willner presiding.

Since it was the first meeting of the month, the meeting was called to order by Sheriff Clarence Shepard, who declared the meeting in session pursuant to adjournment.

President Willner entertained a motion concerning approval of the minutes of the previous meeting. Motion was made by Commissioner Borries that the minutes of the meeting held on Tuesday, May 28th, be approved as engrossed by the County Auditor and the reading of same be waived. A second to the motion was provided by Commissioner Cox. So ordered.

RE: POOR RELIEF/PIGEON TOWNSHIP

James Pflug/614 Main Street: The Chair recognized Mr. James Pflug, who approached the podium. He was accompanied by Mr. Keith Story, who said he is with Mr. Pflug today as an arbitrator -- and he resides at 200 E. Chandler Street in Harrisburg, IL.

Mr. Pflug had been released from Welborn Hospital on April 20th following knee surgery on April 8th, and was seeking rent assistance from the Pigeon Township Trustee. His request had been denied because the Trustee's office had helped to purchase a bus ticket to Tacoma, Washington, in July 1984 -- at his request. He had hoped to obtain employment in that locality. Unsuccessful in his endeavors, he subsequently returned to Evansville.

Commissioner Willner said that Mr. Pflug had appeared at the Commissioners' Meeting held on Monday, April 22nd. At that time, the Commissioners determined that Mr. Pflug would have to wait until the 18-month period was up which, according to the Trustee's Guidelines, is the required waiting period for further assistance whenever a ticket for transportation has been issued at the applicant's request.

Mr. Pflug said that he went back into the hospital on April 27th and subsequent to his appearance at the April 22nd meeting, he has filed for S.S.I. and made application for the food stamp program. He said at no time was the workfare program mentioned to him by the Trustee's office.

Commissioner Willner read from the April 22nd minutes of the Commissioners' Meeting as follows:

"Mr. Pflug was advised that the consensus of the Board was that the Pigeon Township Trustee has acted in good faith and no help will be forthcoming from that office until the 18-month period has expired."

He asked Mr. Pflug if he understands what this is saying? The Trustee's office gave him a bus ticket and he was going to another destination. That constitutes an 18-month period of no help from that date, in accordance with the Trustee's Guidelines.

Mr. Story interrupted by stating he was here today as an arbitrator for Mr. Pflug. He said Mr. Pflug's situation has changed dramatically. His present physical condition is not allowing him to maintain a job or look for a job. As stated by Mr. Pflug, he has filed for S.S.I. (Mr. Story has the papers in his hands if the Commissioners want to peruse same.) Also as stated by Mr. Pflug, had he been advised previously by the Trustee's office of the Workfare program, he could have worked this off so he could get assistance via the Township Trustee. He would have been more than glad to have done anything he could. However, as of now he is physically unable to do that. Mr. Story said he is sure there are other guidelines that would allow him to get some assistance until such time as he is able to maintain a job and/or seek employment.

Commissioner Willner asked Mr. Story if he can give a reason why Mr. Pflug, in all good faith, did take the bus ticket from the Township Trustee and then did not even stay in Tacoma?

Mr. Story said he cannot answer that question, but will let Mr. Pflug answer that question, personally.

Mr. Pflug said he went to Tacoma. Everything was union out there and he could not get a job. He did not know the area and he figured he had a better chance of getting a job by returning to Evansville. He came back and went to work in two (2) weeks.

(continued)

President Willner said that what he is saying is that the Township Trustee has a set of rules by which they disperse funds from their Township. One of their rules is that if they give an individual a bus ticket back to his home, or last place of residence or to someplace he wishes to go -- that they will not give any further assistance for an 18-month period. That is one of their rules and the Board of Commissioners is not able to override their rules. The Board is here to see that their rules are followed. Thus, the Board has no way to help Mr. Pflug until the 18-month period is up.

Mr. Story said the Trustee's rules also include the workback arrangement. Commissioner Willner said that is correct. After the 18-month period, when Mr. Pflug starts getting assistance from the Trustee -- they do have a workback program -- that is correct. Mr. Pflug interrupted by saying the Trustee had a workback program at the time he applied for assistance and they did not say anything to him about it.

Commissioner Willner said that is the Trustee's prerogative. Some people are not able to participate in the workback program -- so that is not a big problem.

Mr. Pflug said he could have.

President Willner entertained questions from members of the Board. There being none, he asked Mr. Pflug if there is anything else the Commissioners can help him with? If he needs other help, he would appreciate it if Mr. Pflug would try Legal Aid -- they might be able to help. But there is nothing else this Board can do.

Mr. Story asked if by "Legal Aid" Commissioner Willner means "Legal Assistance"? Commissioner Willner responded in the affirmative.

RE: CHAMBER OF COMMERCE - PAT O'DANIEL

The Chair recognized Mr. Pat O'Daniel of the Chamber of Commerce, who gave a presentation on Street & Transportation Management Program.

Mr. O'Daniel expressed his appreciation for being included on today's meeting agenda. He said he is a member of the Streets & Transportation Management Committee of the Chamber of Commerce. As such, he has been asked to make a presentation to the County Commissioners to suggest the establishment of a County Road Maintenance Plan. This plan would be constructive so as to identify problem areas in our county road system and identify those problems -- not that they are going to be repaired this year or in any other particular period of time -- but just to identify the problems that exist within the county road plan. They feel that such a plan would identify problems such as pavement condition, drainage conditions (which cause road deterioration) and traffic sign needs. This plan could then be converted into a cost of repair estimate. The county would then have a total need budget, which would identify the amount of money required to maintain our tremendous investment in the county road system. They envision the prioritization of the maintenance plan, based upon the size of the project and the traffic count that would be affected. They think the benefits of such a plan would enable the county to better utilize state and federal funding. They think that the prioritization is possible and that would insure that the funds spent would benefit the most needed projects based upon traffic count, based upon the people who will benefit. They also think that the plan will point out preventative maintenance projects such as drainage corrections, which could reduce costly emergency expenditures. They also think that such a plan would benefit the county officials in that it would give them a better idea of the total funds that would be needed in future years for maintenance. Therefore, they urge the county to establish such a plan in order to protect the investment in our county road system.

President Willner entertained questions from the Board. First, he said he would say that a plan is in the works now. It will probably be presented to the County Council on Wednesday, June 5th. This would be at least a first page draft of what the Council members want included that hasn't been included to date. Everything mentioned by Mr. O'Daniel is on there and more....and it is always interesting to note that when drainage is mentioned no one ever mentions width of right-of-way. It is pretty hard to get good drainage when you have a 20-ft. right-of-way. He wonders why someone doesn't say the main thing which should be included -- and the first thing we need before we have a good road is adequate right-of-way. But that is never said. It is always merely drainage or the road bed -- but it never gets to the real culprit -- and that is, why do state and federal highways have good drainage? Because they have wide right-of-ways. Just once he'd like someone to say, "the county doesn't have any right-of-way

(continued)

so they can't have good drainage!"

Mr. O'Daniel said he doesn't think they want to try to say how these things are resolved. He thinks they are more or less saying that if we do have an area of road that has a drainage problem that is causing deterioration of the road prematurely, that maybe the resolution is that we need to acquire more right-of-way and maybe that is something that is put into that plan in order to correct that maintenance. Or, maybe we need to put some piping in there or whatever. And that doesn't mean that we say, "o.k., call somebody and let's get that done". What they're saying is that we ought to have all those areas identified and then say, "this one area out here is really bad -- this is going to be a terrible problem this next winter -- so we ought to take our funds out of the budget we have this year." He really thinks this will help the county officials -- as it also gives them some justification of how they're spending money in one area versus another area. The county officials represent the voters; they put the officials in office. And they probably have someone on this road who says why are they fixing that guy's problem before you fix our problem over here? At least if they had something documented that said the engineers say that this is a prioritized project -- then they have something by which they can justify to the voters and residents of Vanderburgh County why this should be done first -- and here's where your project is on the prioritization list. They feel this might help the officials in this respect. In conclusion, Mr. O'Daniel said he had a "handout" which describes the plan in more detail than he has mentioned. He would point out a typographical error, however. They called it a "County Road Management Plan", where it should have said "County Road Maintenance Plan". The report doesn't address intersections, driveways, curb cuts, etc., in the county. It only address maintenance of the county roads, so that the county can establish and provide for funding to maintain those roads.

RE: BUILDING COMMISSION - ROGER LEHMAN

Mr. Lehman said he wanted to give a report on various projects which have been in progress in the county:

2400 S. Red Bank Rd.: One house was razed by the owner. One house remains, which is supposed to be in the process of being repaired. Repairs have not yet begun, so further action may be required. Nonetheless, one of the houses (the worst one) is gone.

2408 S. Red Bank: The house is being razed today. This is the property which belongs to Mr. Fisher (who lives in a bus in subject property). He is giving the contractor a bit of a hard time re keeping some of the junk, trash, etc. Therefore, Mr. Lehman requests the Commissioners' assurance that if Mr. Fisher raises a problem about having some of the trash hauled off and some of his personal things taken -- that it won't go back on the contractor, because it is not really his fault. There is a bunch of stuff there that basically needs to be gone.

Commissioner Willner advised Mr. Lehman that he can assure him that the Commissioners will stand by him.

2813 N. Grove: The house and shed have been razed and the trash cleaned up. It looks very nice out there -- so this one can be taken off the books.

6616 Upper Mt. Vernon: There have been no real changes in the conditions on Mrs. Huck property, other than the fact that the neighbors have been cutting her grass in the front.

Citation Procedure: Mr. Lehman said he wished to make comment concerning citation procedure in the county. Attorney David Jones has been kind enough to work with the Building Commission over the past few weeks and Mr. Lehman believes they have this worked out whereby they can reasonably issue citations for major ordinance violations and expect some results, where as in the past they have not been able to do that.

(continued)

RE: RESOLUTION TO APPLY FOR GRANT FROM THE STATE RE ZAYRE CORPORATION

Mr. Quentin Davis, Director/Metropolitan Development/City of Evansville was recognized by the Chair. He said what they have been working on with the County and T.J. Maxx is for the county to apply for a small city's block grant from the Indiana Department of Commerce, in order to carry out a storm sewer project that is essential for the Zayre/T.J. Maxx project on Lynch Road. In working with the Indiana Department of Commerce (because the DMD is used to working with grant regulations and procurement) they suggested that the DMD prepare the application and administer the grant under an Inter-Local Cooperative Agreement between the County of Vanderburgh and the City of Evansville. The grant amount would be approximately \$350,000. There would be no repayment required on the part of the county. There would not be any out-of-hand expenses on the part of the county but it would facilitate the project and, of course, would significantly contribute to the 750,000 sq. ft. initial stage. It makes it possible. They have already begun the Environmental Protection Act clearances and the Public Hearing to be held on June 17th in these chambers before this Commission would constitute the final technical phase of that. Thus, we could move very quickly on this.

The Chair entertained questions from the Board prior to entertaining a motion. Commissioner Willner said he thinks the fact that the county can help without any cost to them is something that very seldom comes their way. Mr. Davis said that is correct. The state, the county and city have all been working very closely on this with the Chamber of Commerce and the Zayre Corporation.

The Chair entertained a motion that the county apply for a \$350,000 block grant from the state for the storm drainage for Zayre Corporation, in accordance with the following Resolution:

A RESOLUTION OF THE BOARD OF
COUNTY COMMISSIONERS
AUTHORIZING SUBMITTAL OF AN
APPLICATION TO THE INDIANA DEPARTMENT OF COMMERCE

WHEREAS, the Zayre Corporation has announced plans to construct a one million square foot redistribution center for its T. J. Maax stores on a site in Vanderburgh County which is currently in an unincorporated area; and

WHEREAS, said project will create from 1,200 to 1,500 new jobs for the Evansville-Vanderburgh County area; and

WHEREAS, there are certain public improvements which need to be installed to facilitate the development of the redistribution center by the Zayre Corporation; and

WHEREAS, the State of Indiana, through the Department of Commerce, has available grant funds through its Industrial Development Infrastructure Program; and

WHEREAS, the Board of County Commissioners is the governing body of Vanderburgh County, Indiana and it desires to seek a grant from the State of Indiana for the purpose of constructing certain storm sewer improvements to serve the proposed Zayre Corporation development.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF VANDERBURGH COUNTY, INDIANA that:

SECTION 1. President of the Board of County Commissioners, Robert Willner, is hereby authorized to submit an application to the Indiana Department of Commerce seeking grant funds from the Industrial Development Infrastructure Program. Furthermore, he is also authorized to execute any documents necessary for the receipt of such grant, should a grant offer be tendered to Vanderburgh County.

SECTION 2. Robert Willner, President of the Board of County Commissioners and Quentin F. Davis, Executive Director of the Department of Metropolitan Development of the City of Evansville, are authorized to act in connection with the application and to provide additional information as may be required.

SECTION 3. This Resolution shall be in full force and effect, from and after its signing, by the Board of Commissioners.

(continued)

Adopted at a regular meeting of the Board of County Commissioners, held on the 3rd day of June, 1985.

BOARD OF COUNTY COMMISSIONERS
VANDERBURGH COUNTY, INDIANA

Robert Willner, President
Richard Borries, Vice President
Shirley Jean Cox, Commissioner

Motion was made by Commissioner Borries that the Resolution be approved and forwarded immediately to the State. A second to the motion was provided by Commissioner Cox. So ordered. The Chair then asked for a voice vote, with three (3) affirmative votes being cast.

Public Hearing: The Chair entertained a motion to publish Notice of Public Hearing to be held on Monday, June 17th in the Commissioners' Hearing Room at 7:30 p.m. A motion to this effect was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: ROADWAY PLANS FOR PLAZA COURT SUBDIVISION

The Chair recognized Mr. James Morley, who was seated in the audience, and asked if he had something for today's meeting?

Mr. Morley said that County Engineer Easley should have roadway plans for Plaza Court Subdivision. Only the drainage plans for Plaza Court were approved last week. He wants to get the front sheet of the roadway plans signed so he can run blueprints on those. He will try to run Mr. Easley down since he is not yet in the meeting room.

RE: COUNTY ROAD MAINTENANCE PLAN - MARK OWEN

Mr. Mark Owen, County Councilman, was recognized by the Chair. He approached the podium and said he wanted to voice his support for a County Road Maintenance Plan. He doesn't know whether the Commissioners have voted on subject plan or not. He thinks the Chamber has developed a proposal on a maintenance plan which they think is needed and Mr. Owen thinks this is an excellent way to approach the matter over the next four or five years -- to have some kind of formalized plan. He's sorry he was not in the meeting earlier.

Commissioner Willner advised that a County Road Maintenance Plan is already in the works and he won't go into detail. The Board appreciates his thoughtfulness, however. The front cover of the County's proposed program will be ready for Council approval at their meeting on Wednesday, June 5th, which will enable them to determine whether they wish any additions or deletions, etc.

Mr. Borries said he has no objection to recommending such a plan be developed. He does think our County Highway Department does an excellent job with the limited funds we have. As in all cases, however, the situations change. With the State Gasoline Tax increases, we hope we're going to have more money available than in the past -- and as long as we're able to look at a game plan where you can still call audibles at the line to use someone else's comments here -- he thinks that is o.k. But he does think we have to have a way to be very flexible in a situation like this. Emergencies do occur and if this thing were to be cast in stone and listed as the Bible, Part II, he thinks we're going the wrong way. We can't do that kind of thing. We can have an overall game plan and he certainly has no problems with that. He is also very concerned that the wheel tax would fail to be adopted by the Council, because we're going to be moving in a direction where we're going to be a little bit penny wise and pound foolish as he would see it. He doesn't see much more aid coming from the State of Indiana short of what this new gasoline tax distribution is going to mean to the local communities. And he knows that with the road needs we have, he certainly would think that with as much as we have had to fight and scrape by with to do the job that we have done in this county that he can see that wheel tax money being used solely as a local match for the many on-going road projects that we're going to have; specifically, some of the major ones like Lynch Road that is going to be an enormous expense when that particular situation comes to

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construction. He would hope that the Council would give that some very serious consideration. Again, as long as the road plan itself takes into account much more than simple traffic counts he can support that. He talks with residents daily, it seems, in many fine subdivisions where, at this point, the roads seem to just simply be caving in. Thus, if we go solely on traffic count -- then we're going to have some real problem. We have to be flexible. We have to take a lot of other things into consideration in addition to drainage. But the surface of the road itself is a major problem. As he says, he sees some merit to this, particularly if we can afford to do it. We have not been able to afford to do a lot of things in this county. Warrick County has the same problem. That is why we're having a meeting with them tomorrow on the Lynch Road project -- because local communities, in general, are struggling with this enormous expense. Thus, he has no problem recommending that we consider a plan-- again, as long as we can avoid a lot of expense and the plan itself is of a flexible nature to allow us to plan for emergencies and critical conditions as they pop up.

Commissioner Willner said there is one thing that sticks in his mind. Who is responsible for the road planning in Vanderburgh County?

Commissioner Borries said the County Commissioners work with the Evansville Urban Transportation Study committee -- and, certainly, he would want them not only to participate -- but, at this point, they have four (4) staffing positions that are unfilled. Thus, he doubts that they would be able to conduct this kind of study. But he does think the specifications for the study could be looked at. Thus, we might want to contact the City officials to see if they also want to participate with regard to any of their particular road needs. That is also of valid concern. If there is an interest on the part of City officials, then having an expense in developing this type of plan -- we could share the expense.

Commissioner Willner reiterated that the cover sheet of the County Road Maintenance Plan will be ready on Wednesday and the Commissioners would appreciate the input of the Council and the Chamber of Commerce. He would have had a copy today, but it is being worked on. As pointed out in previous discussions, when you take a road such as St. Joe Avenue, you have different traffic counts from every side road and street that comes into St. Joe. Thus, we'll probably take the average and try to list that -- because it is impossible to take every intersection. Nonetheless, the plan will be available on Wednesday and if any changes are needed, they can be made at that time.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Absentee Report: Mr. Bethel submitted copies of the Weekly Absentee Report for employees at the county garage for period May 27th - May 31st.....report received and filed.

Weekly Work Report: Also submitted for the same period was the Weekly Work Report for Employees at the County Garage.....report received and filed. Attached to the Work Report was the following Work Schedule:

Gradall: Mann Rd., Ridgewood Dr. and Lynn Rd.

Paver: Lynn Rd.

Smear: Bayou Creek Rd.

Patch: Hogue Rd., Bronnm Rd., Allen Lane, Frey Rd., Schmuck Rd., and St. Joe Avenue

Mower: Old Princeton, Browning, Boonville-New Harmony, St. Joe Ave., Upper Mt. Vernon, Red Bank, Middle Mt. Vernon, Old 460, Pollack Ave., Owensville, Frontage and Old Henderson Rd.

Grader: Bayou Creek Rd.

Oiled: Lynn Rd., Telephone Rd., Eissler, Magnolia Dr., and Bixler Rd.

Commissioner Cox said she had a question on Lenn Rd. Is that down there by River Rd.? Off Weinbach-Pollack? When was the last time we did paving down there? She thought it was just 2-3 years ago. Mr. Bethel said they did a smear job on it about three (3) years ago. And it didn't hold up.

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Mrs. Cox said she thought she recalled seeing that on her list for road maintenance -- certainly within the last ten (10) years. Mr. Bethel said the smear was done in 1980 or 1981, he can't recall exactly which. They went over it at that time with one layer of cold mix.

Commissioner Borries said it is off Pollack (Lenn Rd.) -- it's bad back there.

Commissioner Cox said if we're going to do so many miles every ten (10) years -- we're just not doing it.

Commissioner Borries said he lives fairly near that area. That road is south of the Levee and that road floods every year from sometimes in December to early January. The surface is a continual problem. The only alternative he could see would be to literally turn that back into scarfite and gravel, because it does flood down there. When the water is high -- it's under water for a couple of month every year. That's a real problem and there's no way to correct that. He would also say that that particular road (because of the Angel Mounds boat launch) has probably doubled or tripled in traffic volume. Sheriff Shepard commented that it has quadrupled.

Commissioner Cox said they have roads in Union Township that were concrete and have been there since they were first in, and they're continuously also flooded. So maybe the thing to do out on Lenn Rd. is to invest the money to put down a type of road that will withstand what we have to face, rather than coming along every three (3) years and putting along another layer of blacktop. She pointed out that this is what a study should show the Commissioners -- not only drainage, but the type of material -- whether it is concrete, hot mix, cold mix, chip and seal or gravel -- that is what an overall maintenance program will show -- what the road needs are. She thinks a traffic count is very important. It's not the whole importance -- but it is very important because it shows you -- for instance, the traffic on Lenn road has quadrupled since the boat ramp is in. The volume of traffic going over the road certainly has a direct affect on the amount of maintenance that the road will require as well as the type of surface needed.

Commissioner Borries said that cannot be the final answer, because we have many, many people in subdivisions with roads that are just caving in.

Commissioner Cox said that maybe in a subdivision a chip and seal road is fine or a 1½" cold mix is fine. But it certainly isn't holding up on Mill Road out by the County Garage around St. Joe Avenue or on some of the other roads.

RE: COUNTY SURVEYOR - BILL JEFFERS

Re: Bridge & Guardrail Report: Mr. Jeffers submitted copies of the Bridge & Guardrail Repair Report for period May 27th thru May 31st. Last Monday was a holiday. Tuesday there was concern as to whether Mill Rd. was open at Henze. The reason they did not open it over the weekend was because they didn't want to take a liability on weekend traffic. They did open the road on Tuesday evening and it has been open every day since. It is in fair condition but needs to be paved. However, it is safe enough to be open to traffic.

Mr. Jeffers said he wanted to express appreciation to the County Highway Department for loaning the surveyor a gradall and operator for Meadowbrook Rd. south of Upper Mt. Vernon, where they dug the ditch out deep enough for them to install the pipe in Zeller subdivision. The pipe is being installed today. He said someone should notify Mr. Zeller that the ditch that runs through his private property from our roadside pipe needs to be lowered to the elevation previously provided via grade stakes. Commissioner Willner asked that Mr. Jeffers get with Andy Easley on this, as he was the one who talked with Mr. Zeller concerning this.

Paving Contracts: The bids on the paving contracts were rejected by the Board last week, due to the fact that they were far in excess of 5% above estimate of \$46.00 per ton. He would say the county could do one of several things. We could re-advertise, using a notice to bidders (which can be found on the page following the Bridge & Guardrail Repair Report in packet distributed to the Commissioners prior to his presentation). The Commissioners will note that in that particular advertisement they have lowered the standards somewhat, specifically each project will be 200 tons or less. They envision that most will be 100 tons or less. They are contemplating breaking the projects down into several small projects, with a site plan and specs for each group of projects. They contemplate grouping them geographically, so that various bidders may be more interested in certain groups as opposed to others. They are going to County Highway Standards rather

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than State Highway Standards. By doing this, they hope they can lower the price of the asphalt. In the interest of time, he said he could explain the reasoning behind this at a later date. However, they do feel that having advertised it all as one large project with unspecified job locations and using State Highway Standards they did substantially raise the cost over last year's cost of \$47.69 per ton. So, that is one way they could go.

Another way they could go would be to invite the four (4) contractors who expressed an interest by picking up bid forms, rather than spending money to advertise. Everyone has already seen the first two (2) ads -- and they only had four (4) contractors come in to pick up information with which to bid. So they know that at least four people were attracted by the advertisement to bid -- and at least four might be interested in bidding again.

Commissioner Willner said his idea is good-- but he has to go according to State Law, does he not?

Mr. Jeffers said, "Right -- and I'll explain that in a second." The other way would be to invite two (2) bidders -- and the two bidders they would invite would be the two (2) bidders who provided us with a bid. That, however, may be unfair to the other two who picked up information and, for some reason or other, did not get their bids in. The reason he thinks we can go this way and comply with State guidelines is that all projects, when divided up into geographic areas and call them 8506P1 (if it's under 200 tons, it is going to be under \$15,000).

Commissioner Willner interrupted by saying the State Law says that it doesn't matter how many times you break it down, it is the total number at the end of the year. You can break it down a thousand times and get a one cent bid; but if it comes over the total at the end of the year, then you're going against the State Law.

Mr. Jeffers said that in other words, Mr. Willner is saying that if we want to pave Mill Road Bridge, they have to include paving it in with some other culvert somewhere?

Commissioner Willner asked if he bid it or did it himself? If he bid the project, he had no problem. If he did it himself, he's got no problem. But he can't take invitational bids.

Mr. Jeffers said that's fine. If the Board would rather, he does have a Notice to Bidders prepared.

Commissioner Willner said he'd let the County Attorney answer that question.

County Attorney Jones asked, "What is the specific question?"

Commissioner Willner said the surveyor was talking about breaking the paving of bridges and culverts into sections so that the bid will not be over a certain dollar amount and he told him that was not how the State Law read. The law says it is the total within that year that he has to worry about. Is that correct?

Commissioner Cox interrupted by saying she thinks Mr. Jeffers' idea has merit -- putting certain ones together in a certain geographical location. It might be feasible for one company to do that work where it would not be feasible for another company. But she does think that it will have to be bid.

Mr. Jeffers said to be specific about it without going into any great length, Mid-West bid at a certain amount (around \$60.00 per ton). One of their comments was, "Well, if we have to mobilize to go all the way down Pollack Avenue and Indian Mounds, we're going to want more per ton than if we bid bridges up in Armstrong Township"-- because they are located in Haubstadt. Other companies made similar comments. Rudolph commented, "O.K., we don't know if these small culverts -- whether you're wanting 25 tons or less, because if you want 25 tons or less we're going to place it by hand. Right now the City is paying \$65.00 - \$67.00 per ton to be placed by hand. However, if there was a group all within one mile and we knew we could put down 100 tons, we might go substantially lower." But to mobilize from their plant all the way up to German or Armstrong Township would involve additional costs. Thus, the surveyor thought they'd break the projects down into geographical units and bid each unit as a project.

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Attorney Jones said the problem with that is that you can't in any six (6) month period exceed \$15,000 for raw materials for any one source without going into open bidding.

Commissioner Cox said the surveyor can, however, break the projects down into geographical locations.

Mr. Jeffers said he intends to still break them down into geographical locations and they have real reason for this.

Attorney Jones said the only other way they could do this without bidding would be if they bought it from an agency of the government -- they could find surplus asphalt from the government and then would not have to bid.

Mr. Jeffers said the only other alternative to lower the price at this time is for the County Highway Department to pick it up hot mix from our supplier at \$24.95 per ton and apply it themselves. But there is quite a bit of road work going on and he is not certain the County Highway would have time to do the work.

Attorney Jones asked if this is an existing contract? Mr. Jeffers responded in the affirmative and said the county does have an existing contract for \$24.90 per ton, where a county truck can pick up hot mix at the plant and load it into the county paving machine and do this work. Attorney Jones asked if this contract was received via a bid procedure? Mr. Jeffers said it was -- thru the city-county purchasing department for 1985. Mr. Jones asked if there is anything there that allows us to extend that contract? If so, we could do this without bids.

Commissioner Willner said, "No, we want them to do the work!" Mr. Jeffers said this price applies if the county trucks pick up the hot mix and the county does the work.

Mr. Jeffers said that if the recommendation from the Attorney is that we advertise, he does have a Notice to Bidders that can be advertised -- and the surveyor's office will produce units which can be picked up -- and the contractors can bid on one or more units -- or they can bid on all. He would like for the Attorney to read the middle paragraph to make certain that it is legal,

"The bidder may submit bids on one project or more than one project, but each shall be considered and awarded or rejected individually."

Commissioner Willner asked if this will cause the surveyor to get a high bid? Mr. Jeffers said he envisions that the Rogers Group, for example, will pick up everything close to Haubstadt; Rudolph will pick up everything out on the easide; A-Asphalt may pick out things on the north and east side.

With regard to the aforementioned paragraph, Attorney Jones requested that the word "project" be inserted after the word "each", so the paragraph will read:

"The bidder may submit bids on one project or more than one project, but each project shall be considered and awarded or rejected individually."

Mr. Jeffers suggested that the requested change be affected and the Notice brought back to the Board next week. The date of July 8th will also be changed to July 15th -- and we will be able to get this work done the latter part of the summer. Thus, the Notice will read the same with the exception that the word "project" will be inserted after the word "each" and the July 8th will be changed to read July 15th. Commissioner Willner stated his agreement.

Millersburg Rd.: Mr. Jeffers said the information on Millersburg Rd. is on the page after Notice to Bidders...the engineer's estimates for the two projects (which we opened bids on and took under advisement last week). The second page contains line extensions showing the bids submitted per item by Deig Bros., Rig-Mar and Key Construction, along with the engineer's estimate to show the relative pricing. He said the Board will note that Item #22 (where it is suggested the waterway excavation be deleted, as they do not want to pay that price). Item #28 (concrete aprons) is to be deleted. Item #29 (Type P to go underneath the concrete) is also to be deleted, as it won't be needed if we use asphalt. Item #57 (apoxy sealer) is to be deleted. The surveyor proposes to do that with our own forces. If we delete all these things and retain the balance, the new engineer's estimate is \$124,573.50 and the low bidder would be Rig-Mar Construction at \$149,846.15.

The cost of roadway extension (on the same page) -- John Mans, Inc. has a low bid of

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\$100,726.73 as opposed to engineer's estimate of \$121,000. For the concrete aprons, they want to add quantities of asphalt (the same depth as the concrete aprons).

Commissioner Cox asked if this includes removal of the structure? On the report that is also shown as being deleted (Item #32). Mr. Jeffers said this was a typographical error. Structure removal is not being deleted.

Commissioner Willner asked if the following page is correct? Mr. Jeffers said that it is. Structure Removal has not been deleted. Thus, the total amount being deleted from the contract by the low bidder Rig-Mar is \$10,784.00. The total amount being added to the roadway project on low bidder John Mans, Inc. is \$3,469.74. These two totals added together would mean the bridge would cost us \$254,042.62, as opposed to the new engineer's estimate for the same work of \$249,043.24. The bid is still over the engineer's estimate, but if the new engineer's estimate is multiplied by 105%, the resulting figure is \$261,495.40, which shows that the new total for both bids to construct the bridge would be under an amount which is 5% over the engineer's estimate. That is the only way we can come up with to build this bridge for an amount under the engineer's estimate.

Commissioner Willner asked if Mr. Jeffers has talked with both contractors and if they are willing to do this? Mr. Jeffers said that Rig-Mar is willing to delete the items indicated here, with the exception of demolishing the bridge (which was a typographical error). He has not been able to contact John Mans, Inc. yet, but he is certain that he would be glad to put in 9" of asphalt in one small location as opposed to the same bid submitted for 1,000 ft. of roadway (he can't speak for him -- but would hope that he would be willing to do this). Commissioner Willner said we have to know this before the contract is awarded, don't we?

Mr. Jeffers said we probably won't want to award the contracts this week because the Attorney needs to advise whether we can combine these two projects in this manner. In the interim, he will continue to try to contact Mr. Mans.

Commissioner Cox said she has a question on the engineer's estimate (3 pages from the back of the report). VC85-5-77RDW shows engineer's estimate in certain amount. Where does this come from? Mrs. Cox said she shows a tie-in of VC85-22RDW. Mr. Jeffers explained that this is another typographical error. The "22" should be "77". Commissioner Cox asked if the engineer's estimate is also different? Mr. Jeffers said it would just be upped by the same quantity of asphalt as discussed. Commissioner Cox continued by pointing out other discrepancies, saying her question is whether in the end we are still under the 5% over the engineer's estimate range? Mr. Jeffers responded in the affirmative, saying that actually the engineer's estimate would go up, because it was estimated in the \$40.00 per ton, and Mr. Mans only estimated at \$50.00 per ton.

Commissioner Willner asked if Mr. Jeffers had a question for the County Attorney? Mr. Jeffers asked Attorney Jones if it is allowable for the county to combine these two projects to arrive at an amount under 5%? Attorney Jones asked if the projects had been bid? Mr. Jeffers said they have to be billed as separate projects? Mrs. Cox said this is very interesting. Mr. Jeffers said they are trying to get a bridge built. The only other option on that would be to build the roadway and rebuild the bridge. If we can't combine the projects, we'd have to build the roadway (which came in under engineer's estimate) and then re-bid the bridge and take a chance.

Commissioner Willner said he talked with Johnny Mans both last night and this morning, and told him our problems. He assures Mr. Willner that he used to bid on some bridges -- but he is not keen on building this reinforced concrete. He likes to build a box beam bridge. He said he thought we could design several bridges (because he thinks when you put a design on a bridge you might be deleting some contractors--and Mr. Willner didn't know this previously). He said he would not bid on building this bridge; but he might bid on a box beam bridge, because he has personnel who know how to build this bridge and he doesn't have personnel with the know-how to build the other one. He said you can get the same thing for less money if we would try two different structures.

Mr. Jeffers said that Mr. Mans is talking about a box beam bridge as opposed to a pre-stress I beam. He said he will talk with Dan Hartman to see if we can span 82 ft. with a box beam. A pier would have to be put in the middle. Commissioner Willner said we might have to put two (2). We do have several box beam bridges in the county. What Mr. Mans is saying is, if we don't get a good bid on one type of structure that we might get a good bid on another type. He said he is just passing this information on to Mr. Jeffers. Since the county attorney has said "no" -- this can be taken into consideration. Mr. Jeffers

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said they will look at this and go back and start again. They might end up with a wooden covered bridge! He understands historical preservation is getting involved in bridge building in Posey County.

Letter to County Attorney re Survey of Lynch Rd. Relative to Existing Rights-of-Way and Existing Traffic Signs:

Mr. Jeffers submitted the following letter to Attorney Jones concerning Lynch Road:

June 3, 1985

David L. Jones, Esq.
Permanent Federal Building
Evansville, IN 47708

Dear Mr. Jones:

In regards to your request of May 28, 1985, that our office comply with a request from County Engineer Easley that we produce a survey of Lynch Road relative to existing rights-of-way and existing traffic signs, our preliminary findings are:

- 1) There are approximately ninety traffic signs existing between U. S. Highway 41 and Oak Hill Road.
- 2) The existing signs vary from single post reflectors requiring about one square foot areas to twin and multi-post signs requiring as much as ten square feet each for their locations.
- 3) Many of the signs are within the existing Lynch Road rights-of-way, while many more are not.
- 4) Some signs may require future relocation from their present position to a new location due to damages being incurred at the present location.
- 5) There will be future need for additional signs such as "Truck Entrance", etc., concurrent with future development as in the case of the Zayre development.

Due to these five notations and the possibilities of other findings, the Vanderburgh County Surveyor submits that a survey and subsequent acquisition of separate easements for signs on a one-by-one basis as requested by Mr. Easley represents logistically wasteful effort for the following reasons:

- 1) Excessive time will be required to locate each of 90 signs and tie them into individual property corners, some of which exist and some of which do not.
- 2) Excessive time will be required to determine the size of each plot required.
- 3) Excessive time will be required to determine which signs are within the existing and variable rights-of-way and which signs now encroach upon others.
- 4) Logistic problems imminent each time the county sign crew relocates or adds traffic signs outside the rights-of-way acquired piecemeal.
- 5) The need to resurvey and acquire new rights-of-way each time new signs are added.

Our suggestion, therefore, is to have Mr. Easley produce an encroachment easement for each existing property along Lynch Road from U.S. Highway 41 to Oak Hill Road.

Each encroachment easement would state simply that the easement is for traffic signs and devices only. The width of the easement would be based upon the distance north or south of the centerline of Lynch Road required to include all existing or future signs within the right-of-way.

Since most of the deeds for properties north and south of Lynch Road presently are written to the centerline of that road, the easements would read "sixty feet (or whatever) off the south side thereof (or north side thereof) to be permanently reserved.." and so on.

(continued)

As no property owner would lose any useable property, these easements should be acquired at no cost to the county.

Each easement should be attached to the appropriate deed and recorded as a corrected or updated deed.

Respectfully submitted,

Robert W. Brenner
Vanderburgh County Surveyor

Bridge Sufficiency Rating: Mr. Jeffers said the 1985 Bridge Sufficiency Rating was passed to the Commissioners last week by County Engineer Andy Easley. In browsing thru the minutes, he noticed there was some concern over Fulton Avenue over Pigeon Creek..that the sufficiency rating had increased from 51.9% to 58.8%. The surveyor's office would like to point out that the structure the Commissioners were looking at at 58.5% sufficiency was Structure #30, Ohio Street over Pigeon Creek. That is the one they were worried about. In other words, the sufficiency rating on Fifth Avenue Bridge over Pigeon Creek is still 51.9%. They just happened to be looking at the wrong structure. Everything the Board sees in that sufficiency rating is exactly the same as it has been since 1979 -- as an example, he cited Baseline #11 over Big Creek. The sufficiency rating was 21.4%. That is a brand new bridge -- it was just built in 1982. Commissioner Borries asked why we have an update if it is the same? Mr. Jeffers said he cannot answer this. This report came from Purdue. On Pigeon Creek and First Avenue....sufficiency rating 69.6%, and the county just spent \$1½ million building that one. It's a 100% bridge.

Commissioner Willner said he noted in the newspaper the other day that their computer was broken into -- maybe this is what happened! Mr. Jeffers said they will be notified of the new bridges built by the county and when the new contract for inspection is issued, rating increases will be noted as well as some which have dropped.

RE: COUNTY ENGINEER - ANDY EASLEY

Mr. Easley said the Bridge Sufficiency Rating report just discussed -- he said last week that he handed out a piece of correspondence received from Purdue HERPEC...and they said this was what was reflected by the State Highway Commission's records. He suspected that this is what they were doing, but didn't really know.

Right-of-Way (Euler) on Burkhardt Rd.: Mr. Easley said he went to see Mr. Euler last week and again today and negotiations have been concluded for the easement needed to widen ditch along the east side of Burkhardt Rd. Mr. Euler requested that, because property on the west side of Burkhardt had gone for a certain price eight (8) years ago, he would like to be paid a comparable price. Mr. Easley said he will bring the claims to the Commissioners next week (one has to be signed by a bank, who is a Trust Officer. But a satisfactory agreement has been reached. He has said he would give us a right-of-entry so the contractor can proceed.

Roadway Plans/Plaza Court Sub: Commissioner Willner advised Mr. Easley that Mr. Morley had wanted to see him, as he wanted to get the sheet signed on the roadway plans for Plaza Court Sub. Did he find him? Mr. Easley said he talked with him a few moments ago, but nothing was said about this. Mr. Morley is in the process of obtaining permission from the State Highway to lower the ditch along Division. He will try to find him and get the sheets to be signed. Mr. Easley said he has looked them over carefully. Commissioner Willner asked that Mr. Easley try to find Mr. Morley and get the sheets for the Commissioners' signatures prior to meeting's end.

RE: CERTIFICATES OF INSURANCE

South Central Communications Corp. and Service Associates: WIKY - LIFESTYLES/Seminar for Working Women--on September 5, 6 and 7 at the Vanderburgh Auditorium & Convention Center.

State Convention of Baptist in Indiana, Inc.: Banquets to be held on 6/18/85 and 6/25/85

RE: CLAIMS

The National City Bank of Evansville, Trustee: Claim in the amount of \$337,406.50 for Fixed Rental due June 28, 1985 (last 6 months of 1985)

(continued)

Evansville-Vanderburgh County Building Authority: Claim in the amount of \$557,782.50 for Additional Rental due June 28, 1985 (last 6 months of 1985).

Commissioner Willner explained that these claims had been presented, together with memo, from Mr. C.G. Ruston, General Manager of the Building Authority.

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

RE: SCHEDULED MEETINGS

- Tuesday June 4 1:30 p.m. - Mtg. re Lynch Road Extension between Vanderburgh and Warrick County Commissioners & State Highway Department, County Engineer, EUTS, and Sebree-Craig & McKnight (consultants on Lynch Road).
- Wednesday June 5 2:30 p.m. - County Council Meeting (Wheel Tax Hearing)
- Thursday June 6 2:00 p.m. - County Council Meeting (Food & Beverage Tax)
- Monday June 10 4:30 p.m. - Computer Election Service will give demonstration on Election Computer

RE: EMPLOYMENT CHANGES - APPOINTMENTS

County Board of Review

Casper Hudson	2501 N. Governor	Bd. Member	\$45.00/Day	Eff: 6/2/85
Fred Stocker	Martin Rd.	"	"	"
Janice Yvonne Richard	1631 E. Franklin	Clerk	\$35.00/Day	Eff: 5/29/85
Eurana Rodgers	1414 S.E. 2nd St.	Clerk	\$35.00/Day	Eff: 5/30/85

Auditorium

Sylvester Lipson	609 Madison	Hskpr.	\$7.27/Hr.	Eff: 5/28/85
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RE: EMPLOYMENT CHANGES - RELEASES

Auditorium

Lawrence Gatling	200 S. Kentucky	Hskpr.	\$7.27/Hr.	Eff: 5/10/85
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RE: BOARD OF REVIEW

President Willner announced that the County Board of Review started their deliberations today. Mrs. McBride stated that she attended the morning session, but had sent Chief Deputy Sam Humphrey to attend the afternoon session so she could be at the Commissioners' meeting. Commissioner Willner commented that he thought the Board of Review members received \$50.00 per day. Mrs. McBride said there was some confusion over this. They had asked for \$60.00 per day, but she checked the minutes and they receive the same pay as they did last year, \$45.00 per day.

RE: COUNTY BRIDGES - ARTHUR HOLTZ

The Chair recognized Mr. Arthur Holtz, who was seated in the audience and indicated he wished to address the Board.

Mr. Holtz asked if the Board had considered providing materials and asking contractors to bid on labor only for building bridge structures? They might get a better bid. Mr. Willner said they have done this in some cases, but did not do this on the Millersburg Rd. Bridge. Sometimes the county has pre-stress concrete beams in stock, but they didn't for this job. Mr. Holtz made a few other comments, but they were inaudible, since he did not approach the podium and speak into the microphone.

There being no further business to come before the Board at this time, President Willner declared the meeting adjourned at 4:00 p.m.

PRESENT:COMMISSIONERS

Robert L. Willner
Richard J. Borries
Shirley Jean Cox

COUNTY AUDITOR

Alice McBride

COUNTY ATTORNEY

David L. Jones

COUNTY ENGINEER

Andy Easley

COUNTY HIGHWAY

Bill Bethel

COUNTY SURVEYOR

Bill Jeffers, Chief Deputy

SHERIFF

Clarence Shepard

BUILDING COMMISSION

Roger Lehman

DMD

Quentin Davis

OTHER

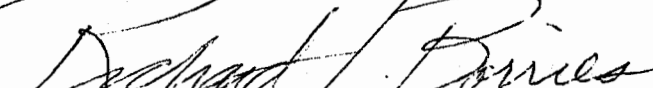
James Pflug
Keith Story
James Morley
Arthur Holtz


Mark Owen
News Media

SECRETARY:

Joanne A. Matthews


Robert L. Willner, President


Richard J. Borries, Vice President


Shirley Jean Cox, Member

MINUTES
COUNTY COMMISSIONERS MEETING
JUNE 10, 1985

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MINUTES
COUNTY COMMISSIONERS' MEETING
JUNE 10, 1985

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, June 10, 1985, in the Commissioners' Hearing Room, with President Willner presiding.

The meeting was called to order at 2:40 p.m., with President Willner entertaining a motion concerning approval of the minutes of the previous meeting. Motion was made by Commissioner Borries that the minutes of the meeting held on June 3rd be approved as engrossed by the County Auditor and the reading of same be waived. A second to the motion was provided by Commissioner Cox. So ordered.

RE: OPENING OF BIDS ON REINFORCED CONCRETE PIPE & SPECIAL CONNECTIONS

The Chair entertained a motion that the County Attorney be authorized to open the bids received on reinforced concrete pipe and special connections. A motion to this effect was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

RE: POOR RELIEF/PIGEON TOWNSHIP

President Willner announced that a Poor Relief Appeal/Pigeon Township was scheduled on the agenda, but the appeal has been withdrawn. He asked, however, if anyone was present at today's meeting to address this matter. There being no response, he moved to the next item on the agenda.

RE: SURVEY & ANALYSIS OF MAILING OPERATIONS

The Chair recognized Mr. Ed Hayes, U.S. Postmaster (Evansville), who was seated in the audience, and asked that he approach the podium to make presentation on survey and analysis of mailing operations.

Mr. Hayes said he is asking the Commissioner's permission to conduct a survey and analysis of our mailing operations. Looking specifically to zip plus 4 and presort, he thinks they can save the county some money. The only other thing they would need, other than permission to do survey and analysis, would be for the Commissioners to name a coordinator with whom then can work. It would be their hope that within 45-60 days they could come back to the Board with a firm proposal of changes that would, in effect, save the county money -- hopefully in the realm of \$20.00 per day in mailing costs..... without doing anything whatsoever to deter our service. If the Commissioners have any questions at this time, he would be willing to respond to same. If not, he would solicit the Board's approval of his request.

Commissioner Willner said that Mr. Hayes said the magic word and that is "money". He has talked with Jim Lindenschmidt, the Commissioner's Executive Assistant. With the permission of the other Commissioners, he will be Mr. Hayes' liaison in anything he needs from Vanderburgh County. He asked if Commissioner Cox has any comments or questions before a vote is taken?

Commissioner Cox asked if the survey is free? Mr. Hayes replied in the affirmative. Mrs. Cox said that is another magic word -- "free"!

Commissioner Borries said he thinks it sounds great.

Commissioner Willner then entertained a motion. Motion was made by Commissioner Borries that the U.S. Postmaster be granted permission to conduct a survey regarding the county mailing operations, with a second from Commissioner Cox. So ordered.

The meeting proceeded with Commissioner Willner expressing appreciation to Mr. Hayes for his presentation and advising that he not hesitate to let the Commissioners know if they can be of further assistance.

Mr. Hayes said he would like to extend his thanks to the Commissioners for the able assistance they have given him during his past year in Evansville.

Accompanying Mr. Hayes were the following:

Robert Mitchell, District Director/Customer Service (Louisville)
Bob Roberts, Director/Customer Service (Evansville)
Dan Vowells, Customer Service Representative (Evansville)

(continued)

RE: COUNTY HIGHWAY DEPARTMENT - BILL BETHEL

Weekly Absentee Report: Mr. Bethel submitted copies of the Weekly Absentee Report for employees at the County Garage for period June 3rd to June 7th....report received and filed.

Weekly Work Report: Also submitted for the same period was the Weekly Work Report for employees at the County Garage.....report received and filed. Attached to the Work Report was the following Work Schedule:

Gradall: Mann Rd., Barton Lane, Mesker Park Drive and Bromm Rd.

Paver: Lynn Rd.

Smeared: Bayou Creek

Grader: Bayou Creek

Repaired: O'Hara Drive

Patched: Mohr, Fisher, Happe, Green River Rd. & Boonville Hwy., New Harmony, Cave In - Ridgeview Dr., Pollack Ave., Felstead Rd., Old Henderson Rd., Larch Lane, Camelia Drive and Schenk Rd.

Distributor Oil: Schraeder Rd.

Mower: Holly Hill, Evergreen, Mt. Pleasant, Middle Mt. Vernon, Williams Rd., Jobe Lane, Old Henderson, Schmuck, Schutte, Schraeder, Barton and Volkman Rd.

RE: COUNTY SURVEYOR - BILL JEFFERS, CHIEF DEPUTY

Bridge & Guardrail Repair Report: Mr. Jeffers submitted copies of the Bridge & Guardrail Repair Report for period of June 3 thru June 7, 1985.....report received and filed.

Mr. Jeffers said that on Monday, the crew finished installing 24-inch corrugated aluminum pipe on Meadowbrooke Rd., south of Middle Vernon Rd. On Tuesday, they finished back-filling trench and began building a drop box to connect the existing pipe to the new pipe. They also installed some rip-rap along an embankment downstream side of pipe on Melody Lane. (This is approximately 950 ft. west of Red Bank Rd.). On Wednesday, they finished the installation of pipe on Meadowbrooke Rd., including a drop box, and rip-rapped washouts on Mohr Rd. (east of St. Joe and Kuebler Rd.). On Thursday, they had Allen's Lane closed between Waterworks Garage and Skylane Airport due to an amergency involving a collapsed tile. The crew worked until 5:30 p.m. replacing the collapsed tile with an 18-inch corrugated aluminum pipe. On Friday, they rip-rapped the ends of that pipe and went up to Wimberg Rd. and repaired some washouts along the side ditch underneath railroad underpass. The other half of the crew was on North Green River Rd. doing the same thing -- rip-rapping some washouts. On Wednesday, Lee Stucki called and had an emergency out at Green River Rd. and Boonville-New Harmony Rds., where an old tile installed around 1958 has rusted out and was collapsing, causing a real hazard for traffic at that intersection. The surveyor's crew made an emergency repair. The rusty pipe is still there, however, and they are going to design something to replace it. Their repairs should hold for 6 months to a year. By that time, they will have something ready to submit to completely repair that job. They used Harold Steckler and his gradall to accomplish the repair and they appreciate his help -- because they couldn't have done it with a backhoe that quickly.

Claim: There will be a claim coming through next week for some concrete ordered on an emergency basis (from Elberfeld Concrete, the closest vendor). The claim will be for five (5) yards of concrete -- and he just wants the Commissioners to know this claim will be coming through.

During the period of repairs, they had to unclog existing pipe that was collapsing and they could not reach the Emergency Fire Department quickly enough. Commercial Water Hauling Service (owned by Pee Wee Melton) delivered a total of 3,100 gallons of water to the site. Mr. Jeffers said he thought Mr. Melton was going to bring him a bill for the water. All it says on the bill is:

"I always had intentions of leaving the County of Vanderburgh some

(continued)

free water service in my will. But, they needed it before I died. Now, you can tell Mike Vandever that Pee Wee Melton is not such a bad boy after all."

Mr. Jeffers said, "Thus, there is no dollar amount on the claim." Commissioner Willner interrupted by saying that Mr. Melton did say that Mr. Jeffers owed him for a Coke!

Continuing, Mr. Jeffers said that Mr. Melton called him the subsequent day and the pipe is carrying water; thus, it is not clogged up as badly as they previously thought.

Commissioner Willner said she has an emergency bill from Daylight Service Center for one (1) drink. Mr. Jeffers responded that he did not have any change while he was out there. He'll pay that...that was for a Sprite! He sees that Mr. Melton is playing jokes on the Commissioners, also. Commissioner Cox asked Mr. Jeffers if he will take care of the bill? He said he will take care of the thirty-five cents. Mrs. Cox advised that it is fifty (50) cents!

Utilization of Work Release Personnel to Supplement Bridge Crew: Mr. Jeffers said he is making the Board aware that the Surveyor will be utilizing work release personnel to supplement the Bridge Crew (as they have in the past) -- and they will be using them the rest of the summer.

County Attorney David Miller interjected that there is an agreement with the State Highway Department which needs to be signed in conjunction with this. Mr. Jeffers said he would like a copy of the agreement; they will not be using the Work Release personnel until July, however.

Drainage Board Meeting Scheduled for June 24th: Mr. Jeffers said a Drainage Board Meeting will be needed on Monday, June 24th, as there are several new subdivisions which want to go before the Area Plan Commission on July 3rd. At the same meeting, he wants to provide the Commissioners with a Notice to Bidders on Maidlow and Rusher Creek

Claim/Rig-Mar Contracting Co., Inc.: Mr. Jeffers presented a claim to Rig-Mar Contracting Co., Inc. in the amount of \$1,992.00 as final payment for the Maryland Street Bridge Project. He said this is the remainder of Item #18 (Gunite Concrete & Material). This was required to finish the 1903 span; they hand-rubbed the existing concrete beams and finished them up this week. This was inspected this morning and the surveyor's office recommends approval of this claim. The remainder of Item #18 is \$992.00 and the \$1,000.00 is for retainage, making the claim total \$1,992.00. Mr. Ruston of Rig-Mar Contracting has been over all the figures with Gloria Evans (Claims Dept.) and they do represent the correct amount owed. Motion to approve claim for \$1,992.00 was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: BIDS ON REINFORCED CONCRETE PIPE & SPECIAL CONNECTIONS

Commissioner Cox asked if we received any bids on the reinforced concrete pipe and special connections? County Attorney Miller replied that two (2) bids were received, as follows:

1) M & W Concrete Pipe & Supply Co. (Evansville, IN)

\$24,144.15 (Bid accompanied by Cashier's Check in the amount of 5% of the total). Bid is in order.

2) Kentucky Concrete Pipe Co. (Owensboro, KY)

\$30,543.15 (Bid is accompanied by a Bid Bond in the amount of 5% of the total proposed price.) Bid is in order.

Commissioner Willner asked Mr. Jeffers if he has any recommendation? Mr. Jeffers asked if his understanding is correct in that these bids are for the North Green River Road project (Hatfield and Neville) which was put together by the City and County Engineers? However, if the bids are in order, he recommends the Commissioners accept the low bid. Would the Commissioners like for him to take the bids and go over them with Andy Easley, County Engineer, and make a recommendation before a motion is entertained on the bids? Commissioner Willner asked who handled those for the City? Mr. Jeffers said that Fred Blumenauer worked with Andy Easley on this.

(continued)

COUNTY COMMISSIONERS
June 10, 1985

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Commissioner Willner asked that Mr. Jeffers take the bids and go over them with Mr. Easley and get back to the Commissioners before today's meeting is adjourned with an analysis and recommendation.

RE: BUILDING COMMISSION - JESSE CROOKS

The Chair recognized Mr. Jesse Crooks, who was present for purpose of presenting two (2) requests from Elmer Buchta, Inc. concerning permission to move two houses. He read the following letters:

June 3, 1985

Building Commissioner
City-County Bldg.
Evansville, IN 47737

Dear Sir:

Elmer Buchta Moving Engineers requests a permit to move a house. The house is located at 1801 Green River Road. They will move north on Green River Road to 5119 Heckel Rd. Comaier will be providing the escorts.

The house is owned by Charles Hall.

Sincerely,

Jim Brace

* * * * *

June 3, 1985

Building Commissioner
City-County Bldg.
Evansville, IN 47737

Dear Sir:

Elmer Buchta Moving Engineers requests a permit to move a house from 2061 Eastland Drive to 6550 Pollack Avenue. We will travel one (1) block west on Pollack Avenue to the lot. We would like to move the week of June 24th.

The house is owned by John Worthington.

Sincerely,

Jim Kabrick

* * * * *

With regard to the house being moved to Pollack Avenue, Mr. Crooks said the house is relatively new and is having to be moved because of the I-164 project. There is a good possibility that they won't even get out in the street. But this depends upon how wet it is prior to the move. In any event, he recommends the request be granted.

With regard to the house being moved from Green River Road to Heckel Rd., he foresees no problems. It is a pretty small house and problems should not be encountered -- even on Green River Road. Thus, he recommends that this request also be granted.

The Chair entertained questions. There being none, a motion was entertained. Commissioner Borries moved that the two (2) requests be granted, with a second from Commissioner Cox. So ordered.

RE: COUNTY ATTORNEY - DAVID V. MILLER

In response to President Willner's query, Attorney Miller said he had no new matters for the Board today, with the exception of the following:

Radiological Defense: Attorney Miller said he received a communication from Civil Defense

(continued)

with regard to Radiological Defense. The Commissioners' signatures have been requested. This matter is new to him and the document involved is lengthy. He would like to contact Civil Defense to learn more about the entire matter prior to recommending that the Commissioners execute the document.

Agreement re Work Release Personnel: With regard to the Agreement to be executed by the Commissioners and the IDOH concerning the utilization of Work Release Personnel on the County Bridge Crew, it is identical to the Agreement executed last year and he recommends that the Commissioners execute the Agreement. This Agreement allows the Work Release Personnel to assist the IDOH.

President Willner entertained a motion. Motion was made by Commissioner Borries that the Agreement be executed, with a second from Commissioner Cox. So ordered.

RE: PAY FOR ELECTION WORKERS FOR 1986

President Willner said he had a communication from Helen Kuebler, Clerk of Vanderburgh Circuit & Superior Courts concerning request for raise in pay for Election Workers. In response to query from Commissioner Willner, Commissioner Cox stated that a maximum amount is set, then the Inspector is entitled to a certain amount for picking up supplies and a certain amount for returning supplies.

Commissioner Willner said that the communication says that the increase is to be allowed only for those workers who attend instructional meeting -- and, if he understands it correctly, she says that if they attend the meeting she is suggesting that the following amounts be allowed:

Inspector	\$70.00	
Clerks & Judges	\$40.00	(Except that Judge of Opposite Party would receive \$45.00)

Ms. Kuebler said the amount is up to the Commissioners, but the foregoing is what she is suggesting. In any event, she needs to know the set amounts so she can prepare her 1986 budget. Presently, the election workers receive pay, as follows:

Inspector	\$55.00	
Clerks & Judges	\$25.00	(Except that Judge of Opposite Party receives \$30.00)

Commissioner Cox said they are having a difficult time they're saying for the pay scale currently in effect.

Commissioner Borries asked if the training is now mandatory through the State Legislature-- has there been a change in the State Law?

Commissioner Willner said that it is not. The Clerk is wanting to pay the extra money if they do attend instructional meeting which, he guesses, is all right. He sees nothing wrong with that.

Commissioner Borries said that he guesses other changes will be sought, but at this point he supposes it is the Commissioners' responsibility to approve pay increase for workers. Chairman Willner entertained a motion. Motion was made by Commissioner Borries that the suggested changes be approved, with a second from Commissioner Cox. So ordered.

President Willner then asked for a roll call vote, with three (3) affirmative votes being cast.

Commissioner Cox asked if Ms. Kuebler had included an increase for meals? There has been a lot of talk that problems have been experienced in getting people to fix the meals because of the amount allowed. They are allowed \$7.00 per day for the three (3) meals.

Commissioner Borries asked if it is \$7.00 or \$8.00?

President Willner asked that Jim Lindenschmidt check with Helen Kuebler to see if she has a recommendation concerning meal allowance?

(continued)

I N S P E C T O R S

1. MEMBERS OF ELECTION BOARDS

The name of every member of your board should be PRINTED CLEARLY on the claim.

2. RENTAL OF POLLING PLACES

You will be allowed \$30.00 to cover rental of the polling place. The \$30.00 includes tables and chairs, which must be furnished. Get the NAME AND ADDRESS OF THE PERSON FROM WHOM THE POLLING PLACE IS RENTED. If the polling place is located in a PUBLIC BUILDING (Library, Fire Station, School, etc.) NO CLAIM FOR RENTAL SHOULD BE FILED. However, a JANITORIAL FEE is allowed when the polling place is in a public building and the amount allowed is \$15.00. (The NAME of the Janitor MUST be listed.)

3. MEALS

You will be allowed \$3.00 for breakfast and \$3.50 each for lunch and dinner for each member of your Board ONLY. Meals for the following may NOT be charged to the County:

Precinct Committeemen
Poll Book Holders
Poll Watchers

4. INCIDENTALS

The pens that you are to use are included with your supplies.

5. SALARIES

Individuals may NOT serve on the Board for the General Election unless they attended 1986 Board Member Instructional Meeting and are CERTIFIED. Pay for Board Members is as follows:

Inspector	\$70.00
Judge (Democrat)	40.00
Judge (Republican)	45.00
Sheriff	40.00
Clerk	40.00


6. NO CLAIM WILL BE ALLOWED FOR MILEAGE

7. PAY CHECKS -- will be ready on Friday, November 14th -- and are to be picked up in the AUDITOR'S OFFICE (Room 208, Civic Center) -- NOT BEFORE THIS DATE, PLEASE!

When picking up checks, HANDLING CAN BE EXPEDITED if individual knows the WARD NUMBER AND PRECINCT NUMBER or CORRECT NAME/LOCATION OF POLLING PLACE WORKED. (Checks are filed by Wards/Precincts, NOT alphabetically by individual's name.)

If PRECINCT COMMITTEEMEN plan to pick up pay checks for their workers and personally deliver same, they should so advise their workers -- so workers do not make a special trip to the Civic Center to pick up checks which have already been picked up.

8. PLEASE carry the Statement of Expense sheet with you and turn it in on the 3rd Floor after checking in your ballot cases.


Alice McBride, Auditor
Vanderburgh County

Mr. Lindenschmidt reported that Ms. Kuebler has no recommendation insofar as increase of allowance for meals. Meal allowance is to remain intact, as follows:

Breakfast	\$ 3.00
Lunch	3.50
Dinner	<u>3.50</u>
Total	\$10.00

RE: REQUEST TO GO ON COUNCIL CALL - COMMISSIONERS

President Willner said he has a request from the County Commissioners to go on July Council Call. The Board has been notified by Ms. Gloria Evans in Bookkeeping that Account #130-341 (Legal Advertising) has a balance of only \$8.94 and she is holding bills in the amount of \$441.58. Since this is only June, we will probably need \$5,000 for the balance of the year. She wants to know if this money can be transferred from another account, or should we ask for an appropriation? Or, could we transfer this money from the Insurance Account?

Further, if both claims being submitted today for travel are approved, we will also be short in Acct. #130-313 (Travel).

Commissioner Cox asked how the Insurance Account stands? We received an insurance premium reimbursement check that went into that account recently? Mrs. McBride said that was on our health insurance and that money went into the General Fund. Mrs. Cox said the check to which she was referring was from Helfrich in some \$24,000 or \$25,000. (It was subsequently determined that this check went thru a meeting which Mrs. McBride did not attend because she was out of town at a State-Called meeting.) Mrs. McBride said the check from Helfrich would go back into the Insurance Account.

After further brief discussion, President Willner entertained a motion concerning Transfer of Funds. Motion was made by Commissioner Borries that the Commissioners go on July Council Call to request Transfer of Funds as follows:

<u>From</u> :	Acct. #130-300 (Insurance)	\$10,000.00
<u>To</u> :	Acct. #130-341 (Legal Advertising)	\$5,000.00
	Acct. #130-313 (Travel)	\$5,000.00

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

RE: REQUEST TO GO ON JULY COUNCIL CALL - BURDETTE PARK

Grand Opening/Batting Cages: Mark Tuley, Manager/Burdette Park, said they had the Grand Opening of the Batting Cages -- but he forgot to bring the photos with him today to share with the Commissioners. He will bring them next Monday.

Folk Festival: Mr. Tuley said his reason for attending today's meeting is to request that he be added to the agenda for July Council Call to request additional appropriation. At the Board's request earlier in the year, they have taken their Country Music Days and are trying to expand that and put on their first Southern Indiana Folk Festival. They have basically accomplished this. It will have a variety of things -- and they have a cost breakdown of what they feel is a very reasonable budget for something of this size.

For several years, Burdette Park has conducted a Country Music Days promotion with great success. That event has now been expanded into a Southern Indiana Folk Festival featuring the cultural and culinary heritage of Southern Indiana. Among the things the Folk Festival will have (but not limited to) are Arts & Crafts (with up to 300 Exhibitors). They have a mass mailing ready to go to about 1,000 exhibitors. They already have had some 300-400 who have shown interest, so they should have no problems. It will be quite large for a show in this area. He said he thinks Audubon Park has approximately 150-175.

Commissioner Willner asked Mr. Tuley if he is going to have a News Release on this? Mr. Tuley said that he is. In fact, they didn't plan to do this. Earlier in the year

(continued)

COUNTY COMMISSIONERS
June 10, 1985

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they were hoping that they could do part of this out of gate proceeds....and that the County Auditor could tell them how to do this. However, she advised they cannot do this. They will have to ask for an appropriation from County Council.

Commissioner Willner said that perhaps we can just ask the News Media to hold off on a story on this until the package is ready. At that time, they will all be invited out to Burdette Park for a gala time and Mr. Tuley will announce his plans. The News Media personnel nodded agreement.

Continuing, Mr. Tuley said he is assured that they do not have any problem with it. It's just a matter, again, of exchanging the cash -- like we did the last month.

Mr. Willner said as explanation, the State Board said the gate proceeds could not be used to pay for the Folk Festival expenses, that an appropriation would be required. Thus, this is why permission is needed from Council. The Chair entertained a motion.

Motion was made by Commissioner Borries that Mr. Tuley be put on the agenda for July Council Call to request appropriation of \$16,400, with a second from Commissioner Cox. So ordered.

County Auditor Alice McBride advised Mr. Tuley that he will have to have a new Account Number (145-394 - Folk Festival).

RE: REFUND FROM BLUE CROSS/BLUE SHIELD

President Willner said to support the other side of the ledger, he has a note advising that Blue Cross/Blue Shield is returning a 20% savings on our county policy this year in the amount of \$163,690.27. Mr. Lindenschmidt interrupted that the 20% was for something else. Mr. Willner apologized for the error. Continuing, he said the check will be in the County's hands yet today. He is requesting the Commissioners' approval of acceptance of subject check so it can be signed and put into the General Fund for immediate investment so we can get some return on this amount of dollars. Mr. Lindenschmidt said it will probably be tomorrow before the check is delivered. Motion to accept check for endorsement was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

In response to query from President Willner, County Auditor Alice McBride advised that the check should be signed (not stamped). It was subsequently determined that the Commissioners will come to their office to sign the check on Tuesday (June 11th) so it can be deposited.

RE: TRAVEL REQUEST - COUNTY ASSESSOR

Commissioner Willner said he has a Travel Request from County Assessor, Jim Angermeier, as follows:

June 5, 1985

TO THE COUNTY COMMISSIONERS:

I would like the approval and if funds are available for me to attend an Assessor's School in Indianapolis. See the attached letter.

James L. Angermeier
Vanderburgh County Assessor

Mr. Willner also read the attachment, as follows:

May 29, 1985

Dear Fellow County Assessor:

The Education Committee has set up an Assessor's School for September 18-20 at the Sheraton Meridian (Old Stouffer's), Indianapolis, and we hope you will plan to attend. The State Tax Board, along with many of your fellow Assessors, believe

(continued)

COUNTY COMMISSIONERS
June 10, 1985

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in bringing about a professionalism to what we are doing through education. Therefore, your input as to what courses are to be offered is important. Because of our different levels of experience as well as diversification of types of properties within one's own county, it has been suggested that different levels of classes be offered. The following is a list of classes suggested by the Education Committee:

Beginning Residential and Agricultural
Advanced Residential and Agricultural
Beginning Commercial and Industrial
Advanced Commercial and Industrial
Personal Property
Inheritance Tax Procedures
Plat Mapping and Legal Descriptions

I encourage you to check the classes that are of interest to you and add others that you would like to see offered. Please return this to me by June 15.

Sincerely,

Martha A. Womacks
Porter County Assessor
Valparaiso, IN

p.s. Reservation information will be
forthcoming. * * * * *

Commissioner Willner said he does not believe this is a State-called meeting, and he asked the County Auditor if she knows? Mrs. McBride said she does not think it is a State-called meeting....but she does think they suggest that the County Assessors attend. They mentioned this at the State-called Auditor's meeting held recently, which she attended.

Commissioner Cox asked who is sponsoring the classes? Commissioner Borries said he doesn't know. It may be the State Assessors' Association, because they have an Education Committee. Commissioner Cox asked if this is just for County Assessors? Commissioner Borries said that it is. He said he would think that in view of the importance of some of the changes in the law they use the State minimums as a guideline on that, etc.

President Willner entertained a motion.

Motion was made by Commissioner Borries that the request be granted, at State per diem amounts. A second to the motion was provided by Commissioner Cox. So ordered.

RE: ANDY EASLEY - COUNTY ENGINEER

Request to Go Before County Council for Transfer of Funds: As mentioned previously, Mr. Easley said he needs permission to go on July Council Call to request Transfer of Funds -- \$20,000.00 from R&S Account for St. Joseph Avenue to Burkhardt Rd. We have to pay for the right-of-way which we're acquiring and he also needs a little additional operating money in the Burkhardt Rd. account. The Chair entertained questions. There being none, a motion was entertained. Motion was made by Commissioner Borries that Mr. Easley's request be granted, with a second from Commissioner Cox. So ordered.

County Road Intersections with Highest Number of Accidents: Mr. Easley presented the following information with regard to Vanderburgh County Road Intersections with the Highest Number of Accidents. (He said he would give this to Margie Meeks so she could type it up for the Commissioners.)

June 10, 1985

Mr. Robert L. Willner, President
Board of Commissioners of the
County of Vanderburgh
305 Civic Center Complex
Evansville, IN 47708

Re: Vanderburgh County Road Intersections with
the Highest Number of Accidents

(continued)

COUNTY COMMISSIONERS
June 10, 1985

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Dear Mr. Willner:

In accordance with your request, the following is a summary of three (3) Vanderburgh County Road Intersections with the highest number of accidents:

- 1) Allen's Lane and St. Joseph Avenue
- 2) St. George Road and Oak Hill Road
- 3) Outer Darmstadt Road and Old Princeton Road

The City-County Traffic Engineering Department is in the process of preparing an estimate of the cost of relocating the traffic signals at Mill Road and St. Joseph Avenue to Allen's Lane and St. Joseph Avenue.

If any additional information is required, please contact the undersigned.

Very Sincerely,

R. Andrew Easley, Jr.
County Highway Engineer

Patch on Mill Road: Commissioner Willner said that just the other day, County Council asked Mr. Easley about a patch on Mill Rd. (by the County Garage) -- in fact, Council asked him if he didn't think it was poor paving? Commissioner Willner said that he believes that was the question and Mr. Easley responded that "it certainly was"! Did Mr. Easley stay for the remainder of the discussion?

Mr. Easley said the question was a little unfair! They asked what he thought of the quality of the paving and he probably should have stated that as a permanent overlay it was a little rough. He was subsequently advised that it was an interim overlay to keep the road passable. He did not have all the information at his disposal that he should have had prior to commenting on the matter.

Commissioner Willner said he wants Mr. Easley to understand that this problem happened (probably in February) and it was still cold and our patching was not working very well for big holes. It was balling up and you couldn't roll it and couldn't work with it very well. Rudolph's operation was not open at the time, so the County's choice was to use what we had or close the road. We made a very poor patch -- and all of a sudden it gets blown out of proportion that we did a poor job of paving -- and he feels this has to be stopped somewhere along the line.

Mr. Easley said he was asked if he had been over it and he said he'd been over it twice that day -- again, he should have asked for an explanation -- and he apologized.

Commissioner Willner said there is no problem.

RE: LETTER OF APPRECIATION CONCERNING MARK ACKER/VETERAN'S AFFAIRS

President Willner read the following letter expressing appreciation for the assistance and support of Mark Acker/Veteran's Affairs:

June 3, 1985

Mr. Mark Acker
Vanderburgh County Veteran's Affairs
Civic Center Complex
Evansville, Indiana 47708

Re: Paul Ayer
Our File No. 01688/001/01

Dear Mr. Acker:

In behalf of our client, Sheila Given, I would like to take this opportunity to thank you for all of your help and support during a difficult and emotional time. As circumstances existed, there appeared few alternatives available to best aid and care for our client's father. You were instrumental in providing a good and satisfactory solution.

(continued)

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COUNTY COMMISSIONERS
June 10, 1985

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You are a credit to your profession in this community and we thank you.

Very truly yours,

BOWERS, HARRISON, KENT & MILLER

Timothy J. Hubert

TJH:dlm

cc: Sheila Given

Commissioner Cox commented that Mr. Acker is getting a lot of these letters -- we're going to have to start a file on him!

Commissioner Willner continued by reading other correspondence to Mr. Acker, as follows:

May 29, 1985

Mr. Mark Acker
842 Jackson Street
Evansville, Indiana 47713

RE: Disabled American Veteran of the Year

Dear Mark,

It is a great pleasure to inform you that you have been selected Disabled American Veteran for the year 1984-1985, Department of Indiana. You were selected for this honor because of your outstanding professional service, knowledge, perseverance, skills and ability in serving Disabled Veterans, their widows and dependents.

I take this opportunity to extend my heartfelt congratulations to you and to extend my personal appreciation. Your personal efforts have played a large part in the reputation enjoyed by this organization for quality service. You have displayed the characteristics desired and required of a professional Disabled American Veteran and D.A.V. Service Officer while following your responsibilities. Your initiative and performance of your duties in all areas as a DAVer reflects most creditably upon yourself, the Department and National organization of the Disabled American Veterans.

Sincerely,

Forest L. Burton
State Commander

* * * * *

June 5, 1985

Mr. Mark Acker
842 Jackson Street
Evansville, Indiana 47713

Dear Mark,

I would like to take this opportunity to congratulate you on being selected as the "Outstanding Disabled American Veteran of the Year".

Mark, as you are the recipient of this award you will receive travel pay, (2) days meals and one (1) night Hotel on the evening of June 22, 1985. You will receive this award at the banquet so you will receive two banquet tickets -- one for your wife and one for you.

I will look forward to seeing you at this time and, again, congratulations!

(continued)

Sincerely,

Cecil W. Disney
State Adjutant

* * * * *

The Chair entertained a motion to permit Mr. Acker to attend the Banquet, at which time is to receive his Award. Motion to this effect was made by Commissioner Borries, who said his motion includes that a letter be sent from the Commissioners, also, congratulating him as the recipient of this honor. A second to the motion was provided by Commissioner Cox. So ordered. President Willner asked that Mr. Jim Lindenschmidt make certain that a letter from the Board of Commissioners is added to the accolades.

RE: COUNTY TREASURER'S MONTHLY REPORT

President Willner submitted copies of the County Treasurer's Monthly Report as follows:

June 10, 1985

TO: County Commissioners
County Council

Reassessment (249)--Investment \$1,000,000.00 Jan. 7, 1985, at 8.8%. Estimated income at maturity is \$86,288.89. Maturity date is December 26, 1985.

Monies on Deposit--Invested \$500,000.00 (\$100,000.00 to each of the 5 Savings and Loans) Jan. 8, 1985, at 8.1%. Estimated income at maturity is \$20,025.00. Maturity date is July 5, 1985.

Revenue Sharing (506)--Invested \$150,000.00 Jan. 15, 1985, at 8.05%. Estimated income at maturity is \$5,500.83. Maturity date is June 28, 1985.

Local Roads & Streets (216)--Invested \$1,000,000.00 Feb. 8, 1985, at 8.45%. Estimated income at maturity is \$42,250.00. Maturity date is Aug. 7, 1985.

Cumulative Bridge (203)--Invested \$2,000,000.00 Feb. 8, 1985, at 8.45%. Estimated income at maturity is \$84,500.00. Maturity date is Aug. 7, 1985.

Monies on Deposit--Invested \$1,000,000.00 Mar. 1, 1985, at 8.75%. Estimated income at maturity is \$28,923.61. Maturity date is Jun. 28, 1985.

Local Option Income Tax (413)--Invested \$300,000.00 Mar. 5, 1985, at 8.65%. Estimated income at maturity is \$8,577.92. Maturity date is July 1, 1985.

Monies on Deposit--Invested \$1,000,000.00 Apr. 1, 1985, at 8.575%. Estimated income at maturity is \$21,675.69. Maturity date is July 1, 1985.

Monies on Deposit--Invested \$2,000,000.00 Apr. 2, 1985, at 8.45%. Estimated income at maturity is \$40,841.67. Maturity date is Jun. 28, 1985.

Local Option Income Tax (413)--Invested \$125,000.00 Apr. 4, 1985, at 7.8%. Estimated income at maturity is \$2,356.25. Maturity date is July 1, 1985.

Revenue Sharing (506)--Invested \$250,000.00 Apr. 11, 1985, at 8.0%. Estimated income at maturity is \$4,333.33. Maturity date is Jun. 28, 1985.

Monies on Deposit--Invested \$1,000,000.00 Apr. 24, 1985, at 7.7%. Estimated income at maturity is \$13,902.78. Maturity date is June 28, 1985.

Monies on Deposit--Invested at \$1,000,000.00 Apr. 26, 1985, at 7.75%. Estimated income at maturity is \$13,562.50. Maturity date is June 28, 1985.

Monies on Deposit--Invested \$1,500,000.00 May 3, 1985, at 7.75%. Estimated income at maturity is \$15,822.92. Maturity date is June 21, 1985.

Monies on Deposit--Invested \$5,000,000.00 May 7, 1985, at 7.6%. Estimated income at maturity is \$54,888.89. Maturity date is June 28, 1985.

(continued)

Monies on Deposit--Invested \$5,000,000.00 on May 15, 1985, at 7.5%. Estimated income at Maturity is \$38,541.67. Maturity date is June 21, 1985.

Monies on Deposit--Invested \$2,500,000.00 May 17, 1985, at 7.5%. Estimated income at maturity is \$14,583.33. Maturity date is June 14, 1985.

Monies on Deposit--Invested \$2,000,000.00 May 23, 1985, at 7.3%. Estimated income at maturity is \$14,600.00. Maturity date is June 28, 1985.

Monies on Deposit--Invested \$3,000,000.00 May 24, 1985, at 7.125%. Estimated income at maturity is \$20,781.25. Maturity date is June 28, 1985.

Monies on Deposit--Invested \$3,000,000.-- May 29, 1985 at 7.125%. Estimated income at maturity is \$17,812.50. Maturity date is June 28, 1985.

Monies on Deposit--Invested \$2,000,000.00 June 7, 1985, at 7.0%. Estimated income at maturity is \$8,166.67. Maturity date is June 28, 1985.

Actual interest receipted to date:	County Revenue	\$ 64,431.87
	Local Roads & Streets	3,276.00

Projected Revenue: Includes interest already receipted and interest to be receipted when current investments mature:

County Revenue -----	\$388,560.35
Reassessment -----	86,288.89
Cumulative Bridge -----	84,500.00
Local Roads & Streets-----	45,526.00
Local Option Income Tax -----	10,934.17
Revenue Sharing -----	9,834.16
 Total	 \$625,643.57

Advances of Taxes Collected to Date:	School Corporation ---	\$5,117,000.00
	City of Evansville	3,928,900.00
	Total	\$9,045,900.00

Additional Advances Projected:	School Corporation	\$2,425,000.00
	City of Evansville	\$1,514,300.00

Patrick Tuley

Commissioner Cox said she thinks the Board of Commissioners ought to compliment Mr. Tuley on the information he is providing the Commissioners via the monthly Treasurer's Report. He has done an excellent job; he has the report broken down and you see where your interest money is going. She personally wishes to thank him for this information.

Commissioner Willner said he appreciated Commissioner Cox's comments and he is certain that Mr. Tuley will. He asked that Mr. Jim Lindenschmidt convey to Mr. Tuley the remarks made by Commissioner Cox and add those of the other two Commissioners, as well.

RE: CERTIFICATES OF INSURANCE

Christy Lane Enterprises: Performance at Auditorium on July 26, 1985.

St. Mary's Medical Center: Employee Service Awards Ceremony at Auditorium on 6/12/85.

(continued)

COUNTY COMMISSIONERS
June 10, 1985

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RE: BIDS ON REINFORCED CONCRETE PIPE & SPECIAL CONNECTIONS (AWARDED)

Mr. Jeffers, Deputy Chief Surveyor, re-entered the meeting and President Willner queried him concerning the bids on reinforced concrete pipe and special connections for North Green River Road project. Mr. Jeffers said that he and Mr. Easley (County Engineer) went over the bids with Fred Blumenauer of the City Engineer's office (the latter prepared the proposal) and the low bidder (M&W Concrete Pipe & Supply of Evansville, Indiana) does have bid matching specifications on the itemized proposal. Since that bid is the low bid and it is in order, it is recommended that the Board accept subject bid.

The Chair entertained a motion. Motion was made by Commissioner Borries that the bid from M&W Concrete Pipe & Supply of Evansville in the amount of \$24,144.15, as outlined, be approved. A second to the motion was provided by Commissioner Cox. So ordered.

RE: ACCEPTANCE OF CHECK FROM HOME INSURANCE COMPANIES

It was noted by Mr. Jeffers that during the meeting, a check from The Home Insurance Companies in the amount of \$131.64 was received as reimbursement for a minor fender-bender of one of the county vehicles. The amount is correct and he request that the check be accepted, endorsed and quietused into the Cumulative Bridge Fund (203-352). The Chair entertained a motion. Motion was made by Commissioner Borries that the check in the amount of \$131.64 be accepted, endorsed and deposited into the Cumulative Bridge Fund. A second to the motion was provided by Commissioner Cox. So ordered.

RE: OLD BUSINESS

Time Issue: Commissioner Borries said there will be some Department of Transportation hearings on the Time Issue that, again, seems to be resurfacing in our area. These hearings are going to be held in July. Based on many discussions that residents have had with the Commissioners, it would be his feeling that he does not wish to change the time. He can appreciate that some of the individuals who have to travel to/from different zones might desire a change. But the individuals in our area, because we are so close to two (2) other states are much more economically and geographically tied with these areas -- and perhaps we should go on record at least via sending some kind of statement to the Department of Transportation stating our position on the issue (if we have one). We are certain to be asked again as the dates of the hearings get closer. He asked if the other Commissioners feel the Board should endorse any kind of a time change? He doesn't believe the Commissioners endorsed anything like that the last time.

Commissioner Willner said that if 90% of the people wanted to change, then he'd want to change. However, he does not think that is happening and he is rather appalled by the whole question. We're actually going to pit one group against another; there are certainly some people who might want to change and he is certain they will have an opportunity to be heard. He just wishes, personally, the matter would go away! Some of the people who introduced this legislation are not from the extreme northwestern part of the State and perhaps do not have the problems we have. He would probably agree with a letter being forwarded to the Department of Transportation to state our position.

Commissioner Cox said she has a personal feeling. Insofar as the general public is concerned, her experience has been about half-and-half as far as what they want to do. This was completely unsolicited. It has, however, died down; this was several months ago when it was quite prevalent in the newspaper. She personally feels, as an individual, that we can do as we wish. But, as a County Board, she hates to go on record either "for" or "against" something before the Commissioners have had an opportunity to hear the input from the Public Hearings. She thinks the purpose of public hearings is to give the public the opportunity to voice their concerns and bring up questions that need to be addressed. Thus, she feels that the Commissioners, as elected officials, should not take a stand on something one way or the other unless it comes directly under their jurisdiction which, this time issue does not.

Commissioner Willner asked Commissioner Borries if he knows where the public hearings will be held?

Commissioner Borries said that one will be held in Evansville. He also understands that there will be hearings perhaps in Western Kentucky and Illinois and perhaps one in the northern part of Indiana. It's a problem that just seems to defy solution, because if

(continued)

you look at the Clarksville, New Albany, Floyd County area, Jefferson County area and all the way up toward Cincinnati -- they simply just disregard the law. Right now they are not on Eastern Standard Time, they are on Eastern Daylight Time and are one (1) hour ahead of the rest of the State. As he understands it, their County Courthouse has a clock that has the official time and the rest of the time there is a flagrant disregard of the law. They do not observe what is law in Indiana. Thus, it is a difficult problem. His only point was that since the Commissioners are asked their opinion and since this issue has surfaced time and time again -- his phone doesn't ring off the hook with individuals urging that the time be changed. Maybe this is because of our geographic location. With the early hour that school starts now (7:30 a.m.) there doesn't seem to be any groundswell of support to change our time from what it is. He does concur that the Commissioners can certainly listen to what people have to say..... The unfortunate part about this, however, is that all too often that sometimes becomes a vehicle for a few vocal groups either way that would want to express their opinion (which is their right) -- but he is not certain that this would accurately sample public opinion. Having considered this previously, it just seems as though that if a change were made in this area, it would not solve the problem for the whole State of Indiana. He's not sure there is a solution for this.

Commissioner Willner asked that Commissioner Borries keep the Board advised concerning the whereabouts of these meetings, as well as in touch with what needs to be done.

In conclusion, it seemed to be the consensus of the Board that no formal statement should be tendered to the D.O.T. either pro or con until Public Hearings are held.

RE: SCHEDULED MEETINGS

President Willner announced that C.E.S. will give a voting equipment demonstration in Council Chambers at 4:30 p.m. today.

On June 24th, at 4:30 p.m., A. E. Boyce will give a demonstration of voting equipment.

RE: CLAIMS

Veteran's Service Conference (Lake Monroe): President Willner said he had claims in connection with the Veteran's Service Conference in Bloomington. The Board had granted permission for two (2) to attend said conference. There were questions concerning the claims. County Auditor, Alice McBride, will have them checked out in Bookkeeping by Gloria Evans and re-submit next week.

Lewis Electric Service: Claim in the amount of \$32.50 to Lewis Electric Service for refund on Permit #24-V. Motion to approve claim was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Hank's Electric Service: Claim in the amount of \$58.50 for refund on Permit #9939V. Motion to approve claim for payment was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Barbara Cunningham: Claim in the amount of \$224.53 for attending Indiana Department of Commerce Conference in Indianapolis. Claim includes hotel room for (2) nights, registration, meals, parking fee and gas. The claim has been checked and approved by Bookkeeping. Motion to approve claim was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

RE: EMPLOYMENT CHANGES - RELEASES

Cooperative Extension Service

Robert C. Kimbrough	429 Adams Ave.	P.T.	\$35.00/Day	Eff: 6/3/85
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County Treasurer

Rosemary Muensterman	6025 Broadway	Ctr./Post Clk.	\$35.00/Day	Eff: 5/24/85
Mary Jo Mooney	5214 Monroe Ave.	"	\$35.00/Day	Eff: 5/24/85
Kimberly Joy Ford	708 E. Chandler	Posting Clk.	\$35.00/Day	Eff: 5/24/85
Tonya Bennett	2543 Sunburst	Ctr./Post Clk.	\$10,760/Yr.	Eff: 6/28/85
Beth Cain Kerchief	5120 Golden Tower	"	"	Eff: 6/28/85

(continued)

COUNTY COMMISSIONERS
June 10, 1985

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Burdette Park

Laura Hutchison	2026 W. Michigan	P.T.G.C.	\$ 4.00/Hr.	Eff: 5/23/85
Sharon Jankowski	6912 Cliftwood	"	"	"
Tracy VanZant	101 S. Peerless	"	"	"
Gregory Topper	1906 S. Red Bank	"	"	"
Lori Wagner	R.R.#10, Box 160	"	"	"
Michael Gerard	7601 Hogue Rd.	"	"	"
Andrew Branham	6000 Apple Grove	"	"	"
Dona Barton	3721 Koresse	"	"	"
Mark Mastison	1618 E. Indiana	"	\$3.50/Hr.	Eff: 5/22/85
Richard Bender	1517 Western Hills	Rink D.J.	4.00/Hr.	Eff: 5/21/85
James Jones	1808 N. Denby	P.T.G.C.	3.50/Hr.	Eff: 5/22/85
Perry Gostley	Nurrenbern Rd.	Rink Guard	4.00/Hr.	Eff: 5/23/85
Leisa M. Good	11540 Village Lane	P.T.G.C.	"	"
Beth Minton	10515 Olivia St.	"	"	"

RE: EMPLOYMENT CHANGES - APPOINTMENTS

Cooperative Extension Service

Shannon M. Scholz	2307 E. Mulberry	P.T.	\$31.00/Day	Eff: 5/20/85
Jana Freudenberg	6133 Sharon Rd.	P.T.	\$27.00/Day	"
Karen Koester	Wadesville, IN	P.T.	\$31.00/Day	"
Raymond Rivard	RR. #8, Box 168-E	P.T.	\$31.00/Day	"
Mary Ellen Roach	3210 E. Powell	P.T.	\$27.00/Day	"

Circuit Court

Christopher E. Carl	10140 S.E. Browning	Law Clerk	\$180/WK	Eff: 5/20/85
Robt. Jeff Dodson	R.R.#3, Box 207C	Intern	\$4.00/Hr.	Eff: 5/28/85
Donald R. Vowels	511 N. Sherman	Intern	\$4.00/Hr.	Eff: 5/28/85
Glenn A. Deig	4024 Rose Ave.	Intern	\$4.00/Hr.	Eff: 5/20/85
Daniel E. Hall	700 Senate	P.T. Bailiff	\$400 BIWK	Eff: 5/28/85

Sheriff

Gloria J. Grant	3613 Branchwood	Med. Records	\$4.00/Hr.	Eff: 5/20/85
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Superior Court

James O. Dunaway, Jr.		Temporary (Summer)	\$150/WK	Eff: 5/27/85
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Pigeon Township Trustee

Michelle Gubler	1315 S. Kentucky	Clerk	\$12,500/Yr.	Eff: 6/3/85
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County Treasurer

Tonya Bennett	2543 Sunburst	Ctr./Post	\$11,760/Yr.	Eff: 7/1/85
Beth Cain Kerchief	5120 Golden Tower	"	"	"

Burdette Park

Laura Hutchison	2026 W. Michigan	Pool Mgr.	\$48.00/Day	Eff: 5/23/85
Sharon Jankowski	6912 Cliftwood	Head Guard	37.00/Day	"
Tracy VanZant	101 S. Peerless	Reg. Guard	3.60/Hr.	"
Gregory Topper	1906 S. Red Bank	"	3.60/Hr.	"
Lori Wagner	Kramer's Drive	"	3.60/Hr.	"
Michael Gerard	7601 Hogue Rd.	"	3.60/Hr.	"
Andrew Branham	6000 Apple Grove	"	3.60/Hr.	"
Dona Barton	3721 Koresse	Reg. Cashier	3.50/Hr.	"
Beth Minton	10515 Olivia	Reg. Guard	3.60/Hr.	"
Leisa M. Good	11540 Village Lane	"	3.60/Hr.	"
Brad Norman	Ford Rd.	"	3.60/Hr.	"


(continued)


Burdette Park (continued)

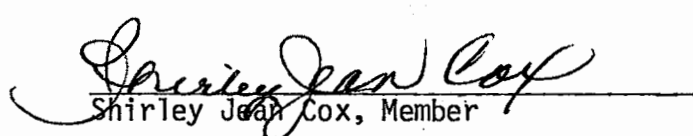
Barbara Owens	2852 W. Pennsylvania	Reg. Guard	\$3.00/Hr.	Eff: 5/23/85
Jennifer Byers	4001 Hoodcastle Rd.	Ext. Guard	3.35/Hr.	"
Marie Anderson	16 Park Ridge Dr.	"	3.35/Hr.	"
Jennifer Talley	6717 Felstead Rd.	"	3.35/Hr.	"
Regina Southard	312 S. Congress	P.T.G.C.	3.75/Hr.	Eff: 5/25/85
John Schenk	1604 Tekoppel	"	4.00/Hr.	Eff: 5/25/85
Scott Carnahan	R.R.#10, Box 272	Rink Guard	3.50/Hr.	"
James Jones	1808 N. Denby	P.T.G.C.	4.00/Hr.	Eff: 5/22/85
Joeli Staley	6708 Cliftwood Dr.	Extra Guard	3.35/Hr.	Eff: 5/23/85
Randall Seidehamel	619 Biddle Ct.	"	"	"
Amy Helfrich	9401 Hogue Rd.	"	"	"
Simone Head	7120 Hogue Rd.	Reg. Cashier	3.50/Hr.	"
Paul Head III	7120 Hogue Rd.	Ext. Cashier	3.35/Hr.	"
Perry Gostley	Nurrenbern Rd.	Asst. Pool Mgr.	40.00/Day	"
Shawn Stanley	5114 Mesker Park Dr.	Reg. Guard	3.60/Hr.	"
Rob Bumb	3225 Lemcar Lane	Asst. HdGd	35.00/Day	Eff: 5/23/85
Linda Owens	2852 W. Pennsylvania	Reg. Guard	3.60/Hr.	"
Michael Powless	5816 Ashbrooke	Reg. Guard	3.60/Hr.	"
Greg Franklin	2154 E. Monroe	Ext. Guard	3.35/Hr.	"
Jennifer Toone	6221 Broadway	"	3.35/Hr.	"
Tina Trautvetter	3010 Harmony Way	"	3.35/Hr.	"

There being no further business to come before the Board of Commissioners at this time, President Willner declared the meeting adjourned at 3:55 p.m.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	Robert L. Willner Richard J. Borries Shirley Jean Cox	Alice McBride	David V. Miller
	<u>COUNTY ENGINEER</u>	<u>COUNTY HIGHWAY</u>	<u>COUNTY SURVEYOR</u>
	Andy Easley	Bill Bethel	Bill Jeffers, Chief Deputy
	<u>BURDETTE PARK</u>	<u>BUILDING COMMISSION</u>	<u>OTHER</u>
	Mark Tuley	Jesse Crooks	Ed Hayes Robert Mitchell Bob Roberts Dan Vowells News Media
<u>SECRETARY:</u>	Joanne A. Matthews		


Robert L. Willner, Vice President


Richard J. Borries, Vice President


Shirley Jean Cox, Member

401.

MINUTES
COUNTY COMMISSIONERS MEETING
JUNE 17, 1985

<u>Subject</u>	<u>Page No.</u>
AGREEMENTS	
Settlement Release Agreement/Addendum (Hartmans)---Atty. Jones will have Agreement retyped and submit for Board's signatures later this week; agreement has already been approved by the Board-----	15
Pitney-Bowes -----Commissioners to review contract prior to taking action on rate increase requested-----Deferred 1) week-----	18
AREA PLAN COMMISSION/REZONINGS	
VC-8-85/Petitioner, Hazel Fulton (3rd)-----Deferred to July 15th-----	1
VC-9-85/Petitioner, R. Reuter (3rd)-----Deferred to July 15th -----	1-2
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402.

MINUTES
COUNTY COMMISSIONERS' MEETING
JUNE 17, 1985

The Vanderburgh County Board of Commissioners met in session at 7:50 p.m. on Monday, June 17, 1985, in the Commissioners Hearing Room, with President Robert Willner presiding.

Subsequent to the meeting being called to order by the President, a motion was entertained concerning approval of the minutes of the previous meeting. Motion to approve minutes of meeting held on Monday, June 10th, as engrossed by the County Auditor, and that reading of same be waived was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: REZONING PETITIONS - AREA PLAN COMMISSION

VC-8-85/Petitioner, Hazel Fulton (3rd Reading): Commissioner Willner said this is a 3rd Reading zoning left over from last month, at which time the petitioner was not present. Mrs. Beverly Behme advised that a letter was sent to the Petitioner and the Attorney informing them that the petition would be heard tonight. Evidently, they are not in attendance. In response to query from Commissioner Willner, Ms. Behme advised that the petitioner has thirty (30) more days. The Chair entertained a motion. Motion was made by Commissioner Cox that this matter be postponed for a one (1) month period, with a second from Commissioner Borries. Do ordered.

VC-9-85/Petitioner, Raymond E. Reuter (3rd Reading): Commissioner Willner advised that Mr. Reuter is seeking an M-2 zoning on Orchard Road (400 ft. northwest of Schenk Rd.).

Mr. Reuter approached the podium and said he is seeking rezoning from agricultural to light industrial (M-2).

President Willner requested that Mr. Reuter tell the Board a bit about how the business got started, the type of business he is in, etc.

Mr. Reuter said he is in the construction business. The place on Orchard Road is their homeplace. They have been out there some 30-32 years. He went into the construction business back in 1975 and they set up shop on Orchard Road (which was his Dad's place initially). Since that time, they have built on and operate the construction business at that location. He wants to get rezoned so he will meet the code.

The Chair entertained questions. There were none.

The Chair asked if any remonstrators were present. There were none.

Commissioner Borries said he wondered if this could be studied a bit in relation to -- he has a problem with the permit as it is on M-2. He knows Mr. Reuter and what kind of a person he is and he certainly respects him. Is there a time to which this could be deferred to permit the Commissioners to explore the alternatives? He doesn't think that Mr. Reuter interferes with his neighbors and he would appreciate some time to explore the alternatives.

The Commissioners conferred briefly with Ms. Behme of the APC, who advised that APC vote was three (3) affirmative votes and five (5) negative votes. Ms. Behme said the site plan could be amended and the house could be excepted.

Commissioner Borries asked Mr. Reuter if he would consent to having the residence and the business separated? Leave the front part of the property zoned agricultural and an M zoning for the business? Mr. Reuter said this would be no problem at all.

Ms. Behme said this would require that the site plan be amended to show that the front remains agricultural and the business M-2. The legal description would also have to be amended.

Commissioner Borries asked that if Mr. Reuter agrees that if his family would ever sell that property, is there any way we can enforce any kind -- he hates to use the word "covenant", but he guesses that is what they call them -- that the M zoning would go back to agricultural?

Attorney Jones said this has to be included on the deed.

Ms. Behme said he would have to petition to have this done -- to take it back to Agricultural; she doesn't think it would otherwise be automatic.

continued)

Attorney Jones offered comments to Ms. Behme, but they were completely inaudible.

Commissioner Willner asked Mr. Reuter if he sells the trusses, or are they mainly for his own use? Mr. Reuter said they are mainly for their own use.

Following further brief aside discussion, motion was made by Commissioner Borries that this matter be continued for thirty (30) days so an amended site plan can be submitted -- to look at a minimum impact in regard to rezoning on this. Matter will be deferred until Commissioners' evening meeting on July 15th. A second to the motion was provided by Commissioner Cox. So ordered.

VC-10-85/Petitioner, Rick Rideout (3rd Reading): Commissioner Willner asked if anyone is present to speak concerning this petition? He then recognized a gentleman in the audience and asked that he approach the podium.

Mr. Larry Roudebush said he is speaking in Mr. Rideout's behalf and that he lives at R.R.#1, Mt. Vernon, IN. Mr. Rideout had petitioned for a rezoning of property at 5221 Hogue Road from Agricultural to C-4. Everyone will be pleased to hear that Mr. Rideout, himself, opposes the C-4 zoning and is withdrawing his application. After realizing what C-4 was, Rick felt he was opposed to what it could do to his neighborhood and after some serious soul-searching decided that it was best that he withdraw the application.

The initial reason for the C-4 zoning request resulted from some confusion which occurred when Mr. Rideout went to the Area Plan Commission to explain what his home business was. He was told he needed C-4 zoning. He was following the letter of the law to go to C-4 and was doing everything he thought kosher to meet the guidelines of the County Zoning Board and the County Commissioners. He apologizes for the confusion and misinformation. He apologizes to everyone here for the confusion and the irritation it may have caused a few people.

In addressing Mr. Rideout's products, Mr. Roudebush said that Mr. Rideout developed "Rick's Products" in 1980. It continues today as it was originally formed -- as a mail order hobby business. This was borne out of Mr. Rideout's love of railroading. He started his hobby when he was 10 years of age. In the United States today, there are over 180,000 model railroaders who have their model railroads in their homes, in their basements -- it is an avid hobby. Ninety percent of the businesses are run out of their homes; they are after hours; they are job supplemental incomes. A person takes a hobby and develops something new. Someone sees it at a trade show and say, "Gee, that's great -- that's fantastic -- where can I get one?" The individual says, "O.K., for a price I'll make one for you." And that is how the business gets started today. The largest in the industry today is Aprin out of California. He started in 1935 in his basement. Today he is a large operation. Rick's Products is probably at the bottom rung -- on the scale of the operations of the hobby industry. The business has not shown a profit until this year. The profit has been spent in development and research.

Continuing, Mr. Roudebush said he has some photographs to share with the Commissioners to show what Rick's Products are. Rick's Products can be compared to Home Interiors, Avon, Mary Kay Cosmetics, etc., because he gets his manufactured products in bulk at his residence. The products come in boxes. He sits down and takes a piece out of each box and puts them into a plastic bag and redistributes them to distributors. There are no retail sales at the place at all; all sales are to distributors. Even the hobby industry in Evansville, itself, have to order products from Chicago, Milwaukee, New York-- they cannot buy them direct from Rick's Products. Photos showed packaging process. The products are all manufactured in the Tri-State area by firms such as Reliance, Service Tool & Diecast -- they all reflect jobs in the area thru the plastics industry. They are diecast molded and shipped to Mr. Rideout's residence. He has with him this evening some cartons -- to show how the products come, ready for distribution.

Mr. Roudebush said that Mr. Rideout has developed most of the items thru the industry and is well known. He may be the Henry Ford of the model railroad industry. He has received several awards, plaques, etc. Items shown to the Board included the products as they come in boxes to Mr. Rideout, plastic bags containing several items which have been repackaged for distribution; a coupling tool (two magnets are slipped in the coupling, it is packed and shipped out).

(continued)

In proceeding, Mr. Roudebush again pointed out that Mr. Rideout's operation is similar to Avon, Mary Kay, Home Interiors, etc. He said he knows this because some members of his family are in major distribution networks for one of those companies. They ship all the orders to the homes, they repackage them and redistribute them. Basically, it is like a lot of the sewing industry. There are ladies around the town who make quilts and they have a large sewing operation. Three or four get together and make quilts and they sell them at weekend arts and crafts shows, etc. Again, none of Mr. Rideout's products go into the local market -- except there are two retail outlets in the Tri-State area where you can buy his products. He has won several awards and he will share those with the Commissioners, as well as newspaper clippings and Trade Publications mentioning him and his products. The Commissioners reviewed these items and Mr. Roudebush circulated them thru the audience.

Mr. Roudebush said all that Mr. Rideout is asking from the Commissioners now is a Non-Conforming Use Permit at the Hogue Road location. Prior to filing for the C-4 zoning, Mr. Rideout had no complaints from the neighbors. He has lived at that location all of his life. He wants to keep everything in harmony with his neighbors. He told Mr. Roudebush that he wants to do what is right -- and that is what stirred this thing up in the first place. He wanted to do what was right! He wanted to come to the Commissioners and withdraw the C-4 application and go with the non-conforming use permit, if that is what the Commissioners required him to do.

This afternoon, Mr. Rideout told him that when the business becomes more profitable and feasible, he would move the business from Hogue Road to a west side industrial park. But, economics is the bottom line in any business. If it doesn't make money -- you can't spend money. Again, he is trying to manufacture products, make a profit; he is not manufacturing them on site, but is developing ideas, having the ideas drawn up and marketed. There are some items on which he could get patents. He requested that Mr. Rideout bring some of those products up to share with the Board. All of these products have been developed thru Rick's childhood dreams and on to adulthood. Mr. Roudebush showed photos of a model railroad layout, which was to scale -- and Mr. Rideout built that himself. He is an extremely talented and bright young man. These products were all developed from his manufacturing and building of this layout -- as a hobby -- in his basement. The Board was shown a switch, which moves to give realism. Mr. Roudebush said being in the railroad industry, he knows exactly what Mr. Rideout is talking about -- they are facinated by some of the strides Mr. Rideout has come up with for his age.

Mr. Roudebush said he had mentioned the jobs in the plastic industry which can be attributed to Mr. Rideout. He also does some printing (he has those labels printed at local plants), mold shops, he purchases cartons locally for redistributing the products, all of which support local industry. With the exception of some metal screws and stamp parts which come from Chicago (because he cannot get them locally) -- everything is manufactured in the local Evansville-Tri-State area. Mr. Roudebush asked Mr. Rideout how many jobs he thought his dollar volume business would support in this area -- five (5) jobs? Mr. Rideout concurred. Thus, Mr. Roudebush said that Mr. Rideout's business has developed an economic base for jobs for five people (not at his location, but at other established going businesses). Mr. Roudebush said this is a true example of American free enterprise business. Mr. Rideout has a hobby - he has a dream, which every young American has, and his has become reality. All he wants to do is to continue to develop his ideas and his dreams. He is striving for perfection. All he is asking is for a non-conforming use permit.

Commissioner Willner thanked Mr. Roudebush for his presentation. He then asked if any remonstrators are present.

The Chair asked that the record reflect that there is a petition with two hundred five (205) names against the C-4 zoning, which has already been withdrawn. Additionally, the following letter was received from the West Side Improvement Association, Inc.:

June 17, 1985

Vanderburgh County Commissioners
Civic Center Complex
Evansville, IN 47708

Dear Commissioners:

In reference to County Rezoning 85-43-PC VC-10-85 (Petitioner, Rich Rideout), Westside Improvement Association, Inc. would like to make the following comments.

(continued)

Although we sympathize with Mr. Rideout's situation, WIA Board of Directors voted to stand in unison with the neighborhood and request rezoning be denied for the following reasons:

1. Mr. Rideout operated illegally for a period of time and against zoning code regulations. WIA has long supported improved code enforcement within city and county.
2. With the increased potential for approximately 150 units of apartments expansion between Red Bank and Hogue as well as increased construction at the University Shopping Center, our organization feels Hogue Road cannot possibly meet the needs of additional commercialism. This road already is substandard for the demands of the area.
3. Hogue Road (west) is a very attractive and stable west side neighborhood which could be adversely affected by increased commercial activity.
4. Sewage and drainage problems in this area are severe and need addressing before any new construction proceeds.

Very truly yours,

(Mrs.) Shirley W. James
Executive Chairman

Commissioner Willner said that although the application for C-4 zoning has been withdrawn, if there are remonstrators present concerning VC-10-85, the Board would hear from them at this time.

Mr. Dan Kaiser approached the podium. He said he lives across the street from Mr. Rideout. They are pleasantly surprised to learn that C-4 zoning petition has been withdrawn and they wish him success in his business. They still have some residents in the area who are opposed to any commercial activity. Thus, they still would ask what recourse they have to control future activities. Commissioner Willner said he will address this matter after the other remonstrators have spoken.

Mrs. James asked what the definition of a "non-conforming use" implies? Mr. Willner said he would address "home occupation" later in the meeting.

Mrs. James asked if Commissioner Willner is going to read the letter from the West Side Improvement Association, Inc., which states the stand taken by their Board of Directors? Commissioner Willner said he would imagine that this letter addresses the C-4 zoning and this is no longer being considered. He did not read the letter, but it will be placed in the minutes.

Continuing, President Willner requested that Mrs. Behme of the APC read the definition of "Home Occupation", which he believes Mr. Rideout's operation might come under:

"One which must be conducted entirely within the dwelling, with no additional employees. Area devoted to the use may not exceed 25% of the area of the dwelling. No separate outside entrance provided solely for the home occupation. Display of goods or services may not be visible from the exterior of the building and only a maximum 2 ft. square sign is permitted, but may denote name and title of occupants only. Any increase in level of activity will require rezoning of property."

Mrs. James said it was their understanding that an edifice had been enlarged -- larger than the size of the home. Apparently an application had been made to the Building Commission for a garage of a certain size and a larger edifice was actually being built. Is this edifice going to be used for the business or is it truly a garage for the home?

President Willner said he would say it was somewhat smaller. He handed her photos of what was torn down and what was subsequently built. He said they moved what was in the basement out to the garage -- what was the difference? He asked that Mr. Roudebush answer some questions. Can Mr. Rideout continue to conduct his business within the dwelling if he has to? Mr. Roudebush said that he could. He then asked if Mr. Rideout has any full time employees? Mr. Roudebush said "just his wife". There are some part time employees. President Willner asked if he exceeds 25% of dwelling area? Mr. Roudebush responded in the negative. Mr. Willner asked if there are any separate

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outside entrances? Mr. Roudebush responded in the negative. Mr. Willner asked if any goods or services are displayed? Mr. Roudebush said the only thing is a sign for UPS (if they don't need UPS, they have a sign in the window saying "NO"; if they do, then "YES" is displayed). Mr. Willner asked if it exceeds the 2 ft. maximum? Mr. Roudebush responded in the negative. Mr. Rideout's garage has room for automobile and boat storage, plus room for product storage prior to repacking. Mr. Willner asked if there is any traffic at all except for UPS? Mr. Roudebush responded in the negative. Commissioner Willner said he believes a non-conforming use permit would fit Mr. Rideout's operation. The Chair asked if anyone else wishes to speak pro or con concerning the matter.

Ms. Pat Greenfield was recognized by the Chair. She said their property is adjacent to Mr. Rideout's property. She asked how far from the property line the structure has to be. On Saturday, the surveyor put a stake in the ground. It was taken out on Sunday and a new fence was put up -- 5 ft. from the structure.

Commissioner Willner said the APC staff tells him there is a 2 ft. requirement. He believes there are problems concerning the survey in that area -- but he does not know enough about it to comment. Ms. Behme advised that Mr. Rideout could seek a variance from the Board of Zoning Appeals if the fence is within the 2 ft. area.

Mrs. James asked if the variance shouldn't have been sought before the building was built? And the new fence was completed yesterday (Sunday).

Commissioner Willner said that Mrs. Cunningham advises that it is possible for Mr. Rideout to seek a variance from the BZA if it is within the 2 ft. area. In response to query from Mrs. James, Mrs. Cunningham said that within the 2 ft. you can have an overhang.

Mrs. James said it was their understanding that an application had been sought from the Building Commission for a certain size edifice and a larger size edifice had been built.

Mr. Willner said that Mr. Roudebush is going to explain that and if Mrs. James has questions on this, they will be addressed after Mr. Roudebush finishes.

Mrs. Cunningham said the application for the new addition was for 1,400 sq. ft. and and the building on the site plan is 40 ft. x 35 ft.

Mr. Roudebush approached the podium and said that originally the property was laid out --and he understands there are discrepancies all up and down the entire north side of Hogue Road. Some parcels of property are short 5 ft.; some are long 8 ft.; the property which Ms. Greenfield was addressing --they removed the old building and tore down a portion of the existing fence (which was the property boundary). They put the fence up in the exact same place as the old property line fence -- and he doesn't know how many years that property fence had been up. He does not know what spurred the surveying of the property, but this all seems to have come up since this petition came to light. Mr. Rideout told him that the property stake was driven inside his existing property some 18 ft. in the back. He is supposed to have a 100 ft. lot in the back and it is 95 ft. in the front. The people on the west side say they belong over 10 ft. on him and the people on the east side said they belong over 18 ft. -- and this would leave him a tiny lot. So, somebody is wrong somewhere. He has not spoken with the surveyors or the County Surveyor to determine where the problem is. However, he thinks that is an issue separate from that which is before the Commissioners tonight.

Commissioner Cox asked when Mr. Rideout purchased his property? He said it was October of 1978. Mrs. Cox asked if a survey was conducted at that time? Mr. Roudebush said he believes the bank had a survey and a mortgage search and a title prepared and everything was o.k. at that point in time. He just became aware of this problem late this afternoon -- so he has not had an opportunity to do any legwork before tonight. They will, however, determine the problem.

Following further comments and discussion concerning the property line, Mr. Roudebush said he thinks that has no bearing at tonight's meeting whatsoever. Commissioner Willner concurred, saying the Board of Commissioners would not be the proper place to air disagreements concerning the property line. Mrs. James again said that she understands the overhang of the new building is over the property line. It was subsequently pointed out again that this is a "disputed property line". Mr. Roudebush said the way the building was built (with the existing property line which is being disputed) it was 5 ft. from the property line to the roof overhang.

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The Chair entertained further questions. Mrs. James said that according to the building permit application, the building was to be 35 ft. x 40 ft. Instead, it is 35 ft. by 50 ft.

Mr. Roudebush said the building torn down was 26 ft. by 26 ft. and it was a 2-story building, so you have double the square footage...plus the fact there was another old barn. The new building is within the limits of the building permit footage. He asked that Mr. Rideout approach the podium and explain his understanding at the time he applied for the building permit.

Mr. Rideout said the restrictions were: 2 ft. off the line, 10 ft. from the house and also square footage no greater than the house. Area Plan figured the existing home was 2,000 and the new garage is 1,750. They felt they could have gone even larger, but he ran out of property on the back because the land drops downhill. Thus, they did not realize at the time that this was going to be a problem

Mr. Roudebush again stated that he thought this was beyond the scope of the Commissioners, and Commissioner Willner concurred.

Commissioner Willner cited a note he had from the Building Commissioner, which said the structure would have to be a residential garage. Is that correct? Mrs. Cunningham said this is what the building permit was issued as. He said he could get a permit for a residential garage. However, the permit also said no commercial activities in the residential garage. Mr. Roudebush said he could use the garage for storage of his manufacturing materials, etc. Mrs. Cunningham said he could use the residential garage for his personal use -- for personal storage of the automobile and boat, or whatever. The manufacturing materials would be commercial storage -- he should not use the building for that.

Mr. Roudebush asked what about the people with Home Interiors, etc., who get bulk items in and store this in their garage. What is the definition of warehousing in the zoning laws for warehousing?

Mrs. Cunningham said the definition in zoning laws for warehousing is any storage area -- any storage area falls under C-4 use or the C-4 category. If someone gets a case of lipstick -- she doesn't know. Mr. Roudebush pointed out that there must be a lot of violators in the city/county -- but he wanted to clarify this.

The Chair entertained questions.

Commissioner Borries queried Commissioner Willner as to the Board's decision at this point? Commissioner Willner said he doesn't know if there is one. Can the Area Plan issue a non-conforming use permit? Commissioner Willner said he guesses they can if that is the Commissioners wish! With regard to the property line dispute, neither the Commissioners nor Area Plan can solve this.

The Chair entertained further questions from the petitioner and remonstrators? There were none.

President Willner then asked if Commissioner Cox had any comments? She said she has none. He then asked if she has any "druthers"? Mrs. Cox said she cannot support a C-4 zoning and that is what her vote will be when it comes up. Commissioner said C-4 petition has been withdrawn, so there will be no vote on that. Commissioner Cox said she doesn't see then why the Board is sitting here discussing all of this. If Mr. Rideout wants to do something else, then he needs to make a petition telling us what he is going to do and what classification it falls under -- and the neighbors need to understand what the limits are going to be. There needs to be a Public Hearing on this. If he withdrawing the C-4 petition, then she doesn't think the Commissioners can issue him anything else here tonight.

Commissioner Willner said the Board is not going to issue anything else to him tonight. What is being discussed is whether his operation fits under the home occupation part of the zoning. The C-4 has been withdrawn and there will be no vote on that. Because once it is withdrawn it is no longer before the Board.

Mrs. Cox said that, personally, she does not want to make a decision as to whether he fits under the home occupation ruling, because some decisions have been made by this Board and they thought they were all right and then found out that legally they were not.

(continued)

Thus, she is not about to make a decision which involves a legal problem....and an interpretation of the ordinance.

Commissioner Willner asked Ms. Behme (APC) if the APC office issues permits for the "home occupation"? Ms. Behme said they do if they fall under that criteria....meet those restrictions.

Commissioner Borries said he cannot remember the Commissioners ever having to review those.

Mrs. Cox said they used to do Special Use, then the legislature changed it and now they go before the Board of Zoning Appeals. However, she feels that the people who live in the area need to have an understanding if this does continue. She has talked to quite a few of them and a lot of them don't object to what is going on there now. What they object to is an increase in what is going on there at the present time. There are some who want it stopped. They don't believe that commercialization belongs there. She thinks we need to get these concerns addressed. Mr. Roudebush has said it can be compared to Avon, Tupperware, etc. She does not think you can exactly compare Mr. Rideout's operation to those mentioned, because his products show an address as a commercial activity on Hogue Road. There is some comparison there; but she does think that the neighbors and Mr. Rideout need to get together and have an understanding exactly what can be done. If it is going to be limited to his basement if he gets a home occupation, then he will never be able to expand there.

Commissioner Borries said he wants to thank everyone for attending. The decision has been made that Mr. Rideout is withdrawing his commercial zoning request and there will be no commercial zoning in the area. That is the decision tonight.

President Willner stated that the APC staff has reminded him that once a petition for rezoning is withdrawn, it will be one (1) year before a new petition can be instituted. He asked if Mr. Rideout understands that? Mr. Rideout responded in the affirmative.

In conclusion, President Willner said the Commission wishes to take no stand in the matter. Mr. Rideout should take his home occupation request to the Area Plan Commission and they will make a ruling on that.

RE: REQUEST TO WIDEN BICKMEIER ROAD

President Willner announced that there is another matter related to zoning that is not included on the agenda. Mr. Joe Elpers is present tonight. He has a zoning in Scott Township area and wants to talk to the Commissioners about Bickmeier Road (a county accepted road) which goes into a subdivision, with the problem being that it is 16 ft. wide. The Chair recognized Mr. Elpers and asked that he approach the podium.

Mr. Griggs (surveyor for Mr. Elpers) was with Mr. Elpers and stated that Mr. Elpers had him survey Bickmeier Road and asked that he prepare a preliminary engineering plan to determine what would be necessary to upgrade Bickmeier Road to an acceptable conditionCommissioner Willner interrupted and asked that Mr. Griggs speak a little louder.

Mr. Griggs continued by saying the preliminary engineering plan has been submitted to Andy Tasley, County Engineer, for his perusal and determination as to what would be necessary to upgrade Bickmeier Road so that it would adequately serve a 19-lot subdivision. The plan was prepared on the basis of a 20 ft. pavement, 2-ft. shoulders on each side, a 3 to 1 front slope to 1 ft. deep ditch and varying slopes on the back of the ditch, depending upon how deep the cut was -- trying to hold down the necessary right-of-way. The two plans prepared contained widening on both sides of the road and then another plan was prepared showing widening only on the east side of the road, because from the west side of the road there is one building that if you widen on both sides of the road it would take 25 ft. right-of-way on that one side and the right-of-way line would be within 3½ ft. of the nearest corner of that building. No buildings being that close on the other side, an alternate plan was prepared that would embrace all widening on the other side, which would take 35 ft. of right-of-way from the center line. We already have 8 ft., which would leave 27 ft. strip of right-of-way required on the east side.

(continued)

In response to query from Commissioner Willner, Mr. Griggs said the plan was submitted to Mr. Easley this morning and he thinks that Mr. Easley has gone back to his office now to retrieve it.

Continuing, Mr. Griggs said he worked up the plans to determine how much right-of-way would be required going the two (2) routes. It would be 25 ft. and 25 ft. from centerline on either side or it would be 35 ft. on the east side, leaving only the 8 ft. that exists on the west side.

Mr. Griggs said that Mr. Elper's only intention tonight was to submit the plan so that the Commissioners could review same toward determining whatever course of action they might wish to take. They would like to come to the next Commissioners' meeting to discuss the matter further. If Mr. Easley has any comments, they would like to hear those.

In response to query from Commissioner Willner, Mr. Easley said he has not had an opportunity to make an inspection in the field and he should do that with Mr. Griggs before the matter is considered. He asked what the timetable is on this? Mr. Griggs said he would like to get with Mr. Easley and make the field inspection so the matter can be discussed at next week's meeting.

Attorney Jones queried Mr. Griggs concerning the plan, saying that he is kind of lost here. Does he want the County to purchase right-of-way to widen the road to the subdivision? Is that the purpose of the plan? If it is, that is not what the County does. The County doesn't go out and build wide roads for people's subdivision. That is not the way they go about it.

Mr. Griggs said he is aware that this route won't work. Mr. Elpers said he knows he'll have to pay for everything. But he cannot do it by himself. It would take the power of the Commissioners to do it if it can be done, insofar as purchasing the right-of-way. Insofar as buying the ground, he can pay for it. But unless the property owners are willing to sell the right-of-way to him -- it would be to no avail. He has already put up some escrow money with the county.

Attorney Jones said that Mr. Elpers would have to go out and use some statutory procedure to get people to sign petition in order to get this done in the first place. In order to go out there and establish widening an existing road belonging to the taxpayers, you have to get the taxpayers to agree with it to begin with. In order to get that done the way Mr. Elpers wants to do it, he will have to initiate a petition and get so many signatures.

Commissioner Willner asked Mr. Easley how much time he needs? Mr. Easley said one (1) week.

The Chair noted that there were those in the audience who were apparently against the plan. He asked if they had a spokesman?

Mr. Bob Kraft approached the podium and said he resides at 14601 Old State Road. He, his family and the bank have approximately five (5) acres fronting on the east side of the present Bickmeier Road. He said he'd like to give a bit of the history and then they would like to seek some guidance from the Commissioners. They do thank the Board for the opportunity to address the matter. The remonstrators are opposed to the Bickmeier Estates development for the following reason, insofar as Bickmeier Road is concerned. Bickmeier Road, as he understands it, is an ingress/egress old county road that has an 8 ft. center 16-ft. wide. The folks who live in the neighborhood tell him that the original walk was chipped out of the side of a hill back in the back of the old Bickmeier Place wide enough for a horse carriage or wagons to traverse a number of years ago. It is now approximately 9 ft. wide. Anyone coming in or out -- there is only one (1) vehicle and you back to the nearest turnoff or back out onto Old State Road. For years (he's been a resident there for 17 years) there have been young children who did not always exercise the greatest caution who crossed thru the neighborhood, crossing this 9 ft. driveway-type road. They are very fortunate that in the last three (3) weeks to the west of them on Bickmeier Rd. a family with a 3-year old has entered the neighborhood. With the development of Bickmeier Estates (he understands it is an excellent plan, which

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the majority of neighbors have not been privileged to have access to see, but with this development of the subdivision, traffic on Bickmeier Road would increase tremendously, causing potential tragic results insofar as the youngsters in the neighborhood. With the development of anywhere from 19-24 lots back there, these should be fine homes. But with the number of families moving in, they would have all kind of children (hopefully) moving into the neighborhood and with school bus problems, we know that the school corporation does not make a practice of taking a bus route back into this area. The entrance to Bickmeier Road is at a rather high 45 m.p.h. speed limit, with a limited view from Bickmeier Road onto Old State. The concerns that they, as adjoining property owners -- Mr. Elpers has given word that there are two (2) possibilities. One taking off of both sides of Bickmeier Rd. and the other taking off 35 ft. on the east side, which would be his (Kraft's) side of the road. Mr. Kraft presented four (4) photos for review by the Commissioners. The first depicted looking at Bickmeier from Old State Road (looking south). There is a 9 ft. pavement on a 16-ft. right-of-way. The second was the same view, panning to the west side, showing the proximity of the Thomas' home -- the home that the surveyor referred to as being on the west side. As can be seen, with the present small road there --when you're talking 25 ft. on that side, how close it would come to the building. The third photo shows the comparative size looking north -- and the Thomas home can be seen on the lefthand side. The fourth photo was taken from Mr. Kraft's side door, showing the relationship of the Kraft household at the back door and Bickmeier Road. The residents are concerned about the development of Bickmeier Road. If the Commissioners would take a look at the Boonville-New Harmony Road on the south, Browning Rd. on the east, Old State Road on the west, and north -- there would be hundreds of acres of undeveloped land. Were Bickmeier Rd. to be expanded at the present time, the residents are concerned that at some future point in time it could become another major north-south road from Old State Road clear through to Boonville-New Harmony Rd. They are concerned as taxpayers and for the taxpayers of Vanderburgh County as to why the County should pay and subsidize a road project that will benefit one (1) person -- and that is the developer of this particular project. Mr. Kraft said he guesses one of the things the residents are seeking this evening is some guidance -- maybe it is not in the Commissioners' power to do so -- as to how the residents are kept informed as to what is happening. They appeared before the Area Plan Commission last week or the week before. They just heard through the grapevine that this meeting might come about. As property owners, how are they assured that they are making it to all the meetings? They are in the dark as to the development of this particular project. As taxpayers and property owners, they are concerned. He thanked the Commissioners for their consideration.

Commissioner Willner expressed appreciation to Mr. Kraft for his comments.

The Chair then recognized Mr. Wayne Anslinger. He said he does not own property in the area. His daughter and son-in-law just moved into a residence at the corner of Bickmeier and Old State Rd. He has photos to share with the Commissioners, also. They understood it was a 20-ft. right-of-way on each side. The stakes shown in the photo shows how much of their property the requested right-of-way would take. Their property runs 469 ft. down Bickmeier, but runs to a point in the back -- and they lose quite a bit off the back of their property. Mr. Elpers has spoken with everyone and no one wants to sell. He was at his son-in-law's house the night he came and told him he wanted a few feet off his property. Mr. Anslinger asked him what a "few" feet was? He said it wound up being 17 ft. off the present right-of-way. He indicated more or less at a meeting last week that he could get this property condemned and then get it. That is the residents' question now. He doesn't see how an individual can get the government to condemn property for his personal gain to make that subdivision.

The Chair entertained comments from other remonstrators. An unidentified gentleman stood up and said he agrees with comments made by both Messrs. Kraft and Anslinger and he does not want to sell.

President Willner said that in response to questions, the first was from Mr. Kraft as to how the residents go about being informed. This subdivision is to be heard at the APC meeting on July 3rd. That meeting is advertised in the newspaper and letters are also sent to surrounding property owners -- whoever that may be. Not on the road, but with regard to the subdivision. The Area Plan Commission does have the final say on the subdivision -- but that does not include the road.

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Mr. Kraft said he supposes that a number of residents will have to start reading the legal ads in the local newspapers. Commissioner Willner said that is one way. He asked if any of the residents about? Did they get a letter? Ms. Behme said they will get one before the July 3rd meeting.

In response to query from Mr. Anslinger earlier, Mr. Willner said that the county does have the right of eminent domain -- but Mr. Elpers does not.

Mr. Anslinger said his question is that if the county approves the subdivision, does that give the Commissioners right of eminent domain so he can widen the road?

Commissioner Willner said that if APC gives Mr. Elpers permission for the subdivision, they may use the road that is currently there -- the sameway that everyone else can use it now. Whether it is widened is up to the Commissioners.

Mr. Kraft asked if this matter will be considered at next week's meeting?

Mrs. Cox asked if Mr. Kraft is talking about decision on the road or the subdivision? Mr. Kraft said he is talking about the decision on the road.

Attorney Jones said there is no decision to be made on the road at this time, as there is no motion at this time to be voted on.

Commissioner Willner said the County Engineer said he would need one (1) week to review the engineering plan and make a field inspection. The Attorney has said the widening of the road is not legal without a petition.

Mrs. Cox said that by way of explanation to the residents who are here concerning Bickmeier Rd., we have had some development occur out on the east side of town. Eastland Mall is one example, where Virginia Street did not go all the way through from Stockwell to Green River Rd. A condition was that if request for this development was approved, for the development to occur the developer had to put in Virginia Street along their property line at the developer's expense and put it in according in to city standards, with base and depth of pavement. On the east side of Green River Road where Mr. Harp's fish market is, in order to develop that property and have a transportation network that would serve the area, Mr. Harp agreed to build or extend Vogel Road thru that development at his own expense -- at no expense to the county. But it did have to be built according to county specifications. As she understands it, this is what Mr. Elpers is proposing--that the road be widened out so that it meets present county standards, before he goes to the APC to present the subdivision. Is that correct? Mr. Griggs said that is what he wants; but he can't get the right-of-way from the home owners, as no one wants to sell. Commissioner Cox said that is another problem. Mr. Anslinger said this is what the residents want to know. If the APC approves his subdivision, can Mr. Elpers come back in and have the Commissioners condemn their property and widen the road, even though the residents are against it? Commissioner Cox said, that as stated by Mr. Willner, the bottom line here -- and Mr. Elpers can answer this -- is that Mr. Elpers wants to develop the property. It would be nicer to have a wider road; but if APC approves it with the narrow road in there, he will probably go ahead and develop it as it is. She asked Mr. Elpers if this is correct?

It was pointed out that last week, APC voted it down, with Commissioner Borries abstaining. How many times can that come back? Commissioner Cox said the minutes don't show that. The individual pointed out that the APC voted "no" unless he could get a road through. Mrs. Cox said the minutes just say that it couldn't be heard.

Ms. Behme said on a subdivision there is no limit; you can bring a plan back month after month....as long as they advertise. In rezonings, there is a limit. If it is denied or withdrawn, you have to wait one (1) year. But on subdivisions there is no such provision.

Commissioner Borries said this is another reason that he abstained at the meeting mentioned. First of all, as an elected official, you either have to abstain when you don't have sufficient information or end up voting on it twice. It always seems that there are a lot of communications problems as well as technical problems and new information comes on -- and you're constantly bombarded at the last minute with all kinds of compromises. He guesses that sometimes this is the strength of the APC -- to work thru difficulties and problems which are very technical. He abstained because at that particular meeting Mr. Elpers had referred to what the county is going to do -- and he could not verify

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that and was not going to vote on it. He did not know of any plans to widen that road. The county financial situation in relation to the roads, repaving and planning is so tight that he was not aware of any move to that effect. In regard to what Mr. Elpers has said, when you're talking about 6 acre lots, he's sure this is a quality development. But it is a catch 22 from the standpoint that the county, to the best of his knowledge at that time, did not have any plans to widen the road. At that time, to the best of his knowledge, the county had no plans to condemn the property in question. As a result, he could not confirm any of this until he talked with Mr. Easley and the other Commissioners. He doesn't know what the Area Plan Commission will do, because he is not going to speak for thirteen (13) persons on the matter. But he thinks what the people have heard tonight is that the county does not have any plans to widen Bickmeier Rd.

President Willner asked Mr. Elpers if he wants a decision from the Board of Commissioners before he goes to the Area Plan Commission? Is he asking that they make it tonight? Or does he want to wait for the Engineer's report? Mr. Willner said he hasn't even seen what the engineer has. Mr. Griggs indicated that Mr. Elpers would like to wait until the next meeting.

Mr. Elpers said he would like to make a few brief comments. With regard to what Mr. Kraft said about this being at the taxpayers' expense, Mr. Elpers said that he would be paying for the road and right-of-way. That would be no burden to the taxpayers. Secondly, he would be building about 18 nice homes back there. He figures it will bring the county somewhere in the neighborhood of some \$30,000 to \$60,000 extra tax money annually. Is that hurting the county? Additionally, if the road is widened he has a school bus turnaround back in the subdivision and everything. Another thing -- those buildings aren't that close -- there are thousands and thousands of places in this county where automobiles are running just past peoples' homes that are as close or closer than that would be. But insofar as what they can do with regard to widening the road he does not know. That is what they are asking the Commissioners. Is there any route to widen this -- or any way to do it? He feels it would make a nice subdivision; he thinks it would be something good for the county. He can't see where there would be that much traffic; nothing like it would be if some developer got the ground and wanted to put in the limit of houses -- they could put as many as 60-65 homes on 80 acres. So this is much less traffic than under those circumstances. Mr. Kraft mentioned he is afraid that someday this could become a thoroughfare for all the ground that lies in that area undeveloped. Mr. Elpers said his subdivision plan does not hook up with anything else -- how could it be? There's no way, unless there would be additional easement of property and someone else could hook to it. They have given Mr. Axton permission to get in and out -- and he is willing to deed a little ground over to the county so new Bickmeier can be lined up with old Bickmeier -- if that would be the way they would do it. But that would not be needed if they could get all the property off the east side (Mr. Kraft's side) then they wouldn't have to hook Mr. Axton's property to it. The home that is there will remain and there are only 18 additional homes planned. He suggested that the Board defer the matter for one week, during which time they can talk to Mr. Easley and Mr. Griggs -- to see if something can be worked out. If not, then maybe there are other options.

Mr. Griggs requested permission to offer additional comments. He reiterated that he and Mr. Elpers came to tonight's meeting to seek information and not to seek action -- and they did not expect to be ridiculed because of it. They wanted to seek guidance as to how to get this done. He again expressed appreciation to the Board.

Commissioner Willner said.....Mr. Elpers interrupted by saying some of the residents mentioned that they had not had an opportunity to review his plans. He has several extra copies with him tonight. They are not the final plans -- but they should feel free to pick up a copy for review. They certainly aren't hiding anything.

Commissioner Willner, in addressing the residents/remonstrators, said he doesn't know what to tell them with regard to widening of the road. They might want to check with the Commissioners' secretary next week to see if there is any pertinent information and whether the matter has been placed on the agenda for the Commissioners' meeting to be held June 24th at 2:30 p.m. If the Commissioners wish to say at this time whether or not there will be a vote at that time, that is fine with him.

Mr. Anslinger again stated that Mr. Elpers had asked to buy property from the residents and they all refused to sell. He first asked that they give it. Then he said that

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they could surely use the money and said he'd pay for it.

Commissioner Willner asked the other Commissioners if they want to say they will give a definite answer next week?

Commissioner Borries said he thinks all the Board can do is to look at the plans. He does not know what additional things the Board can do in relation to what has been discussed tonight. He is not willing to use any kind of power to condemn anyone else's property in a situation like this. If Mr. Elpers would want to explore some other alternatives and there is some other way this subdivision can be considered in a place other than Bickmeier Road, then the Commissioners could look at that. But, personally, he is not wanting to condemn someone else's property in such a situation.

President Willner said it is the consensus of the Board that prior to any action being taken, they will advise the residents. He doesn't know what turn they will take. If the County Engineer has an opportunity to review the plans and if there is information, the residents should call the office next Monday and Mrs. Meeks can read the agenda to them to let them know whether it would be worth their time to attend the meeting. If there is any information, she will so advise them.

Commissioner Borries said that, personally, he is not willing to use any kind of county power to condemn anyone else's property.

Commissioner Cox said the Board is in the position of having to make a judgmental decision without all the facts. There are two things to consider: One of which the Board has no control over whatsoever -- and that is the approval of the subdivision. If that approval is granted -- and the Commissioners do not know whether or not it will be granted -- it would be much nicer to have a wider road to get back and forth to the subdivision. She would have no objection to the road being widened and right-of-way being purchased at the complete expense of the developer. But that is up to the resident. If they are not going to sell to him, then he is going to be locked in with maybe a subdivision there with a very narrow road.

Mr. Kraft interrupted by stating he thinks the residents have found the information they were seeking and that is what steps they can take, so they don't reach a point where they are beyond taking any necessary action. He has found this session facinating and interesting and is glad to live in a country where he can see government at work and he appreciates the Board's patience and kindness and being informed as to what the next step is.

RE: VANDEBURGH AUDITORIUM - KIM BITZ

The Chair recognized Kim Bitz, Manager/Auditorium, and asked him for his report. Mr. Bitz reported that there has been a 20% increase in bookings at the Auditorium during 1985 and they are \$16,000 ahead in revenue totals for the year. Once the parking lot equipment is in, revenues will go up even further. They hope to see a \$40,000 increase in revenue over the past two (2) years.

Request To Go On July Council Call To Request Transfer of Funds: Mr. Bitz said he is requesting permission to go on July Council Call. As the Commissioners know from last year's budget hearings, the salaries of both the manager and secretary-bookkeeper positions have salaries far below those of comparable positions in other departments. He is requesting that these salaries be adjusted upwards prior to budget hearings for 1986, so that raises granted in 1986 fall more in line with other departments. This can be accomplished via excess funds that were allotted in the union employee accounts. They will also be able to transfer monies from these accounts into their overtime and trash hauling accounts, both of which are in desperate need of additional funds. None of these requests involve additional appropriations.

The secretary-bookkeeper positions in the county (which have been surveyed) pay anywhere from \$12,729.00 to \$13,400. The current salary for the secretary-bookkeeper at the Auditorium is \$11,760.00, which is equivalent to that of a receptionist. Mr. Bitz proposes a \$1,000.00 raise, or a salary of \$12,760, which is slightly above the lowest paid secretary-bookkeeper position currently in the county -- other than the one at the auditorium.

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The salary of the managers over the past years ranges from \$19,200 in 1980 up to \$21,800 in 1983. The current salary for the manager's position is \$19,500 -- just slightly above the 1980 salary. Mr. Bitz proposes a \$1,000 raise also in that category, which will give the manager's position a salary still less than that of the 1981 salary granted.

With the \$800.00 across-the-board raise that Council is proposing for next year, that would give Mr. Bitz a salary of \$20,300, which is still less than that of the 1981 salary for that position. Even with the \$1,000 raise proposed-- that puts the salary at \$21,300, which is just about on line with the 1982 salary.

The Auditorium is a business -- a big business. They are in the service industry. He figured briefly today that over 20,000 people have been through the auditorium this month alone. That is a lot to handle. A lot of things come thru and a lot to be kept in line. Taking care of what is going on currently, collecting bills, and they have to always continuously worry about the future events coming in and needed improvements...and coordinating that with all the events that come through. In 1983, when Mr. Bitz started at the auditorium, there had been an increase of bookings from previous years. This year, after 2 years at the auditorium, there is a 20% increase in those bookings. Again, he hopes to see a \$40,000 increase in revenues before the end of the year. He thinks the people at the Auditorium have done a good job during the past two years and he thinks now is the time to even up the salaries a bit more.

Commissioner Willner said he doesn't mind requesting the salary increases -- as he believes some of that is well deserved. However, he thinks it is up to the Council to do that at budget time. They have repeatedly made the decision that there will be no salary increases at mid-year. He is saying that we approve the lead man to overtime, the housekeeper to trash hauling and the shipping/receiving to trash hauling....to go on July Council Call.

Commissioner Borries said he thinks that when Kim was hired in 1983 that there was an understanding that because of his entry level position and inexperience in that particular position that he was aware, as well as the Commission, that he would not start at that particular salary level but that assuming he performed well and that we were able to do so that there would be at least an increase to reflect where the previous manager had been as he gained experience. There has been some resistance on the Council concerning that, but he is certainly willing for this to go on Council call and have them discuss this again. In his opinion, the salary is out of line for the responsibility involved.

Commissioner Cox asked what salary would he put in for the 1986 fiscal year for the manager and the bookkeeper? Mr. Bitz said he would be content with the 1983 salary, which was \$21,800. He is not asking for a lot more. Mrs. Cox said this is a \$2,000 raise. Mr. Bitz said when he started the job the salary was lower by \$5,000. Mrs. Cox said she understands that. Mrs. Cox asked about the secretary-bookkeeper? There is an additional \$1,000 on her salary? Mr. Bitz said that is correct; that will upgrade her position to what other secretary-bookkeeper positions are paid this year and the proposed salary would be \$12,760? Would this be for 1986? Mr. Bitz said this would be for 1985. Mrs. Cox said she thinks they will probably not do this at this time. But she would have no objection for him to put in an amount greater -- and she has heard everything from a flat raise of 8%, 4%, 5%--she doesn't know what the Council has directed. She asked the other Commissioners if there is any direction from Council on this? The Commissioners said they have heard everything from 4% to 8%. Mrs. Cox said she has no objection to supporting the increased salary requested for 1986. Mr. Bitz said this really represents an almost 15% increase. Does Mrs. Cox really think that they are going to do that? Mrs. Cox said they have done it before. They have given everyone supposedly a \$500 raise and then upgraded positions that have been deemed necessary. Mr. Bitz said he just remembers having had trouble during last year's budget hearings and anticipated that happening again. Mrs. Cox asked what Mr. Bitz put in last year? A regular amount? Mr. Bitz said that last year he put in for \$20,500. Commissioner Willner said that maybe the key word this time will be the 20% bookings, which we didn't have last year. He doesn't think it is a lost cause. But it is in mid-term. Mr. Bitz said he realizes that, but hoped that without an additional appropriation that it might wing its way through. He thinks there are some council members who will go for this even though it is in mid-term.

The Chair entertained a motion on the request. Commissioner Borries moved that the request be placed on July Council Call as a transfer. Mrs. Cox asked if the motion is only for overtime, trash hauling and trash hauling -- or the entire request? Mr. Borries said it was for the entire request. He would like to see some discussion. He is

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not going to predict what the Council will do in relation to Mr. Bitz' salary.

Commissioner Cox asked then if his motion is for everything requested? Mr. Borries responded in the affirmative. Mrs. Cox seconded the motion. So ordered.

RE: COUNTY HIGHWAY DEPARTMENT

Weekly Absentee Report: Mr. Bethel submitted the Weekly Absentee Report for employees at the County Garage for period of June 10th thru June 14th.....report received and filed.

Weekly Work Report: Also submitted was the Weekly Work Report for the same period.....report received and filed. Attached to the work report was the following work schedule:

Gradall: Mann Rd., Mesker Park Dr., Schroeder Rd., Ridgewood, Ashwood Dr., and Rosenberger.

Smear: Schenk, Camelia Drive and River Rd.

Paved: Mill Rd. (Hot Mix Base)

Build Up
Shoulders: Waterworks Road

Grader: Hickory Rd., Cypress-Dale, Seminary, Schenk Rd., Waterworks Rd. and River Rd.

Patch: Heckel Rd., O'Hara Dr., East Green River Rd., Schenk, Camelia, Dixie Flyer Rd., Ridgewood Dr., Detroy Rd., DeShields, Reiter Drive, Clover Drive, Williams Rd., Upper Mt. Vernon Rd., Burkhardt and Heckel.

Mower: Schutte, Felstead, Broadway, Diefenbach, Little Schaefer, Upper Mt. Vernon, Koring, #6 School Rd., Slate Rd., St. Joe Rd., Vienna, Hillview, Baumgart, Mt. Pleasant, Cemetery, McCutchanSt. Wendel area.

In response to query from Commissioner Willner, Mr. Bethel said they have put the base coat on Mill Road and will put top coat on in the morning. Commissioner Willner said he thinks Mr. Bethel needs to invite Commissioner Cox out to watch the operation in the morning.

Commissioner Cox said she is not one to evaluate....she was out there in 1980 and thought they were doing a good job.....that is why she has called and, even with the proposed plan presented to Council, she still thinks we need some professional help...because our plan doesn't speak to how many inches of topping goes down on each area and while we have a projected cost, it does not say whether it is for hot mix, cold mix, wedging, ditching or what it is for. She could go out and watch, but she wouldn't know -- she doesn't have the expertise to make that judgment. Mr. Bethel said he does have that information at his fingertips. Mrs. Cox asked if we're doing anything about the base for Mill Road? Mr. Bethel said we certainly are. Mrs. Cox said we have had problems with it -- whether it is hot mix or cold mix, there is not very much stability to those two type surfaces, especially if we don't have a good base. Either hot mix or some kind of topping that goes along with the number of vehicles that use the road, plus the fact that the hill is there before you get to Kratzville and a lot of the large trucks gear down and theyMr. Bethel said the county does not have the hill, that belongs to the city. Mrs. Cox said she knows this, but it is still Mill Road. She can go out, but she wouldn't be able to make a judgment of the job. In 1980, the job looked good.

Mr. Bethel said he has had the cold mix tested, sent back to Terre Haute and tested -- they have come right to his pile and taken it out and told him that he had a perfect mix. He had the hot mix man from Haubstadt (the engineer from the firm of Rogers & Co.) come out and go over different roads with him....and they showed him what to do on different roads. Mrs. Cox asked if Mr. Bethel has all of this documented? She thinks this is what we need to know. Mr. Bethel said he can get it documented very simply. Mrs. Cox said she thinks that is what we need....because once we do it it is not like it is if someone else would do it for us. If it doesn't work, we have to go back and do it over again. If we contract it out, we can say we want that job done right -- and it is at their expense. Frankly, she doesn't think a contractor would take many of our roads to put on a surface without doing a lot to the bases under the roads. Does Mr. Bethel

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have the cold mix tested every day? Mr. Bethel said it is tested about once a month. Mrs. Cox asked what if the test this month is all right and the test next month shows that it is off? Mr. Bethel said it never has been, because he keeps the setting the same all the time. Mrs. Cox said he has no assurance, however, because we have had bad cold mix before. Mr. Bethel said it would be hard for it to be off once it is set. Mrs. Cox said that when a contractor builds a road, there is an inspector on site and they test every load of cold mix or every load of hot mix for whatever they test it for--when it is delivered or picked up. She has seen this done up at Haubstadt (Rogers). The inspector is there and inspects every load that goes or comes to be used on a highway, interstate or whatever. She certainly thinks that hot mix would be right for Mill Road with the volume of traffic out there, but she certainly couldn't make a judgment as to whether it is a good job. She'd have to make that judgment in ten (10) years -- that is how long it is supposed to last. Mr. Bethel said they guarantee it for two (2) years when they put it down. Mrs. Cox asked, "Who guarantees it for 2 years"? She needs to check on that.

The Chair entertained further questions.

Speaker Road: Commissioner Cox queried Mr. Bethel concerning Speaker Road, saying that part of it is in the city and part of it is in the county. What part does the county take care of...because there is a woman who lives along Speaker Road between Broadway and Nolan and the road is bad. We have to go back to Speaker to get to some of our county roads...and she said (and here, again, she doesn't know where she called because she couldn't track it down) that the county and city do not know who is supposed to take care of the road and an attorney is making the decision. Mr. Bethel said he knows nothing of this whatsoever. He said he has been trying to go overboard to be certain that the county takes care of their part. In other words, if he has to go "from here to that wall further, then he does it"....there is no definite line there. He has done quite a bit of work out there for those people.

Greenbrier Court (Evergreen Acres Subdivision): Mrs. Cox asked if Mr. Bethel has seen this road --the complaint was called in six (6) weeks ago. It is on a cul-de-sac and there are holes out there anywhere from 2-3 ft. in diameter and they go down -- they are sink holes. Evidently there are underwashings out there. Mr. Bethel asked if there is a culvert running under there or is it a plain road? If there is a culvert, that belongs to the surveyor's office. If it is a plain road, it is his. He said he tries to check out complaints. Mrs. Cox is uncertain about whether or not there is a culvert. Mr. Bethel agreed to check the area out. Mrs. Cox said it was a Mr. Steven Sanders who called her concerning the problem.

RE: COUNTY SURVEYOR

President Willner distributed copies of the Weekly Bridge & Guardrail Repair Report which had been submitted by the Surveyor's Office for period of June 10 thru June 16, 1985..... report received and filed.

RE: COUNTY ATTORNEY - DAVID L. JONES

Settlement Release Agreement (Addendum) for Hartmans: Attorney Jones advised that Attorney Miller had sent along the Addendum to the Settlement Release Agreement with the Hartmans on Mann Rd. Commissioner Borries interjected that this is a Drainage Board matter if Mr. Jones wants to wait until after the Commissioners meeting to handle this. Commissioner Willner said that is basically the same agreement which we had before, with the exception that they wanted another five (5) feet. He thinks this has already been approved and the only thing that remains is the formality of signing the agreement.

Commissioner Willner asked for a motion to approve. It was subsequently determined that the addendum needed to be retyped, as in one spot it showed "Drainage Board" and the other "Board of Commissioners" above signatures. Attorney Jones will have it retyped and the Commissioners can sign during the week at their convenience, since it was the consensus that the matter had previously been approved.

RE: COUNTY ENGINEER - ANDY EASLEY

Storm Sewer for I-164 (Spry Rd & Capella Drive): Mr. Easley presented copies of the following letter to Mr. Yoder of the IDOH, requesting modification of the contract that they are preparing on the storm drain on Spry Road that will go down to Staser Rd. and tie in to Willow Pond Drainage Ditch, which will provide drainage for I-164. They

(continued)

hadn't planned to build the inlet that has been designed to go under this storm drain and he has asked them to include it in the contract. This will correct the problem on Capella Drive. Mr. Easley met with the residents in the area and the IDOH has assured him that they will award the contract in September and there will be six (6) months construction time. The storm drainage will be in place by March 1, 1986. They need to include this inlet; otherwise there would be no way for the water to get into the 60-inch storm drain. Mr. Mason (Indianapolis) and Mr. Wood assured him that if we could get the easement (and the owner of the property, Mr. Jacobs, has advised that he will cooperate and grant the easement) that maybe within nine (9) months the drainage problem will be cleared up. He will await Mr. Yoder's reply. In the interim, he hopes to get the easement signed by Mr. Jacobs within the next ten (10) days. The letter to Mr. Yoder read, as follows:

June 14, 1985

Mr. S. R. Yoder, Chief
Division of Design
Indiana Department of Highways
Room 1101, State Office Building
100 N. Senate Avenue
Indianapolis, Indiana 46204-2249

Re: Storm Sewer for I-164, Spry Road & Capella Drive,
In. Project #I-164-1 (18)

Dear Mr. Yoder:

Enclosed is a xerox copy of a portion of Sheet No. 4 of 43 of the I.D.O.H. Construction Plans for Subject Storm Sewer that is to be constructed late this fall as part of the I-164 Project on the Southeast side of Evansville.

On this copy I have outlined an area in red that, as your topographical details indicate, is low and does not drain well. This small area has, in the past, had drainage problems that have at times become severe enough that some homes were in danger of being flooded. The only thing that prevented the ponding storm water from entering the houses was a pumping operation that involved laying 1,000 ft. of discharge hose.

On the portion of Sheet No. 4 I have circled a large special inlet, designated Structure No. 82, in yellow. It is our understanding that because a portion of the Special Inlet would extend a few feet outside of the existing right-of-way for Spry Road, the I.D.O.H. had not planned to include the structure in the contract to be let this fall.

On Friday, May 31, 1985, I attended a brief meeting in the I.D.O.H. Design Division at the State Office in Indianapolis concerning this storm sewer. The following individuals were at this meeting:

Mr. Eugene Mason, Engineer/Road Design
Mr. William Wood, Land Acquisition Division

If Vanderburgh County were to obtain an easement to enable the Special Inlet to be constructed in the location shown on the construction drawings, would your office make arrangements to include Structure No. 82 in the contract to be let this fall? With the hope that you will approve this request, the County is in the process of preparing an easement to the County that would allow the Special Inlet to be constructed in the location shown. We believe we can obtain this easement before July 1, 1985. The owner of the property has said he will sign the easement.

It will be appreciated if you would advise the undersigned if your office can grant our request. Your cooperation in this matter will be sincerely appreciated.

If you have any questions, please contact the undersigned.

Very sincerely,

R. Andrew Easley, Jr.
County Highway Engineer

(continued)

Additional Right-of-Way from Eulers on Burkhardt Road/Claim: Mr. Easley said he was out to the Eulers on June 3rd with regard to the additional right-of-way purchased from the Eulers for the Burkhardt Road Project. He has two claims, as follows:

Alfred & Julia Euler - \$1,325.00 (2,820 sq. ft.)
Trust Officer/Warrick National Bank for one (1) Permanent and one (1) Temporary Parcel, as follows:

Permanent Easement (.5774 acres - \$11,548.67)
Temporary Easement (.69 acres - \$866.33)

Claim Total = \$12,415.00

He recommends approval of foregoing claims. Commissioner Willner asked if the money is available? Mr. Easley said the money will be available pending his appearance before the County Council on requested transfer of \$20,000 from the R&S (St. Joe Acct.) to the Burkhardt Road Project account. Mrs. Cox asked if there is no money at all in the account now? Mr. Easley said there is operating money; we have enough money to pay the construction engineering until such time as we get reimbursed from the State. Commissioner Cox asked how often we pay the construction engineering? Mr. Easley said we have been getting monthly bills. Mrs. Cox asked if there is \$12,000 in the account? Mrs. Cox said that since this is a right-of-way, why don't we go ahead and approve the claims if we have money in the account and the money will come back in for the construction engineering. She thinks this is important and it will be a while before the Eulers get their money anyway. The Chair entertained a motion. Motion was made by Mrs. Cox that the two (2) claims for right-of-way from the Eulers be approved, with a second from Commissioner Borries. So ordered.

Commissioner Borries said he really appreciates Mr. Easley's efforts with regard to the problems on Capella. Mr. Easley said the residents in that area do have a very unusual problem and he thinks that only a governmental agency could help solve them. The Commissioners had authorized him to do what he could toward solving the problem and we're very fortunate that I-164 is coming along at the right time. The residents have had the problems for years and they are fortunate that Commissioner Borries lives close by and recognizes the problem. He thinks the residents will be very pleased. Mr. Easley said he has every reason to believe that the State will cooperate with us.

RE: TRAVEL REQUEST - PIGEON TOWNSHIP ASSESSOR

President Willner read the following travel request:

TO: Vanderburgh County Board of Commissioners
FROM: Robert T. Dorsey/Pigeon Township Assessor
DATE: June 11, 1985
RE: Travel Request

The purpose of this letter is to request permission for myself and two (2) deputies to attend the instructional sessions on July 15, 16, and 17, 1985, at the Holiday Star Plaza in Merrillville, Indiana, as requested by the State Board of Tax Commissioners.

A copy of the letter from the State is attached and is self-explanatory.

Thank you for your consideration in this matter.

Robert T. Dorsey
Pigeon Township Assessor

Motion was made by Commissioner Cox that the request be approved, with a second from Commissioner Borries. So ordered.

(continued)

RE: PITNEY-BOWES/INCREASE IN EQUIPMENT RATES

It was noted by President Willner that notice has been received from Pitney-Bowes that due to rising costs, they find it necessary to increase their postage meter and parcel register rental rates. This adjustment will be reflected for the billing periods after August 15, 1985 and the monthly increase will be \$2.00.

The Chair entertained a motion, with a word of caution. Mr. Willner said the Commissioners have information from other suppliers as well as an upcoming fact-finding by the U.S. Postmaster. This rental should not hinder this process. Commissioner Borries commented that we would not want to disrupt our services, but we are looking at some alternatives.

Commissioner Cox asked if we are approving a new contract? Commissioner Willner said he doesn't think so; they are just approving a rate increase. After further brief discussion, it was the consensus that the Board should defer this matter for one (1) week until a determination can be made as to when the contract with Pitney-Bowes is to be renewed, etc.

RE: PERF - EMPLOYER CONTRIBUTION RATE FOR 1986

President Willner read the following letter from the State concerning the Public Employees' Retirement Fund:

June 15, 1986

EMPLOYER CONTRIBUTION RATE FOR 1986

Account name: Vanderburgh County
Account number: 900

An actuarial cost analysis has been completed on your unit. Based on this cost analysis, your employer's contribution rate has been set at .0700, effective January 1, 1986.

You should include in your anticipated expenditures for the year 1986, .0700 of all wages of employees covered by PERF. The employer's contribution rate is separate from the 3% contribution paid by the employees.

Please sign and return one (1) copy of this letter as verification of your rate for 1986. If you have any questions regarding your employer's contribution rate for 1986, please contact our Employer Liaison Section.

L. H. Earle, II
Executive Secretary

Signed by: Robert L. Willner
Date: June 17, 1985

Motion was made by Commissioner Cox that the verification regarding PERF be signed, with a second from Commissioner Borries. So ordered.

RE: HOLIDAY SCHEDULE - 1986/CITY & COUNTY OFFICES

President Willner said the Holiday Schedule for 1986 for the City and County Offices has been proposed, as follows:

New Year's Day	-----	Wednesday, January 1
Martin Luther King, Jr. Birthday	-----	Monday, January 20
Washington's Birthday	-----	Monday, February 17
Good Friday	-----	Friday, March 28
Primary Election Day	-----	Tuesday, May 6
Memorial Day	-----	Monday, May 26
Independence Day	-----	Friday, July 4
Labor Day	-----	Monday, September 1
General Election Day	-----	Tuesday, November 4
Thanksgiving Day	-----	Thursday, November 27
(In lieu of Columbus Day)	-----	Friday, November 28

(continued)

Christmas Eve -----(In lieu of Lincoln's Birthday)-----Wednesday, December 24
Christmas Day -----Thursday, December 25

New Year's Eve----- (In lieu of Veteran's Day)-----Wednesday, December 31

NOTE: New Year's Day will be observed on Thursday, January 1, 1987, and will be included in the Holidays for 1987.

President Willner said that the holiday schedule has been requested by the Courts -- and we always do this about the same time each year. The foregoing schedule has been adopted by the City. The Chair then entertained a motion.

Motion was made by Commissioner Borries that the foregoing Holiday Schedule for 1986 be approved for the County, with a second from Commissioner Cox. So ordered.

RE: CLERK OF THE CIRCUIT COURT - MONTHLY REPORT

The monthly report for period ending May 31, 1985 for the Clerk of the Circuit Court was submitted.....report received and filed.

RE: OLD BUSINESS

The Chair questioned if there was any old business to be discussed. There was none.

RE: SCHEDULED MEETINGS

Wednesday - June 19 2:00 p.m. 2nd Public Hearing on Food & Beverage Tax

RE: CLAIMS

Kahn, Dee, Donovan & Kahn: Claim in the amount of \$285.40 covering legal services re Complete Lumber Company, Inc. vs. Vanderburgh County Commissioners et al. Motion to approve claim was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Kahn, Dee, Donovan & Kahn: Claim in the amount of \$206.52 for legal services re case of Vanderburgh County Board of Commissioners vs. James A. DeGroote, et al. Motion to approve claim was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: EMPLOYMENT CHANGES - RELEASES

Prosecutor

Peggy Kissel	1255 Bella Vista	Sec/ParaLeg	\$11,500/Yr.	Eff: 7/1/85
Nancy Schmitt	5122 Snyder Rd.	"	\$13,500/Yr.	"

Circuit Court

James I. Moffitt	5224 Berry Lane	Intern	\$3.35/Hr. .	Eff: 5/31/85
Michael L. Seger	1530 S. Brentwood	Intern	"	Eff. 6/7/85
Michael J. Danks	1960 Ridgeway	Intern	"	Eff: 6/14/85
Shirley Roll	1709 S. Vann	Librarian	\$13,500/Yr.	Eff: 6/14/85
Dennis Heathcott	1258 Burdette	C.S.O.	\$18,179/Yr.	Eff: 6/14/85
Gilbert C. Schiff(136U)	6401 Jefferson	Jobs Program	\$17,179/Yr.	Eff: 6/14/85
" (136) "	"	"	\$ 1,000/Yr.	"
Connie S. Nalley	R.R.#1, Winslow, IN	Intern	\$3.35/Hr.	Eff: 5/31/85

RE: EMPLOYEE CHANGES - APPOINTMENTS

German Township Assessor

Bob Alvey	11 S. Dexter	Field Man	\$30.00/Day	Eff: 6/14/85
Mark Schnur	7630 Old Bovl. Hwy.	Field Man	\$30.00/Day	Eff: 6/14/85

Prosecutor

Peggy Kissel	1255 Bella Vista	Sec/ParaLeg	\$12,500/Yr.	Eff: 7/1/85
Nancy Schmitt	5122 Snyder Rd.	"	\$14,500/Yr.	Eff: 7/1/85

Circuit Court

James I. Moffitt	5224 Berry Lane	Intern	\$4.00/Hr.	Eff: 6/3/85
Michael L. Seger	1530 S. Brentwood	"	"	6/10/85
Robt. D. Montgomery	1274 Woodvine Ln.	"	"	6/3/85
Michael J. Danks	1906 Ridgeway	"	\$3.25/Hr.	6/3/85
Mark Alan Aiton	2210 E. Iowa	"	\$4.00/Hr.	6/3/85
Wm. Roscoe Wallace III	107 N. Main, Ft. Branch	"	\$3.35/Hr.	Eff: 6/10/85
Dennis Heathcott	1258 Burdette	C.S.O.	\$17,179/Yr.	Eff: 6/17/85
Gilbert C. Schiff	6401 Jefferson	Jobs Pro.	\$18,179/Yr.	"
Dennis J. Heathcott	1258 Burdette	C.S.O.	\$500/Yr.	"
Michael J. Danks	1906 Ridgeway	Librarian	\$13,500/Yr.	"

There being no further business to come before the Board at this time, President Willner declared the meeting adjourned at 10:10 p.m.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	Robert L. Willner Richard J. Borries Shirley Jean Cox	Sam Humphrey, Chief Deputy	David L. Jones
	<u>COUNTY ENGINEER</u>	<u>COUNTY HIGHWAY</u>	<u>AREA PLAN COMMISSION</u>
	Andy Easley	Bill Bethel	Barbara Cunningham Beverly Behme
	<u>AUDITORIUM</u>	<u>OTHER</u>	
	Kim Bitz	Raymond Reuter Rick Rideout Larry Roudebush Shirley James Joe Elpers Mr. Griggs	Bob Kraft Wayne Anslinger Pat Greenfield 40-50 Remonstrators News Media (8)
<u>SECRETARY:</u>	Joanne A. Matthews		

422.

MEETING
COUNTY COMMISSIONERS' MEETING
JUNE 24, 1985

<u>Subject</u>	<u>Page No.</u>
AGREEMENTS /CONTRACTS	
Extra Work Agreement/Burkhardt Road Drainage (\$3,560)----Approved -----	12
County Contracts for Bovine Brucellosis & Tuberculosis---Approved -----	13
Settlement Agreement/Final Addendum (Hartman-Adler/Mann Rd.--Approved-----	9-10
Agreement re Compensation for County Attorneys-----Approved -----	10
ALEXANDER AMBULANCE SERVICE/MONTHLY REPORT-----5/31/85-----	13
APPROVAL OF MINUTES -----June 17th -----	1
CERTIFICATES OF INSURANCE -----	13
CLAIMS	
Joe Schaefer-----\$139.00-----Approved -----	13
Morley & Associates----See under "COUNTY ENGINEER"	
COUNTY ATTORNEY - DAVID V. MILLER	
Compensation for Election Officials -----8, 9, 10	
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*Also to be approved by Drainage Board	
Agreement re Compensation for County Attorneys -----Approved -----	10
COUNTY ENGINEER - ANDY EASLEY	
Extra Work Agreement/Burkhardt Road--See AGREEMENTS above----Approved -----	12
Claim/Morley & Associates----Construction Engineering/Burkhardt Rd. Project----\$21,922.91-----Approved -----	12
Bickmeier Rd. Matter -----	12-13
COUNTY HIGHWAY - BILL BETHEL	
Weekly Absentee Report, Work Report & Work Schedule -----	10-11
Mill Road/Paving & Striping - Commissioners to view today -----	11
COUNTY SURVEYOR - BOB BRENNER	
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LEAGUE OF WOMEN VOTERS/GLORIA SPEER -----re Election Worker Compensation, etc.--	1, 3
PITNEY-BOWES/MAILING EQUIPMENT PROPOSAL-----Determined that nothing will be signed w/Pitney-Bowes until Postmaster completes his study and makes his recommendations to the Commissioners -----	4
POOR RELIEF	
Tony Cook/Pigeon Township-----Not in attendance -----	5
Rita F. Ritchie/Knight Township-----Commissioners asked T. Stokes to make appointment for Ms. Ritchie w/Legal Services-----	5-7
SCHEDULED MEETINGS -----	13
VANDEBURGH AUDITORIUM - KIM BITZ	
New Color Brochure on Auditorium Available -----	7-8
Travel Request -----IAAM Convention in New Orleans----Approved in the amount of \$639.00 -----	7-8
VOTING EQUIPMENT MEETING -----Thursday, June 27th @ 10:00 a.m. -----	13

423.

MINUTES
COUNTY COMMISSIONERS' MEETING
JUNE 24, 1985

The Vanderburgh County Board of Commissioners met in session on Monday, June 24, 1985, with President Robert Willner presiding.

The meeting was called to order at 2:45 p.m., with President Willner entertaining a motion concerning approval of the minutes of the previous meeting. Motion was made by Commissioner Borries that the minutes of the meeting held on Monday, June 17th, be approved as engrossed by the County Auditor and the reading of same be waived. A second to the motion was provided by Commissioner Cox. So ordered.

RE: LEAGUE OF WOMEN VOTERS - MRS. GLORIA SPEER

The Chair recognized Mrs. Gloria Speer, who said she represented the local League of Women Voters and her visit is prompted by a news report of a Commissioners' meeting several weeks ago, at which time a raise in pay was granted precinct election board workers. She hopes the Commissioners received the letter she sent last week, and she would like to read same into the record:

"The League of Women Voters of Southwestern Indiana has for many years set a strong tradition in favor of mandatory training of precinct election boards. We feel there is some uncertainty about the position of the County Commissioners on this issue. From our own poll watching and complaints received from voters, we have for some time been aware that election laws are being violated at the precinct level due to ignorance of the law on the part of many precinct boards...this ignorance is directly due to lack of recent training. We have continually urged the parties to get their appointees to the training with little success. Before the last election, fewer than 10% attended. Poll workers often say that things are done in their precincts the way they have always been done. The person with the most experience in the precinct often trains the rest of the board. Sometimes this person will admit that he or she has not been to training sessions for twenty (20) or more years. We feel that the training provided by the election board has been thorough and that every effort has been made to hold the sessions at times convenient for workers. However, since so many fail to attend, perhaps new methods of training could be explored. Of course, in the light of recent experiences and with increased pay, more board members will attend training in the future. However, as memory fades, many will fall into their old habits unless a permanent solution is found.

The League of Women Voters of Southwestern Indiana would like a clarification of your position on mandatory training, especially in the light of recent legislation passed by the General Assembly, which we feel allows you to act on this issue. I will appear before you at your June 24th meeting to discuss this with you."

Mrs. Speer said that, specifically, she would like to know where the Commissioners feel this falls within their responsibility and, if it is their responsibility, what their position is?

Commissioner Willner expressed appreciation to Mrs. Speer for her comments. He said he would let each of the Commissioners give his views, separately. He does not think it is the Commissioners' responsibility; it is probably more that of the Election Board. He does think workers need more training. He believes that Mrs. Speer alluded to the newspaper article and whether the Commissioners could withhold the raise given to workers if they did not take the training. He does not believe that they could do that. He doesn't believe the Election Board can. But he wouldn't be against it if it were State Law. That would be very favorable to him. But he doesn't believe you can give one person a raise and say to the other one that if you don't attend a meeting you cannot give him a raise.

Mrs. Speer queried Commissioner Willner concerning recent legislation that says you may require the inspector and the judge to attend training? Is it the Election Board who may do that? Commissioner Willner said he would presume it would be the Election Board. Mrs. Speer asked if the Election Board has to bring this before the Commissioners? This is what she is uncertain about. Commissioner Willner said the Election Board is an autonomous board -- they have nothing to do with the County Commissioners. The only responsibility of the Commissioners, according to statute, is the means to vote. They are responsible for the machines, the paper ballots, they set the salaries, etc., but they have nothing to do with the election itself. That is his opinion; if he is wrong,

(continued)

then let him know. He then asked Commissioner Cox for her comments.

Commissioner Cox said that several weeks ago, Commissioners had a recommendation from the County Clerk, Helen Kuebler, that was presented to the Board. And, at that time, she did recommend an increased amount of pay for election officials -- provided they attend training sessions and, based on that, that is the way her vote went. She voted "yes" on that recommendation. She thinks that maybe the Commissioners need to refer to the minutes to clarify just what they did do. She supported Mrs. Kuebler's recommendation with the understanding that an increase in the amount of pay would be granted provided workers attend the training sessions.

Mrs. Speer asked then if it was Commissioner Cox's feeling that the Commissioners could do that?

Mrs. Cox said that, as County Commissioners, the Board sets the pay for precinct election officials. They have to buy all voting equipment for Vanderburgh County. They also set the price of meals and set the polling places where elections will be held. Other decisions are made by the Election Board. So, this was a monetary decision and it was recommended that the Board give increased pay to individuals providing they attend the sessions and she voted "yes".

Mrs. Speer asked if that did pass?

Commissioner Willner said that if memory serves him correctly, it did pass but it did not stipulate that they had to go to the training sessions.

Mrs. Speer said this is what she would like to get clear and this is what she is confused about.

Commissioner Cox said we do need to have a clear understanding.

Commissioner Borries said that insofar as his personal opinion is concerned, he, too, is in favor of more education. Yearly training -- whenever we have elections in three out of four years -- he would certainly endorse that. But, again, to get back to what the other Commissioners have said -- and he has quickly consulted with County Attorney David Miller -- it is the County Election Board (which would be composed of three officials; the County Clerk is one of the three and two others representing both the Democratic and Republican parties) who would set that training into practice. The Commissioners do approve the salaries and, at least from saying that as administrators for the county that, yes, they are in favor of the training. Yes, they have provided for a salary increase. They now have to put the ball in the Election Board's court and say that they would then have to pass that ruling to specify that training be held.

Mrs. Speer asked if the Election Board could rule that the pay would be less?

Commissioner Borries said he does not think that they could rule on the pay. But they could rule whether or not the training sessions had to be mandatory.

Mrs. Speer asked if, according to recent legislation, Commissioner Borries thinks the Election Board can do this?

Commissioner Borries said he was just basing this on what he heard the other Commissioners say and from his own understanding of the Commissioners' responsibilities insofar as voting equipment, polling places and election pay. He asked if Attorney Miller has anything to add?

Attorney Miller said he thinks that what each of the Commissioners has said in this regard is correct. He was not in attendance at the meeting where the motion was passed, but his belief is that it is the Election Board who has the duty and authority to set and require whatever training

Mrs. Speer asked, "And you have made this possible by allowing the increase in pay, is that correct?"

Attorney Miller said it was possible before, but the current raise in pay makes it more attractive.

Commissioner Willner read the following excerpt from the Commissioners' minutes of June 10th:

(continued)

"Commissioner Borries said that he would guess that other changes will be sought, but at this point he supposes it is the Commissioners' responsibility to approve pay increases for the workers." And he made the motion that the suggested changes be approved, with a second from Mrs. Cox and it was so ordered.

Mrs. Cox said that if Commissioner Willner will go up one (1) paragraph before that it says that, "Commissioner Willner said that mandatory training it is not. The Clerk is wanting to pay the extra amount if they do attend instructional meetings, which he guesses is all right. He sees nothing wrong with that." That is the basis upon which she thought the motion was made. Commissioner Willner interrupted by saying he said he sees nothing wrong with it, but it is not the decision of the Board of Commissioners. Mrs. Cox said it was the Board's decision to grant a pay raise. Commissioner Willner said, "That's correct." Mrs. Cox said she will not support a pay raise unless they do go to instructional meetings. We need a clarification on that. Commissioner Willner said that Mrs. Cox needs to talk to the County Attorney again, and she wants him to research the law....Mrs. Cox asked, "Well, what was the motion? Commissioner Borries made the motion. The Commissioners had the discussion." Commissioner Borries said he made the motion that the pay would be increased. His reference to other changes made would be that the Election Board would make those sessions mandatory. Commissioner Willner said, "Correct. That is my understanding." If Mrs. Cox wishes to change her vote.....Commissioner Cox interrupted by saying, "We're just giving everybody a raise. Why did we consider raising the election workers' pay?" Commissioner Willner said it was to get better qualified people." Commissioner Borries said he thinks that is part of it, plus the assumption at this point that the Election Board is going to make those changes.

Commissioner Willner said that if he has been properly quoted in the newspaper, and he thinks he has, is that the Board is going to have some input coming up very shortly. In fact, he thinks it is on our agenda today -- re the type of voting machines -- the input from the Election Board, the Clerk, and all persons interested in the election process. Along with that meeting, it will be the Commissioners' turn to tell the Election Board what they feel that their job is after they (the Commissioners) buy the equipment...he thinks that has been spelled out and that is the way he feels about it.

Commissioner Borries said he has no problem whatsoever in suggesting what Mrs. Speer says, but he thinks it is going to be just that. He doesn't know whether we can hold that out over their heads. He is just assuming that the Election Board will make those changes -- that the training will be mandatory -- and it is within the power of the Election Board to do so.

Mrs. Speer said this clears it up for her and she appreciates it.

Commissioner Cox asked Attorney Miller if he can speak to that -- can we pay a certain amount to election day workers if they didn't attend the session and another amount to those who did attend the training sessions?

Attorney Miller said that in private enterprise there would be no problem with doing that. He'd have to look specifically at the election laws to see if the Commissioners could condition the pay received for work on election day on whether or not a training session was attended prior to election day. Because what they are being paid for under the statute, as he understands it, is their election day work. And he believes that the statute restricts itself to that. If the Board would want to grant him 10-15 minutes, he will look at the statute toward making a determination.

Commissioner Cox asked that he do so, because the minutes state that "Commissioner Willner said that the communication from the clerk says that the increase is to be allowed only for those workers who attend instructional meetings and, if he understands it correctly, she says that if they attend the meetings she is suggesting that the following amounts be allowed."

Attorney Miller said he will look at the statute to see if their additional pay can be conditioned, or if it can be divided up into so many dollars for attending the session and so many dollars for election day, or something like that.

Commissioner Willner expressed appreciation to Attorney Miller and advised Mrs. Speer that if she will wait, we will have that decision forthcoming.

(continued)

RE: PITNEY-BOWES/JOHN PROVOST

Commissioner Willner asked that Mr. Provost explain the contract that the County has with Pitney-Bowes and the monthly increase.

Mr. Provost said that in December, 1980, Vanderburgh County purchased the mail equipment in the City-County Mail Room. The increase that came down for the meter rental is a government item. The increase will be \$2.00 per month and that is just a basic rate increase that will be effective August 16, 1985.

In relation to that, he has also submitted a proposal which he would like to go over at this time. Pitney-Bowes works in conjunction with the U.S. Post Office. He has done a study of the mail room and recommend that the County, along with the City, go on a lease to purchase proposal, which includes the mail machine and the scale. In order to do that on a 3-year program, it would cost the County Commissioners \$646.00 on a monthly basis. That price does include maintenance. In the cost justification of that and in the research he has done, he figures there can be a 4% reduction of mailing costs. On an average basis, there is \$10,920.75 per month run through....roughly, 2,500 pieces of mail. They figure that because of that volume with what they recommend, which is the depart now accounting system, currently Mrs. Armstrong who works in purchasing hand-manifests all the departments which use the equipment. That takes two (2) hours of her time per day. That's 22 working days a month, 44 hours at a conservative \$6.00 per hour. He figures that at that point we can be saved \$264.00. Again, reduction of mailing costs, which they have to convert to the zone to find out where a package is sent, on the \$10,920.75, another \$437.00 and a 4% error reduction can be saved there. We are also currently spending on an annual basis on a maintenance contract \$75.00 per month, which does increase as the equipment gets older and a \$28.00 meter rental can be saved. Pitney-Bowes is asking for a \$646.00 expenditure on a monthly basis for three (3) years on a lease-purchase. On those conservative savings, we can save \$804.00 per month, a monthly savings of \$158.00 to the county and an annual savings of \$1,896.00. If this can be enacted, there will be no increase on the meter rental for a year. The \$2.00 increase will not be in effect until August, 1986.

Commissioner Willner queried Mr. Provost as to the actual contract date? Mrs. Cox said it was August 15th and Mr. Provost concurred. Commissioner Willner in addressing Mr. Provost said, "John, the meter rental is not a maybe it is a shall -- given that we stay the same?" Mr. Provost responded in the affirmative. Mrs. Cox asked if he said this would save us \$28.00 per month? What is the meter rental now per month? Mr. Provost said he believes the one the county has now is \$34.00 per month. The City's is \$28.00.

Commissioner Borries said that Mr. Provost gave a \$646.00 per month figure for the new proposal. What is the county paying now approximately? Mr. Provost said we purchased the equipment in December 1980. The reason he suggests the leasing program is because the machine has had 1,400,000 pieces run through it and we are having sealing and jamming problems -- which is a mere sign of age. On a leasing program, we can renew without letting go of \$7,000 for a piece of equipment. And with our volume, he recommends leasing.

Commissioner Willner said his problem is that we have had some problems -- we recently had some lost mail. We don't know whether it is our problem, or whether the problem stems from the post office. He isn't saying because he does not know. But the Postmaster has offered to do a complete study of our mailing system and the Commissioners have given him that responsibility. Thus, the Commissioners would not like to sign a contract until such time as he finishes his duties and gives the Board his suggestions to save the County dollars. The Board would probably also need to go out for bids if they did decide to do what we are doing presently in the future. Thus, he is saying that the Board does not either want to sign the \$2.00 per month increase or the contract until the study is completed.

Mr. Provost said that is fine. On the meter rental, that is on a quarterly basis. That is, on the first year we are bound for the first year. That quarterly contract can be dropped -- there was some confusion about this earlier. But on the first year we would be bound. Where we sit right now, it could be cancelled. Mrs. Cox interjected, "On a 90-day notice." Mr. Provost said that is correct.

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RE: POOR RELIEF/PIGEON TOWNSHIP

Tony Cook/1421 Culver Dr., Apt. #C: President Willner asked if Tony Cook is in the audience. There was no response whatsoever.

RE: POOR RELIEF/KNIGHT TOWNSHIP

Rita F. Ritchie/2724 S. Roosevelt Dr.: The Chair recognized Ms. Ritchie, who was seated in the audience and requested that she approach the podium. President Willner advised that according to Ms. Ritchie's application, she has requested medical assistance and all others. The Trustee has said that Ms. Ritchie is overincome, according to the Trustee's Guidelines. The monthly income was \$794.00. He asked that Ms. Ritchie comment.

Ms. Ritchie said the problem was that the Prosecutor's office had ordered specification on her welfare check because of some blood tests taken that came back negative, but there is still that 1% chance. They cut her check; they cut her ADC while she was going through treatment. She has been under a doctor's care for the past three (3) years. There is a \$148.00 bill at St. Mary's hospital over which she is being sued, which she cannot pay.

Commissioner Willner asked if the hospital bill is the only bill, or is there a doctor's bill, also? Ms. Ritchie said she doesn't think so -- just the hospital bill.

Commissioner Willner asked Ms. Ritchie for what reason has the ADC been discontinued? Ms. Ritchie said it was discontinued because of the blood tests, which, regardless she had a child to take care of. Commissioner Willner asked if they will not pick up the cost of this? Ms. Ritchie said she doesn't know. Commissioner Willner said he is sure they will. He asked if the investigator from Knight Trustee's office can help with comments?

Tara Stokes said the medical bill at St. Mary's was for emergency room service as an out patient. She is not certain what UTI means (urinary tract infection?). Ms. Ritchie said that is correct; that test was ordered by the doctor. Ms. Stokes said that Ms. Ritchie was admitted as an outpatient on November 8, 1984. Her ADC was cut and she, herself (not her daughter) was taken off Medicaid because they are uncertain who the father of the child is. So Sanction D is what the prosecutor ordered for a period of time. She is now back on ADC. She has made several applications since 1979 at the Trustee's office, the last of which was April 3, 1985. She was on Section 8. Her Section 8 is \$268.00 per month and her ADC at the time the application was made was \$139.00. She did not declare a \$46.00 per month utility allowance on her Section 8, which gives her a total of \$453.00, which makes her \$153.00 over income. Ms. Ritchie said the \$46.00 utility allowance just started; she was getting only \$12.00 and it went up in April of this year. When she made application in April, she did not know that the utility allowance was going to go up. Ms. Stokes said Ms. Ritchie made application on April 3rd and the Trustee's office needed a copy of her lease to show how much she was receiving on Section 8. Ms. Ritchie said she had called and notified the Trustee's office that she was waiting to get the lease -- as she had to wait for the landlady to sign it. The lease was signed April 12th. Ms. Stokes said that Ms. Ritchie has been over income and denied previously (1983).

Commissioner Willner asked if ADC will pick up for periodMs. Stokes said that Ms. Ritchie was cut from Medicaid and she doesn't think they will pick it up. She talked with them this morning and they said, "No, she wasn't covered." Commissioner Willner said this doesn't sound right. He thought they had to pick up...Ms. Stokes said this occurred in November, 1984. It was the prosecutor who ordered her to be cut. Commissioner Willner said that after that ADC was restored....they should go back to that period and pick that up, should they not? Ms. Stokes said not if the prosecutor told them not to. Commissioner Willner said that this was before the blood tests. Ms. Stokes said the prosecutor cut her Medicaid (not her daughter's) and he also cut her ADC amount..for a length of time. Commissioner Willner said that Ms. Stokes is saying that even without the additional -- it was \$407.00 per month? Ms. Stokes said it was \$453.00 per month.

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Commissioner Cox queried Ms. Stokes concerning Ms. Ritchie's income at the time the hospital bill was incurred? Ms. Stokes said she doesn't know, because Ms. Ritchie never came out and made application -- she has no idea. She was still on Section 8 at the time. Commissioner Cox asked when Ms. Ritchie was cut from Medicaid? Ms. Ritchie said the bill was made in November, 1984. She did not know her ADC was cut until she received her first reduced check. Ms. Stokes said that according to her records, in November 1984 Ms. Ritchie had \$84.00 per month from ADC. Mrs. Cox said then that Ms. Ritchie would then be eligible, according to the \$300.00 per month for a household of two (2). Ms. Stokes said, "Not with her Section 8 being \$268.00." Mrs. Cox said she thought that was cut. Ms. Stokes said, "Not her Section 8."

Commissioner Cox queried Ms. Stokes as to the term utilized when the hospital pays part of these bills? Ms. Stokes said it was HCI. However, Ms. Ritchie was not there overnight, she was an outpatient. Commissioner Cox asked if suit has been filed against the County? Ms. Stokes said she talked with St. Mary's this morning and they told her to turn it over to a collection agency. Mrs. Cox said then, that suit hasn't been filed yet. Ms. Ritchie said they are waiting the outcome of this hearing.

Commissioner Willner asked if Ms. Ritchie has approached the hospital to see if they will take a monthly payment of whatever she can afford? Ms. Ritchie said she has not. She lives on \$139.00 per month, she is under a doctor's care and cannot get a job right now and she is trying to further her education by going to school. But with having to pay her utilities it is almost impossible.

Mrs. Cox asked if the \$268.00 goes entirely for rent? Ms. Stokes said they pay her rent directly and write her a check for \$46.00 per month to go toward her utilities. Mrs. Cox asked what the utilities run per month? Ms. Ritchie said it averages \$75.00 - \$80.00 for gas/electric and she has to pay her water, which is with her trash hauling, etc/, it probably runs around \$25.00 per month. Ms. Stokes interjected that Ms. Ritchie also gets food stamps.

Commissioner Willner said he doesn't understand why the prosecutor did that...Mrs. Cox interjected that he did it because paternity wasn't proven and they have a right to do that. They have to establish paternity. Commissioner Willner said that now she is back on it, he is thinking that maybe she could pay \$15.00 or \$20.00 per month on the bill. She is over income and there is nothing else the Commissioners can do, insofar as he can determine. He knows it is not enough. But the standards are set by the township, not by the Commissioners. He would think that St. Mary's would take a partial payment -- whatever she can afford. Other than that, he doesn't know what the Commissioners can do.

Commissioner Borries said he doesn't either. Based on the Trustee's Guidelines, the standards are set.

Commissioner Willner asked the Board if there is anything which they have not taken into consideration? Does Ms. Ritchie have an automobile? She said she has a 77 Vega; she has a telephone but no cable T.V. Commissioner Willner said the 77 Vega and telephone certainly are not excessive. He asked Ms. Ritchie what period of time she last worked? She said she had a previous felony which is 10 years old, but they felt like it was falsifying her application. The girl who took her application told her not to include it. They had to let her go because of the previous felony and she wasn't there very long -- probably not even 90 days. Commissioner Willner asked if Ms. Ritchie had any insurance for the hospital stay of any kind? She replied in the negative. Commissioner Willner asked if Mrs. Cox knows of anything the Board can do?

Mrs. Cox said she cannot believe she is living on \$139.00. She would say that it would be next to impossible. There's always a catch. It is too bad that Ms. Ritchie did not stay overnight and everything would have been taken care of. She tries to hold down medical expenses and she is penalized. She thinks they ought to pay it.

Ms. Stokes interjected that she knows that it is hard for Ms. Ritchie to try to live on \$139.00, but they have mothers who are living on \$256.00 and they still have to pay their own rent and they have two (2) children, whereas Ms. Ritchie does not have to pay one dime's rent. Commissioner Cox said that Ms. Stokes figured the \$268.00 that she gets per month as income, which she doesn't even see that at all. Maybe the others are paying less in rent than Ms. Ritchie is. Maybe they have more than \$139.00 to live on, that certainly isn't any money at all.

Commissioner Willner said that if that would be advantageous, then she could get off the program if she so desires.

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Ms. Ritchie said that this way she is able to offer her daughter a decent neighborhood and decent environment. Mrs. Cox said that Ms. Ritchie has been at this address for quite a few years. Ms. Ritchie continued, saying her hold-up is her health; they are wanting to take out a kidney and her liver is deteriorating....and she broke down and cried, apologizing to the Commissioners as she did so.

Commissioner Borries asked if Ms. Stokes could refer her for some legal assistance to see -- maybe there is a technicality he has missed; but, again, while he is sympathetic concerning her situation -- she might be able to seek some type of legal advice -- but he cannot see where the Trustee has.....

Ms. Stokes said the best thing would be for Ms. Stokes to try to make \$5.00 per month payments to St. Mary's, which she should have tried to do six months ago. She doesn't think they would sue her if she would make an effort.

Commissioner Willner asked Ms. Stokes to call and make an appointment for Ms. Ritchie with the Legal Services office and let her talk with an attorney. He said he is not too sure that Ms. Ritchie is not eligible for Welfare for this medical bill. He is not sure but what they should pick this up. He doesn't think the Trustee should, but he thinks Welfare should. He's not certain about this, but he does have this feeling. Ms. Stokes said she is not sure what Sanction D is; Commissioner Willner said he is not certain either and that is why he thinks she needs legal assistance. Ms. Stokes said she probably has to give proof concerning the child's father. Commissioner Willner said she now has that. Ms. Ritchie said she does with the exception of 1% and she can't argue with those blood tests. Commissioner Willner said all the Commissioners are saying is that they cannot help her -- she is over income.

Commissioner Cox said that as he understands it, the limits set on income are not State Law; they are set by the individual trustees. She is looking through eight (8) different ones and they all have different amounts for two (2) people in the family insofar as income. One goes as high as \$355.00 and they have exceptions. These are not set in concrete and there are no State laws that they have to be like that....but they are set by the individual trustees and their advisory boards. But that is why people come to the Commissioners, to get relief from these guidelines.

Commissioner Willner interrupted by saying that is not his understanding. If it is, then he is mistaken. The Commissioners' responsibility here is to see that the Trustee has followed the guidelines -- not to overrule the guidelines. That is not within the Commissioners' power. If it was, then the Commissioners would have changed it long ago.

Mrs. Cox said the Commissioners did not set the guidelines to begin with; they simply asked the Trustees to furnish the Board with their guidelines. Commissioner Willner said that is correct. Mrs. Cox asked, "What is the process of appeal for then? If the Board has that feeling and they are going toward a guideline, then why do we need a process for appeal? Commissioner Willner said it is to determine whether the Trustees violate their own sets of guidelines. Mrs. Cox said the Board just signed that the copies had been received; they did not sign that they agreed with them. Commissioner Willner said that is correct. The Commissioners signed, signifying that the Trustees sent the copies and the Commissioners have read them and keep them on file -- that is all. Because it is not the responsibility of the Commissioners to set the guidelines. That is township business per se -- not the county. All the Commissioners are required to do by law, according to his understanding, is to see that the Trustees follow their own set of standards. Nonetheless, the Board would like for Ms. Stokes to go one step further and obtain legal assistance for Ms. Ritchie because, in his opinion, Welfare should pick up this hospital bill. He then asked Ms. Ritchie if she understands what the Board has done? She responded in the affirmative and thanked President Willner and the other Commissioners.

RE: VANDEBURGH AUDITORIUM - KIM BITZ

New Brochure: Mr. Bitz presented copies of a new brochure on Vanderburgh Auditorium, saying it replaces a 17-year old brochure used until recently by the Convention Bureau and other organizations. The new brochure veers away a bit from the one used previously. The old brochure was put out by the Chamber of Commerce and it included information re other facilities and attractions around the county. The new brochure concentrates on just the auditorium. It is much more of a pictorial brochure. One of the reason for that is that it was funded in half by the Convention Bureau's Tourism & Visitor's

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Fund -- they gave some \$1,100.00 toward the brochure. So, not only did they get a new brochure out of this, but saved some money doing it. The Board spent several seconds perusing the brochure. Commissioner Cox asked if Mr. Bitz has a circulation plan for the brochure? He said he is working with Mr. Tom Heaton of the Convention Bureau as to exactly how distribution of the brochure will be handled. He has 25,000 of the brochures; thus if anyone would like to have a supply, they would be more than happy to provide same.

Mr. Bitz noted that one nice aspect of this particular brochure is that he can, at any time, use new photos to update the brochure and add a bit of information here and there. The basic format of the brochure remains the same printing-wise and at very little cost the visual information can be updated.

Mrs. Cox asked if there is reason for failing to mention that it is air-conditioned facility? Mr. Bitz said not for any particular reason. Note was made that the brochure does not state that it has running water or electricitysome things you have to assume. Mrs. Cox stated, however, that the stadium does not have air-conditioning. Not all facilities are air-conditioned.

Travel Request: The following Travel Request was presented to the Commissioners by Mr. Bitz:

June 24, 1985

Dear Commissioners,

This letter is a request to travel to the International Association of Auditorium Managers Annual Convention and Trade Show, to be held in New Orleans July 26 thru July 30, 1985. The IAAM is the largest and most highly recognized organization for auditorium, arena and convention center managers.

The benefits from this meeting are too numerous to list. I will have a chance to meet and establish permanent contact with managers of facilities similar to ours, giving me an always up-to-date resource on any subject related to our facility. I am sure that other facilities share some of the same problems we come up against and many have come up with the answers. What better way to learn than from those who have experience in the field of facility management. Whether it is a question concerning labor, capital improvement funding, promotions or building maintenance, this convention would be a strong beginning toward finding the answers we need.

The cost of the convention and trade show is \$200.00. The round-trip air fare (departing from Louisville) is \$188.00. Hotel cost at the government discount rate is \$50.00 per night for five (5) nights. The total for the above would be \$639.00. My travel account has a balance of \$800.00.

Thank you for your consideration.

Kim Bitz, Manager

Commissioner Cox asked if Mr. Bitz has put this request before the Advisory Board? Mr. Bitz responded in the affirmative. Mrs. Cox asked how they felt about it? Mr. Bitz said they unanimously approved it. Motion was made by Commissioner Cox that the travel request be approved for the amounts listed: \$200 reservation; \$188.00 air fare; \$50.00 per night accommodations; with total amount \$639.00 for July 26 thru July 30 be approved. A second to the motion was provided by Commissioner Borries. So ordered.

RE: COUNTY ATTORNEY - DAVID V. MILLER

Compensation of Election Officials: Attorney Miller returned to the meeting, reporting that in searching the State statute he finds that apparently the compensation of election officials is controlled by Indiana Code 3-1-5-15. That section provides that each judge, clerk and assistant clerk in any Primary or General Election may be allowed the sum of \$30.00 and each sheriff may be allowed and paid the sum of \$30.00 and each inspector may be allowed and paid the sum of \$30.00, to which may be added for the inspector \$15.00 for his services in picking up the supplies from the Clerk's office and \$15.00 for his services in returning the supplies.

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Then, there is a Section B, which says confusingly, however, the County Commissioners in any county may, by order of such Board (being this Board) which is made and filed with the Auditor not less than 15 days before the election the County Commissioners may provide for allowances in pay not to exceed the following amounts:

\$30.00 for each Clerk, Judge or Assistant Clerk

Commissioner Willner interrupted by saying, "Excuse me, David, that wouldn't show the 1985 Burns Statute in there, would it?" Attorney Miller said he was using the 1984 Supplement (the most recent change the Commissioners' office). Commissioner Willner apologized, saying this wasn't up to date. Commissioner Borries interjected that the 1985 Supplement may not have been printed yet -- he is not certain that it has. Commissioner Willner said he does not know what portions were changed, but he does know that the dollar figure was changed.

Attorney Miller said Commissioner Willner is correct. He is looking at the 1983 statute, which was approved in April, 1983; he has nothing later to work from at this point. There is probably a copy of the latest Supplement on file in the Clerk's office. Commissioner Cox said the Commissioners should have a copy in their office -- from the Indiana Association of Counties. Attorney Miller said he can say that, unless the statute has been substantially revamped (Mrs. Cox remarked that it has) -- if all the Legislature did was to change the numbers, if that is all they did -- then the Board's idea of paying more or paying a sum of money for election workers to attend a training session -- and then paying them a separate amount for election day will not work.

Commissioner Cox queried Attorney Miller, asking just what Section B is? Attorney Miller said Section B simply says that the County Commissioners can provide for allowances and pay not to exceed the following amounts -- and it states the same amounts as were stated before. Thus, he takes it that the County Commissioners have the power to double that, although the language is so confusing because it doesn't say the County Commissioners can provide additional, up to an additional \$30.00. It doesn't say it that way, which would be the most simple way to do things. But he guesses that legislatures hardly ever do that. In any event, if there is a later statute, he guesses we'll have to wait until such time as we get our hands on a copy of that statute.

Commissioner Willner advised Mrs. Speer that it will be one of the Board's first instructions to the County Attorney to get a copy of the latest statute and provide the Board with an analysis of what the 1985 Legislature did. He then asked that Mrs. Speer provide Jim Lindenschmidt with her name and address and he will have Mr. Lindenschmidt get in touch with her personally.

Mr. Lindenschmidt said that Sheriff Shepard is having a book sent up to the Commissioners' office right now with some 325 changes. It was determined that the Board would wait a few more minutes, until Attorney Miller could check that when it arrives.

Commissioner Borries said that when we say "substantial changes", he thinks there were some changes made in regard to election officials' compensation, but as it says here on Election Code of 1945 and as some legislators have addressed, the legislature has a long way to go to change a lot of things within the State law. When they're talking about "substantial changes", he's afraid it has just begun. He does, however, believe there were some changes regarding pay.

Commissioner Cox said she believes from what she read that it did allow an increase in pay, providing the people attended a training session. That is what she read in the statute that came down from the Indiana Association of Counties -- and that is what she thought Helen Kuebler was sending over; that she recommended the Commissioners pay this amount if they attended the training sessions.

Commissioner Willner said that Commissioner Cox may be correct.

Final Addendum to Hartman-Adler/Mann Road Settlement Agreement: Commissioner Willner asked if Attorney Miller has any other matters to be brought to the Board's attention? Attorney Miller said he has the Final Addendum to the Hartman-Adler/Mann Road Settlement Agreement, which has been signed by the attorneys for the Adlers and the attorneys for the Hartman parties and now requires the signatures of the Commissioners. This provides for the additional right-of-way for the sum of \$6,000.00 and it has already been

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finalized in terms of county work -- it is all done. It is just a matter of closing it up. This is to be signed by both the Drainage Board and the County Commissioners. If Commissioner Willner will sign on behalf of the Board of Commissioners, then he will introduce the document for signatures in the Drainage Board Meeting following the Commissioners Meeting.

Commissioner Willner entertained a motion. Motion was made by Commissioner Borries that the agreement be approved, with a second from Commissioner Cox. So ordered.

Compensation for County Attorneys: Attorney Miller said that, because of a State Board of Accounts' opinion that the individual County Attorneys should be compensated directly in their salary only for their work as general counsel to the Board and that the County Attorneys individually should not be compensated directly but only through their law firm for litigation work, the agreement has been redrafted concerning compensation of the Vanderburgh County Attorneys to provide that the litigation work is performed by Bowers, Harrison, Kent & Miller (the law firm) so that the checks can be issued to the law firm, as opposed to an individual attorney. Mr. Miller said he understands there were several reasons that the State Board of Accounts asked that it be done that way. In talking to one of them, he believes he said something about it causing some degree of confusion in the PERF (Public Employee Retirement Fund) benefits, etc. The only change in this agreement is that it provides for the payment for litigation and out-of-pocket expenses that the firm bears and services performed -- should be paid directly to the firm -- and the agreement calls for the signatures of all three Commissioners.

Commissioner Willner said he has no problem with that and entertained a motion. Motion was made by Commissioner Borries that the agreement be signed, with a second from Commissioner Cox. So ordered.

Compensation for Election Officials: Attorney Miller said that Sheriff Shepard had brought up a summary published by the Indiana Chamber of Commerce and it simply says that it amends Section 3-1-5-15, which is what he was previously reading from. It says that that statute was amended to allow precinct election officers to be paid up to \$50.00 for their services in all elections and to eliminate obsolete language and then it says, "makes other changes".

Commissioner Willner said, in reading from the Clerk's letter, it says that, "Some new laws have been passed. If it matters, increase in pay scales, judges and inspectors must have training."

Mrs. Speer said that she believes there are two separate laws -- and she believes the foregoing was addressed in a separate law.

Commissioner Willner advised Attorney Miller that the Board of County Commissioners is requesting that he put his knowledge to work during the coming week and provide the Commissioners with a complete answer as to the law. He can either pass it along to Mrs. Speer or the Commissioners will pass it along to her. He again asked that Mr. Lindenschmidt obtain Mrs. Speer's address and telephone number so they can touch base with her. He also thanks Mrs. Speer for her patience and indicated the Board will try to get a firm answer for her.

RE: COUNTY HIGHWAY DEPARTMENT

Weekly Absentee Report: Copies of the Weekly Absentee Report for employees at the County Garage for the period of June 17 - June 21, 1985, were presented by Mr. Bethel.... report received and filed.

Weekly Work Report: Copies of the Weekly Work Report for employees at the County Garage for the same period were also submitted.....report received and filed. Attached to the work report was the following work schedule:

Gradall: Mann Road

Paved: Mill Rd. (Hot Mix)

Chip & Seal: River Rd. and Started on Frontage Rd. North

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- Patched: River Rd., Kansas Rd., Green River Rd., S. Weinbach, Millersburg, Eissler, Strawberry Hill, Coal Mine Rd., Darmstadt Rd., Evergreen Rd., Schutte and Marx Rd.
- Mower: Baseline, Nisbeth Station, Boonville-New Harmony, Owensville, Raintree Dr., Mesker Park Dr., Westmore Drive, Marigold Ct., Detroy Rd., Allen Lane, and Old State Rd.
- Grader: River Rd., Frontage Rd., St. Joe Avenue, Cypress-Dale, Eisterhold and Schissler Rd.

Mr. Bethel said that last week they were criticized for some of their secondary roads on which they were paving, so this week they paved Mill Road with hot mix. He said he wants to take this opportunity to invite each Commissioner to come out to Mill Rd. and look at it subsequent to today's meeting -- so he can show them the expertise of the County Highway Department and what they can do. The news media is certainly welcome to come.

President Willner said the Commissioners will be there; he doesn't know what time -- but they will be there. He said it is his understanding that the Traffic Department also striped the road today, is that correct? Mr. Bethel said that is correct and he would like for the Commissioners to see it.

Commissioner Cox said she needs to know -- on the Mill Road work, did they put that down in layers of so many inches? Mr. Bethel responded in the affirmative. Mrs. Cox asked if they rolled it in between layers? Mr. Bethel replied in the affirmative. Mrs. Cox asked if that has been sealed? Mr. Bethel said that when you use hot mix, you have two (2) layers to put down. The first layer you put down is a first mix. He did it just exactly the way that Rudolph told him to do it. Mrs. Cox asked if they rolled it? Mr. Bethel said, "Yes, indeedy!" They then came back and put on the top coat and rolled it again. Mrs. Cox asked, "And have you sealed it?" Mr. Bethel said, "Yes...and I want you to come look at it. Will you do that?" Mrs. Cox said she would. Mr. Bethel said he would appreciate it.

RE: COUNTY SURVEYOR - BOB BRENNER

Bridge & Guardrail Repair Report: Mr. Brenner said his presentation would be very brief, as the majority of his business today pertains to Drainage Board matters. He did, however, present copies of the Bridge & Guardrail Repair Report for period of June 17 - June 21, 1985, as follows:

<u>Monday</u>	Kansas Rd. & County Line Rd.	Closed bridge on Kansas Rd., west of County Line Rd.
	St. George Rd. 1/2 mi. east of Hitch-Peters Rd.	Replaced guardrail that was hit by a car.
<u>Tuesday</u>	Schroeder Rd. 1/4 mi. east of Highway 41	Replaced 18' culvert.
<u>Wednesday</u>	Seven Hills Rd. & Volkman Rd.	Replaced 24 1/2 culvert
<u>Thursday</u>	Baseline Rd. (between Old Princeton & Darmstadt Rds.)	Replaced 18' culvert
<u>Friday</u>	St. Joe Avenue (between Mill Rd. & Highway I-64)	Cut grass and painted guardrail ends

County-Wide Inventory of Culverts: Mr. Brenner said they have started a county-wide inventory of culverts. They are doing a condition study of the culverts and trying to locate them. They believe there are some 2,000 to 3,000 somewhere out there, and a study has never been done.

RE: COUNTY HIGHWAY ENGINEER - ANDY EASLEY

Mr. Easley said the two (2) items he has today for the Board's attention concern the Burkhardt Road Improvement Project.

Extra Work Agreement: There is an extra work agreement in the amount of \$3,560.00, which concerns adding some extensions to the farmer's field drains that go into the Crawford-Brandeis Ditch. There is 120 ft. of 6" pipe @ \$18.00 per ft. and 70 L.F. of 8' pipes at \$20.00 per ft. This pipe is steel-bolted corrugated steel. The consultant has given us a letter in which he says that the pipe prices are a little higher than we would normally encounter -- and quite a bit higher than if we had a long run of it. But these may be ten (10) pieces altogether and he has to go dig it up, make the connection and extend it out to the ditch. He has recommended that it be approved. Mr. Jim Morley has signed it and Mr. Easley said he would have to concur. He requests that the Board approve this so it can be sent back to the Consultant and forwarded to the State.

Commissioner Willner entertained a motion. Motion was made by Commissioner Borries that the claim be allowed, with a second from Commissioner Cox. So ordered.

Claim/Morley & Associates, Inc.: A claim in the amount of \$21,922.91 for Construction Engineering was presented (June 20th billing date, which covers period of May). The invoice is in accordance with the agreement we have concerning construction engineering. Mr. Easley said he has signed it and recommends that it be approved. We do have to receive money from the State before the claim can be paid. The Chair entertained a motion. Motion to approve claim for payment was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Bickmeier Rd.: Mr. Easley said that he and Mr. Bethel inspected Bickmeier Rd. last Wednesday (June 19th). Would the Commissioners like for him to comment on this matter today? Commissioner Willner said that originally they didn't. However, there are four (4) persons in the audience today who are waiting for Mr. Easley's every word -- so would he please proceed with his comments.

Mr. Easley said there was discussion about this matter at last week's Commissioners' meeting. At that time, he had not seen the road. It raises a question that will probably come up periodically in that the County should probably develop a policy on it in that some of these narrow roads that serve a large acreage and some people may want to cut the acreage into homesites and the people who own the acreage would be willing to widen and improve a county road in order to make it a safer road -- where two cars could pass. If they would be willing to do this at their expense so homes could be built to help share the tax load, as a philosophy, he doesn't see anything too wrong with encouraging this, assuming there is a modest right-of-way required, the County could assist in acquiring the right-of-way. That is his personal opinion and doesn't have to be the policy of the board -- and he knows that some people may take issue with this, he thinks as a policy to encourage someone who wants to put a house on two or three acres, he does not think this is impacting an area and he thinks if the developer is willing to improve a road to county standards or modified standard -- in some cases you cannot get a 50-ft. right-of-way, but you could get 30 ft. or 40 ft. of right-of-way. This is something to be considered. This summarizes his report. In this particular case, he believes that policy would be applicable. Again, that is his personal opinion.

Commissioner Willner queried Mr. Easley concerning the drawings afforded him on Bickmeier Rd.? He is certain the Commissioners are not going to condemn that ground. But for the Commissioners' knowledge, how many feet did.....Mr. Easley interrupted by stating there is a total of what he believes is recognized as a 16-ft. right-of-way and it has a pavement of 9 ft. probably. In the case of this road, he believes you could get utilities back there and have the proper pavement width if there were 40 ft. of right-of-way and probably the easiest place to widen it (because of the way it is presently graded) would be on the west side of the pavement. And it would require probably 12 ft. of additional right-of-way, which is an invisible line in the grass and part of that would have to be taken up with pavement if such a thing were to come about.

Commissioner Willner expressed appreciation to Mr. Easley for his report on this matter and stated that if the Commissioners or the four (4) individuals in the audience wanted to review the diagram, please feel free to do so. Continuing, he said the grapevine had it this morning that Mr. Elpers was withdrawing his request. He heard

(continued)

this as purely speculation. He advised the four individuals in the audience that they can check with the Area Plan Commission office to see if that comes about. If there are further questions, please feel free to let the Commissioners know.

RE: CERTIFICATES OF INSURANCE

Aiken Management Corp.: Theatrical Performance "Lional Hampton: on July 30, 1985 at the Vanderburgh Auditorium.

Aiken Management Corp.: Theatrical Performance "Glen Miller" on September 4, 1985 at the Vanderburgh Auditorium.

RE: ALEXANDER AMBULANCE SERVICE - MONTHLY REPORT

President Willner submitted the monthly report from Alexander Ambulance Service for period ending 5/31/85.....report received and filed.

RE: CONTRACTS FOR BOVINE BRUCELLOSIS AND TUBERCULOSIS ERADICATION

President Willner presented the County Contracts for Bovine Brucellosis and Tuberculosis Eradication, which are to be signed and returned to the State. Motion to execute said contracts was made by Commissioner Borries, with a second from Commissioner Cox. So ordered. (Copies of contracts attached hereto and made a part of the minutes.)

RE: VOTING EQUIPMENT MEETING

It was noted by President Willner that the meeting should be held concerning input on Voting Equipment. This meeting needs to be held in the immediate future, as it is time to prepare and submit 1986 budgets. After brief discussion, it was determined that the meeting will be held on Thursday, June 27th at 10:00 a.m. in the Commissioners' Hearing Room.

Commissioner Cox pointed out that a demonstration of equipment by A. E. Boyce is scheduled today. Commissioner Willner advised that this specific demonstration has been cancelled. The equipment could be seen at a later date, as the Board will have to take bids on equipment to be purchased anyway. In the interim, the meeting needs to be held to get the input from the various offices, etc., so a budget amount can be set. The budgets should be in by July 1st. President Willner requested that Mr. Jim Lindenschmidt contact the following concerning the Thursday meeting:

County Clerk
Election Board
Both County Party Chairmen
Larry Lazart
County Auditor
Election Board Attorney

News Media
General Public
Board of Voter's Registration
County Attorney (1)
Joanne Matthews, Secretary

Since there is insufficient time to place a legal ad and both local newspapers are represented at today's meeting, President Willner requested the reporters to publicize Thursday's meeting, indicating that all interested parties should attend.

RE: OLD BUSINESS

The Chair entertained discussion on any old business. There was none.

RE: SCHEDULED MEETINGS

Wednesday June 26th - Southwest meeting of Commissioners' Association in Troy, Indiana (Spencer County) at 5:00 p.m.
Thursday June 27th - Voting Equipment Meeting at 10:00 a.m. in the Commissioners' Hearing Room.

RE: CLAIMS

Joe Schaefer: Claim in the amount of \$139.00 (building permit refund) was presented for approval. Motion to approve claim for payment was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: EMPLOYMENT CHANGES - RELEASESClerk of Superior & Circuit Courts

Mary Louise Rose	4500 N. Fourth Ave.	Dep. Clk.	\$450.57/Pay	Eff: 6/17/85
Etta Mae Mueller	1508 S. Red Bank	Cashier	\$495.97/Pay	"
Teena M. Preske	2202 Evanston	Dep. Clk.	\$450.57/Pay	"
JoAnn Page		"	\$6.00/Hr.	"

Burdette Park

Tela Zuelly	4410 Bernice Dr.	P/T Recpt.	\$3.50/Hr.	Eff: 6/5/85
Scott Christian	524 S. Grand	P/T G. Crew	\$3.50/Hr.	Eff: 6/10/85

Pigeon Township Assessor

Meraloyd Stansberry	800 E. Olmstead	Clerk	\$11,760/Yr.	Eff: 6/14/85
Magdalen Owen	1408 S. Roosevelt	Ex. Help	\$30.00/Day	Eff: 6/14/85

Convention & Visitor's Bureau

Thomas S. Heaton		Exec. Dir.	\$27,000/Yr.	Eff: 6/29/85
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County Highway Department

Jerry E. Lindsey	2701 S. Green River	Asst. Supt.	\$17,732/Yr.	Eff: 6/21/85
Cletus J. Muensterman	6025 Broadway	Foreman	\$16,451/Yr.	"
Mark A. Montgomery	864 N. Helfrich	Mechanic	\$ 8.30/Hr.	"
Darryl Chamberlain	3209 Hillcrest Terr.	Eq. Op.	\$ 7.49/Hr.	"

RE: EMPLOYMENT CHANGES - APPOINTMENTSBurdette Park

Dawn Bequelin	2024 Lincoln Ave.	Ext. Guard	\$ 3.35/Hr.	Eff: 6/14/85
Mark Walker	1163 Regency Ct.	P/T G. Cres	\$ 4.00/Hr.	Eff: 6/13/85
Greg Bruce	9800 N. Harmony Way	P/T G. Crew	\$ 3.50/Hr.	Eff: 6/1/85
Tela Zuelly	4410 Bernice Dr.	P/T Recpt.	\$ 4.00/Hr.	Eff: 6/5/85
Laura Conrey	Box 221	Ex. Guard	\$ 3.35/Hr.	Eff: 6/14/85
Scott Buedell	2645 Ravenswood	P/T G. Crew	\$ 4.00/Hr.	Eff: 6/13/85

Clerk of Circuit & Superior Courts

Traci Ritter	1813 Harmony Way	Dep. Clk.	\$ 450.57/Pay	Eff: 6/17/85
Mary Louise Rose	4500 N. Fourth Ave.	Cashier	\$ 495.97/Pay	"
JoAnn Page	2219 Broadway	Dep. Clk.	\$ 450.57/Pay	Eff: 6/17/85
Doris Parrott	2608 W. Franklin	Dep. Clk.	\$ 6.00/Hr.	"

Convention & Visitor's Bureau

Thomas S. Heaton	2211 E. Franklin	Exec. Dir.	\$ 29,100.00	Eff: 6/29/85
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County Highway Department

Cletus Muensterman	6025 Broadway	Asst. Supt.	\$ 17,732/Yr.	Eff: 6/24/85
Mark A. Montgomery	864 N. Helfrich	Foreman	\$ 16,451/Yr.	Eff: 6/24/85
Darryl W. Chamberlain	3209 Hillcrest	Mechanic	\$ 8.30/Hr.	Eff: 6/24/85

There being no further business to come before the Board at this time, President Willner declared the meeting adjourned at 4:10 p.m.

(continued)

PRESENT:

COMMISSIONERS

Robert L. Willner
Richard J. Borries
Shirley Jean Cox

COUNTY AUDITOR

Alice McBride

COUNTY ATTORNEY

David V. Miller

COUNTY ENGINEER

Andy Easley

COUNTY HIGHWAY

Bill Bethel

COUNTY SURVEYOR

Robert Brenner

AUDITORIUM

Kim Bitz

SHERIFF

Clarence Shepard

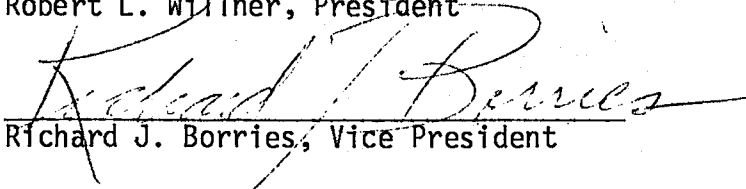
OTHER

Mrs. Gloria Speer
John Provost
Rita Ritchie
Tara Stokes
News Media
Unidentified/Audience

SECRETARY:

Joanne A. Matthews


Robert L. Willner, President


Richard J. Borries, Vice President

Shirley Jean Cox, Member

438.

COUNTY COMMISSIONERS

BRIEF MEETING RE VOTING EQUIPMENT & PROCEDURES HELD
SUBSEQUENT TO DRAINAGE BOARD MEETING ON
MONDAY, JUNE 24, 1985

June 24, 1985

ELECTION EQUIPMENT & PROCEDURES (ADDENDUM)

Subsequent to the Drainage Board Meeting held on Monday, June 24th, County Attorney David Miller, advised:

"You all can fix -- you all have the power -- to fix the compensation anywhere between \$30.00 and \$50.00 per day for each one of them.

The \$15.00 for the inspector to pick up and deliver stays the same, but you may --you don't have to -- but that is why you can give the inspector up to \$30.00 per day more.

But, you have absolutely no express power to condition those payments on the attendance at any meetings. Nor, do you have express power to pay them for doing anything on election day with the exception of the inspector's pick-up and delivery.

However, in another bill that was passed -- House Enrolled Act #1670, Section 3-1-22-(I believe 19)Commissioner Cox asked, "What is that again?" Attorney Miller said he believes that it is Section 3-1-22-19, when it is finally codified.....another way to look for it is Section 9-C of House Enrolled Act #1670. That section says that in counties where you use electronic voting systems, the County Election Board shall -- that is to say, must -- provide a training and educational meeting no later than the Monday preceding the election, and the County Election Board shall require election inspectors and judges to attend the meeting and may require the other members of the precinct election board to attend." "Now, that has nothing to do with the pay. But if an election judge or inspector does not attend this meeting, it is my opinion that he is not an inspector or a judge and if he shows up to be an inspector or judge he is not qualified and you cannot pay him."

Commissioner Willner said that statute is not applicable because we do not have an electronic voting machine.

Commissioner Cox interrupted, "Yes we do.....we have a system which comes under the Electronic Voting System."

Attorney Miller said we do not have an electronic voting machine, but we do have an electronic counter (tabulator) and he did not look to see if we fit in there -- under the new act.

Mrs. Cox said that we did when she was clerk.

Attorney Miller said it would surprise him if we don't, however....as he would think that anything but a paper ballot county..would fall under this category.

In any event, the Commissioners fix the pay and if they do what they are supposed to do, then we pay them. If they don't do what they're supposed to do.....

Commissioner Willner asked if Mr. Miller will be at the meeting Thursday morning at 10:00 a.m. Attorney Miller said that he didn't know anything about meeting. What kind of meeting is it? Commissioner Willner said it will be a meeting between the Commissioners, the Clerk, the Election Board, County Chairmen, News Media, the Public. etc., concerning their input as to what system the Commissioners should pursue.

Attorney Miller said he has a trial, but he will have someone from his office here.

Commissioner Cox said, "Then there is no choice; the Inspector and the Judge must attend the training session and the rest of them may attend"..... Attorney Miller interrupted by saying, "May be required to..." if the County Election Board says so. Mrs. Cox said what we have done is given them the pay. Now the Election Board can say whether or not they have to come or they don't get paid. Attorney Miller said that if Vanderburgh County is deemed to have an electronic voting system, if our system falls within that definition, the County Election Board doesn't have any choice. They must require them to attend and the Judge and the Inspector must attend.

Commissioner Borries asked if the Board can have an opinion on that from the Legislative Services as to whether or not we fall into that category -- the electronic system. Mrs. Cox said the Election Laws book has a section pertaining to electronic systems.

Attorney Miller said the House Enrolled Act is a 20-page bill. He merely copied the front page and Page 14 -- that's all he took out of it. Helen Kuebler has the whole thing.

ELECTION EQUIPMENT & PROCEDURES (ADDENDUM)

Page 2

Attorney Miller said he can get a copy and read it, then give the Commissioners his opinion.

Mrs. Cox said she knows there is something somewhere that says that if they attend they get extra pay. Where it came from....

Attorney Miller interrupted by saying, "I'll tell you what you saw, maybe-- Helen Kuebler had a kind of a mimeographed sheet from the State Election Board and it made reference to 1301, which upped the possible pay. It said in a note to the Clerks, "You may want to condition the increase in pay upon the attendance at the training sessions referred to in 1670." Attorney Miller said he thinks they are all wet. He doesn't find anything in here -- in either one of these -- that gives the Board of Commissioners the power to place any conditions.

Mrs. Cox said she gets her information from the Association of Counties.

Commissioner Borries said he thinks it's pretty clear when they say "shall" that they have to go or they don't get paid.

Mrs. Cox said she believes they will make all the workers go. Commissioner Willner said this is all right with him.

Mrs. Cox said the "initialing" has been the important thing -- and that's the first job.

* * * * *

TYPEWRITERS

Attorney Miller handed some documents to Commissioner Willner and said that "This hasn't gotten into the hands of Purchasing yet...the other one has."

Commissioner Cox asked, "Is somebody buying something without authority?"

Commissioner Willner said, "Yes. The Sheriff bought a typewriter and said he had to have it, because everytime a call comes in he must reach over and enter that into the record.

Mrs. Cox asked, "Couldn't he have called up here and gotten an emergency P.O., if he had to have it?"

Commissioner Willner said that is not the worst of it. He paid \$249.95 and we have seven (7) others for \$650.00 each --that we think we got stopped. Bob Steel did it. He didn't understand it. Commissioner Willner said as far as he is concerned, it is his fault, because he didn't stop down and tell Bob Steele otherwise.

MINUTES
COUNTY COMMISSIONERS' MEETING

SPECIAL SESSION

RE

VOTING EQUIPMENT & PROCEDURES

JUNE 27, 1985

442.

MINUTES
COUNTY COMMISSIONERS' MEETING
SPECIAL SESSION
JUNE 27, 1985

The Vanderburgh County Board of Commissioners met in special session on Thursday, July 27, 1985 at 10:00 a.m., with President Robert Willner presiding.

The meeting was called to order by President Willner at 10:10 a.m. He announced that copies of the minutes from the Commissioners' Meeting held on Monday, June 24th, were available to any interested parties at this time -- and that said minutes contained discussion which was held concerning election workers' compensation, the election process, etc.

Before proceeding, President Willner said there was a small left-over problem from Monday, and County Attorney David Jones is present at today's meeting to give an opinion on who can require the election workers to attend training sessions. He will allude to that in a few minutes.

President Willner said he would like to conduct this meeting in two (2) stages: He would first like to hear testimony from any concerned parties concerning the equipment for the election process. Secondly, discussion will be held concerning what the Election Board should do. The Commissioners are concerned with the equipment and the Election Board should be concerned with the latter. He then called upon Attorney Jones to render his opinion concerning the requirement for training sessions.

David Jones: There was a recent amendment to Title 3 of the Election Code, House Enrolled Act #1670. Section 9-C provides that every county election board using an electronic voting system shall provide a training and educational meeting no later than the Monday preceding the election in which the board plans to use the system for voting. The county election board shall require election inspectors and judges to attend the meeting. And, they may require the other members of the precinct election boards to attend the meeting.

I think that it sets forth an affirmative requirement that in order to serve as an election judge or an inspector, that they must attend that school and, therefore, if they attend they are certainly entitled to be paid.

One of the other amendments to Title 3 provides that the County Commissioners of the county in which the inspectors serve shall fix the compensation paid under Sub-section A and B for all elections except the town elections. And then there are some changes with respect to the amount of compensation that has been fixed. With respect to the balance of the election officials, that is something wherein the election board has discretion. They may require the other members of the precinct election boards to attend that meeting. So that part is optional and discretionary with the election board. But the election board has no discretion with regard to requiring the inspectors and the judges to attend.

R. Willner: O.K. As we talked earlier.....

R. Borries: My comments, President Willner, earlier were addressed to Attorney Jones regarding to the use of the word "electronic". In this 9-C it says, "any electronic voting system". I have some personal doubts as to whether or not this is an electronic system, based on what I have seen. But I just wondered what his opinion might be. The only electricity I could see would be on the tabulators that counted. There is no electronic device used when the voter takes the card and punches the hole through the paper card and, based on some of our decisions with ..or at least our experiences with electronic phone systems a year ago, I would hardly describe this system as anywhere close to what I would consider electronic. However, maybe the State Election Board has some other kind of an opinion on that. But I am just wondering about that word. I guess that's my point.

D. Jones: Do any of the county machines require electricity to operate?

H Kuebler: Yes.

(continued)

D. Jones: Then it is an electronic voting system. It doesn't mean that every part of the system has to be electronic. I think that's what it is keyed to. I think that the distinguishing factor in voting throughout is how it is counted....whether it is hand counted or what.

R. Willner: Also, David, if for some reason a worker at the precinct level did not take the instruction and did so serve at that position, he would have to be paid the full and regular salary whether or not he attended the meeting?

D. Jones: You have to distinguish whether that person were to be an inspector or a judge who are required to attend. I don't know if they should serve if they haven't attended. It says they "shall". I don't think you can be an inspector or judge and not have attended that training session the way the statute is worded. It says they "shall" and it's a requirement. It's like you have to take a driving test in order to get your driver's license. They don't give you the license if you don't take the test. It's a requirement in order to hold that status.

The other people -- if the election board decides they want to make it mandatory that everybody attend -- I'd say the same thing applies. They have the ability to impose that requirement on the balance of the board. They may choose to waive that and say that training is optional. Or they may encourage everybody to attend and say, "If you miss it, you can still serve". But once anybody performs any labor that has been authorized, then (and this is a general statement of law) there is an obligation to pay them for the value of their services, whether or not they had training. But if you go ahead and allow the clerks to serve, then you are going to have to go ahead and pay somebody who has performed services for you -- whether or not they had the training.

R. Willner: Thank you. We'll go on and get the input from others at this time. I was going to give the two party chairmen the right to speak first, but I do not see either of them. So, Helen, would you care to come forward and start it off?

H. Kuebler: I would just like to agree with what David Jones has stated this morning -- that, to me, we do have an electronic voting system, and it means that the inspectors and judges will have to have the training. I have always given training for the members who work at the polls and I expect to, again, and if we find it necessary to have more training sessions I will be more than willing to have them. But as far as the rest of the precinct workers having to have the training, I feel like the election board will have to have a meeting and discuss this and find out if we feel that it is absolutely necessary.

If you're saying -- which I feel -- that they cannot work if they don't take the training sessions, it is like any other law that is passed -- if the county doesn't uphold the laws, then I think we certainly are not setting good examples for the State of Indiana. That is what we have asked the legislature to do -- to pass laws that elections can live with and I think they have done what they felt it necessary to do after our last fiasco, and I feel it is necessary and if the County Chairmen will enforce this to make their appointments early enough to know when the training sessions are -- either we can notify these people or they can notify these people of the training sessions and there should be no reason why they cannot attend. That's all I have to say.

R. Willner: Do you have a preference on equipment? I think that's a big factor.

H. Kuebler: Of course, I thought C.E.S. was certainly very, very accommodating and it looked great and certainly would serve our purpose and so would Thornberg. The only thing I have with C.E.S. is their maintenance contract and their maintenance people are not local -- and Thornberg does. I would have to look at both of them again before

(continued)

I'm willing to make a definite recommendation. But C.E.S. was certainly very, very new and seemed, to me, to have everything we needed. Thornberg was also good, but I really didn't get to personally use it and that is what I would like to do -- go thru it.

R. Willner: They both have several systems. Are you going to speak to that?

H. Kuebler: Of course, I'm referring to the tabulating systems that they have....
....with the electronic and tape and CRT screen, which is what I think our county could certainly benefit from and get the counting over in half the time with the printout they furnish, rather than having to xerox it as we do today.

R. Willner: O.K. Anything else?

H. Kuebler: No...

R. Willner: Thank you, Helen.

R. Willner: Paul ?

P. Black: The only observation that I have with respect to the requirement of attendance, I have some concern if it is interpreted as a pre-requisite to serve as an inspector or a judge. What we do on election day when an inspector or judge who has been untrained and the Monday before the election is passed with that precinct, I would prefer to give some consideration to how we might encourage those for the mandatory the attendance the incumbency appears to be on the election board to make that requirement. I throw out for consideration -- and only that -- I'm not sure it is even legally possible -- that in the fixing of the compensation for inspectors and judges in the precincts, that the Commissioners give consideration to maintain the daily pay for election day as it has been in the past and to take the increase authorized by state statute and to pay that to those who attend the instructional meeting. Maybe that type of incentive would help the election board in fulfilling its requirement to require that inspectors and judges attend. It is not a penalty. They are going to be paid on election day whatever the Commissioners said. That is one thought.

As to the machines, I haven't seen all of them. Obviously, the board would like the best mousetrap available -- the most failsafe system. But the economics of the situation also are appreciated. I think that I agree with Helen that the CES tabulation that we saw would take a lot of the election night problems away. And, perhaps if that is the only thing that can be gained this year then it is worthwhile.

R. Willner: Thank you, Paul. Paul Bitz.....

P. Bitz: County Commissioners, as well as being a democratic member of the Board of Voter's Registration, Mayor Vandever had to make a speech this morning and he asked me to talk in his behalf, as well.

I like Paul Black's suggestion that if it can be legally done -- I also think that the schools should be smaller numbers and I also think that maybe you should give them a certificate showing that they have completed it that they could put in their election data and we would have it if there were any trouble and at least we would know it. But, you know, the election laws are so confusing. Pappy Steers is the one who wrote all the election laws for the state. When I was up in the State Senate and on the election committee the one time out of eight years that the democrats were in control of the Senate and I was wanting to make some changes, he said, "Now, Bitzy, I wrote them laws and there's nothing wrong with them." So, they just don't like to mess with them. But you know we have the authority of the Commissioners -- and I know I don't have to stress the authority of the Commissioners in regards to elections -- but you have to

(continued)

re-boundary the precincts, and also you're in charge of the financing in getting the money for the elections and seeing that that is done. And, really, the jurisdiction of the election is with the election board. And I think everybody here knows that, But I think the mandatory schooling is good. I think you maybe need to take Paul's suggestion -- if you can do that -- and give a certificate. One of the conflicts in the election laws says that if nobody shows up you appoint right now -- take somebody off the street. So you've got a problem with doing that, as well. But I think the elections in Vanderburgh County have come 140 degree turn from what they were years ago -- just like elections in most counties. On the voting machines, I think eventually you're going to have to go to that superduper that I saw(I forget the company) and I thought it was fantastic. It's just a matter for the good judgment of the Commissioners and the good judgment of the County Council as to whether we can really financially afford to get that type of machine. But I think it's necessary and I think everybody has been fighting hard to make those changes that are needed for the coming election -- with what we have at hand. And I'm glad to see that everybody is working.

I think one of the things we can do -- and I refer this to the election board -- even though they are not here and some people may not like this suggestion even though they are not conducting the meeting -- is just to take all the taint or significance of same away from it is that -- and I know Shirley used to do it - when the Election Office opens, they put a democrat in there two weeks later. I think that when the Election Office opens they ought to put a democrat in there with the republican. You know, neither one is going to do anything. I'm not saying the Election office is never run right -- but just so that nobody can say "the Republicans are up there running it" and there are Democrats who might say that. And if we were running it the Republicans would be saying that. I say to the Election Board -- and I think they have to be more involved in the election than they have in the past -- I think they have to have more meetings and I think they have to take a harder stand on some things. I think they need to tell the secretary of the election board, "Look, when you open that Election Office, if you have one republican, then you put a democrat in there. Don't operate that office for two weeks without a democrat." That just takes all the doubt away. Nobody can say this and that -- because you have it in either party. They would say it if we were in the Election Office. And I want to thank the Commissioners. I know they spent many hours on this election reform down here. If we can get behind the legislature and get them off their dead behinds this next session, then we'll get a lot more done. Thank you.

R. Willner:

Thank you, Paul. Is there anyone else who would like to address any problems? Yes sir.

B. Tenbarger:

My name is Brad Tenbarger and I live in Evansville in the 4th Ward. I consider myself both an expert and an authority on precinct level elections. I'll defer these more knowledgeable people on machinery and things of that nature. But I began when I was 21 years old, which in those days that was the legal voting age to work in people's campaigns. Since then, I have served my party as a committeeman and vice-committeeman, in general. I've served my party at the polls as poll book holder, watcher and challenger, I've served my county at the polls as a clerk, sheriff, a judge and as inspector. I've also stood as a candidate in all three categories of elections -- non-partisan, contested and non-contested general election. I've done everything that a common ordinary citizen can do to understand the election process at the precinct level. Now the problem that we have in this county is lawlessness. The people who work at the polls are absolutely convinced that there is no penalty to be paid for any crime committed at the polling place, whether it is misdemeanor, felony, or whatever. There is an absolute disregard for the law. I submit

(continued)

this for consideration. Suppose the citizens in this county became aware that neither the Evansville Police, the Sheriff, nor the State Police would issue any traffic tickets for a certain period of time. What would happen? Most of us would go on obeying the law, because we see the need for order. But there would be some teenagers who would rip mufflers off their cars and begin a speed contest; older folks would be ignoring stop signs and traffic signals and, in short, there would be chaos. In my own 4th Ward -- and especially up in the northeast corner -- this is the problem. The people who work out there have no regard for the law; they are convinced they can do anything that they want and they will pay no penalty. This lawlessness extends up to the inspectors, whose duty it is to take charge of the voting place and see that the law is exactly enforced. It is the fault of the county chairmen who appoint the inspectors. The higher up you get, the less responsibility we seem to have here, gentlemen. Just consider this; if the County Chairman just spent 30 days in jail for his own crimes there would be no more problems at the polls -- not ever. Letters would go out from the respective party headquarters saying, "Do it right this time, folks."....and it would be done right. I admire your attempt to educate these people, but I remind you that I have dealt with these for years in both parties, especially when I was inspector -- and I tell you now that the people who went to these school are the worst. They come in there thinking they know what is going on and they are even less attentive than the ones who have had no education. Sending them to school will do very little good. It will not solve your problems. What is needed is a test. Now, somehow or the other, there must be some way to test these people to see if they know. I have among my friends a person approximately my age who obtained some notariety as an athlete. He obtained a degree from one of our major universities. But he can't write a coherent sentence and he can't do long division. So, education is not the answer. We need to know that these people know something. There are people who won't go to school and who haven't gone, but they still have studied the booklets issued. And if the people know it -- let them work. If they don't know it, then you can pay them \$100 a day and send them to school for 20 hours-- they can sit there and listen to it all and absorb nothing. This is no good. This will merely waste our taxpayers' money. Of course, I know that's your consideration -- to see that the money is properly spent. So, I suggest that you find some way -- whatever that way is -- to make sure that people working the polls know what the law is. At this last election -- and every election I know of -- every inspector was given two (2) 8½ x 11½ sheets, which explained the essentials of the law. They were supposed to read those before the polls opened. Five minutes -- five minutes reading is all it takes so we wouldn't have all the problems we have. The inspector is supposed to read it to them aloud and hand it to them to look at. Upon this is illustrated the way that these ballots are supposed to be marked. Now, anyone who can read would know that. But, you know as well as I do that there are people working in precincts who cannot read. There are people who don't read well. I must admit that I am guilty of the same things that my democrat counterparts are -- we hire people to work at elections for reasons that have nothing to do with good government. We hire people with 25 kids so we can get all those votes. To some people, working at the polls is the only time that they get three hot meals. We select these people for things that are political and not government. We have to find some way to tell the people that we will not allow fraud, we will not allow crime, we will not allow stealing, theft, crime -- to go on at our polling places. That is the problem.

I have come here today because I am really concerned. I like to see good elections. I've lived in Vanderburgh County all my life -- all my adult life I have worked in politics and I swear to you, gentlemen, on my word -- I've never seen an honest and fair election in this county. And I hope that you will do all you can to see that maybe some day we do have one. Thank you.

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R. Willner: Thank you. Is there anyone else who wishes to speak at this time? Mr. Borries, would you like to summarize?

R. Borries: Well, I'll give my thoughts at this point. I appreciate everybody who is here today with their comments. I think your attendance certainly demonstrates your concern for voting in our county. I suppose because of my background that I am extremely concerned also about education. I share some of the comments, however, with some speakers that perhaps education may not be the entire answer and I will try to address my comments to the equipment (of which the Commissioners will have direct charge for) and then also offer some suggestions for the election board to consider as they will be looking at (I hope) changes within the election procedures.

I'm probably in the minority in relation to my decision -- or my feeling about the equipment at this time. As I asked Attorney Jones earlier, I do not share the feeling that the system that we have today is electronic. Based on the experience that our county had in relation to a very complicated selection procedure on phones a year ago with some of the top attorneys in the city who were literally amazed at some of the consultants brought in by one phone company -- concerning electronic procedures -- I don't think in any case that paper ballots, the kind that we use, are an electronic system. I would agree that the count or tabulation might be electronic since you have to have electricity in these counting machines, but I think one of the great mistakes that has been made is to even describe this system as a computer system, because basically two human hands would be the same as computers from this standpoint.

There are always going to be problems when you're dealing with thousands and thousands and tens of thousands of voters, really. The systems that I was impressed with I guess you could sometimes call them electronic or Star War systems -- there are many new systems out. However, some of these systems that we have reviewed have not yet been certified by the State Election Board and, as a result, I am not sure our county would be able to use them. However, on an experimental basis, I hope that sometime in the future we might be able to look at some of these to consider what is coming out and what might help voting in this particular county. I think that that is where the future will be. Sometime around the 21st century we will see electronic systems very common in nearly every county where elections are held. Just as change is a part of our life, there is some concern that you are dehumanizing voting and I don't think there's anything that would be quite as dehumanizing as anybody who cannot be sure that their vote counts. And some of the concerns expressed today still resemble that particular situation. Change is so much a part of our life, however, that I also feel that some of the electronic systems that are in the experimental stages today will be a lot like your scanners at supermarkets and hand-held computers and other kinds of small calculators that were very expensive when they were first introduced on the market and have become very cheap and quite commonplace. So, as a result, reluctantly at this time -- I would say -- and again I feel I am in the minority in this situation -- that because of some of the expenses it would maybe not be good for our county to embark upon a system that we might in a few years be able to find much cheaper and much more accurate than some of the experimental models that we're seeing now. But there are some good ideas, I think, coming out right now in regards to that.

With regard to tabulating equipment, I have seen the Thornberg system and I've also seen CES, and I think Commissioner Willner will probably outline some of his thoughts about that. I would think that because of expense that would be over \$15,000, this county would have to go out for bids on these particular systems. But the CES system that we have currently is a turf problem. Some of the people who chose this particular system are very defensive about it and seem

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to think that this system would continue to solve our problems. The system I saw had a combination of computers plus, I think, some other kind of electronic tabulators that were developed with it -- and it was not what I would consider a real complete model, such as the Thornberg system that I saw. But I would be open to both. We'd have to look at cost. I think we're also going to have to look at references. Where the CES or Thornberg system are being used in Indiana today. If these counters are better. And if they will give us a more accurate count and a quick count over some of the very long, long kind of experiences we've had in this county waiting for election returns on election night. So, I think that I will go with the majority of the Commission and from an equipment standpoint, we'll look carefully not only at cost but also Helen Kuebler did relate to an important matter. In my opinion, the CES system does not give much support, does not give much technical back-up when you need it -- on election nights. I think that in addition to references we obviously do have to look at cost -- but we also have to look at support systems and back-up systems to make sure that things are functioning. Because, again, the long ordeal of last election night not only proved an inconclusive count in regards to the Congressional race, but at ten minutes after 1:00 the following morning, it involved some people being up nearly 24 hours....waiting for some of those returns. So it was a very long ordeal. I think that as quick and as accurate a count as we can get this time is most important.

With regards to procedures, I've mentioned the business about electronics. I guess that if the election, as Attorney Black has pointed out, some of the questions about pay incentives I would agree with. I think we all need to refresh ourselves with the very complicated nature of that. The election board might even want to consider the language that some of these particular instruction books are written in. Some of them are 9-10 pages in length. It is a very stressful situation sometimes when you're an inspector or a judge and you're rapidly looking thru these things, all the little envelopes and equipment is not in exact order -- there could be a lot of human error that still will pop up, because again of the complicated decision-making involved there. Human error -- regardless of the kind of education procedures we have, it is something with which we'll always have to contend. I think that's something that everyone realizes. The State of Indiana is certainly going to have to do something; in my opinion, the State Legislature has been remiss about addressing a need for comprehensive change of election laws. That, alone, would perhaps have reduced some of the confusion regarding some of the ballots of the 8th District Congressional Race. I think the election board also needs to review --and I would suggest -- the handling of ballots. How many hands there are that are handling these ballots. This is always a major concern when you're looking at the hanging chads. When we had Congressmen and other election officials closely examining ballots and all these tallies where these punch card voting systems -- how many people handled the ballots? I think that we probably ought to have a Hot Line number. Let's face it, to ease the voter's concern or if they are unfairly treated in some kind of election experience -- then they should have a hot line number in the polling place that if you have a complaint or a concern, then call 426 or whatever the number is to voice your complaint. That might ease some of the concerns of the citizens if they get frustrated or or treated rudely by some official or party worker. I think we have to review our election night procedures and I think that Commissioner Willner will probably talk a bit about that later. But we need to tighten up that whole situation there. As an elected official I have observed that -- and sometimes there are people who sometimes wonder thru; children who have at time had shirts with candidates' names on them -- that I think that could be a potentially distracting thing -- again, in view of the heavy activity on election night. I think the election board is going to have to continue to review the absentee ballot situation. We have growing

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numbers of elderly and handicapped people. We sometimes get very emotional and think that we should maybe outlaw all absentee balloting. I think that would be unfair to the handicapped and to the elderly who want to vote and, oftentimes, are not able to do so and get there on election. I certainly would be open to any reforms and changes we need to consider in the absentee ballot situation. But there are many elderly people who follow the media, who read the papers daily and are very interested in elections and, physically, cannot get to the polls on election day and they should not be disenfranchised at this point by some overreaction in thinking we should outlaw absentee ballots. We need to look at it, continually monitor it and that is what I hope the election board will do.

I would also concur that in the election office -- whenever it is open -- that both parties should be represented immediately; again, providing continuity and easing the fears of both parties as a result.

Those are some of my concerns. It has been a very interesting experience looking at all the new equipment out there. Again, human error is always going to be an element and education will help to reduce some of that. But it is something that we will have to look at. By and large, I think I wouldn't overreact to say that there is a sense of frustration on the part of voters because of the closeness of this election. There is certainly not a sense of lawlessness. I think that when there have been abuses that the prosecutor has followed up on these and there have been indictments and some trials in regard to possible abuses in the past. So I do not sense a feeling of lawlessness, but I do certainly feel like -- as in any situation -- we need to adapt to changes in the future that can make our system better and more accurate. Thank you.

R. Willner:

Thank you, Mr. Borries.

I think that to start off, I need to talk about the equipment and I think one of my greatest fears is that there not be a ballot trail or a recount procedure or even a procedure to go back and see if there were some lawlessness, insofar as the ballots were concerned, on an electronic system. I have looked with great care at the systems presented to the Commissioners and I feel that once that vote was recorded, there would be no way to say, "Yes, it was 10 votes in error....or 20 votes in error." And that is something I feel we have to guard against very seriously. I have heard that maybe some day we might even vote by the telephone. You'd call a number and say, "I am so and so, a registered voter in this precinct and I cast my vote this way." I think that would be absolutely ridiculous. And that is what I think about most of our electronic machines for the mere fact that they work very good; they are easy to use; they light up like a Christmas tree. But when you're done, you have no way to tell whether that is an accurate and true vote. And that is something that if they ever get that done to where that is possible, then I would certainly want to go with that. This reminds me of the television satellites we see dotting the country-side. The companies who put out the signals say they don't want everyone to pick them up so they scramble the system, only to find out two weeks later that someone has unscrambled the system. The same is true with electronic voting machines. The best mousetrap can be overcome in a matter of minutes -- and I need to be assured that this would not be possible. I will probably go with a system that would just be tabulators at this time. And, I share Mr. Borries' concerns that it is not a state-of-the-art system; I understand that. But the ballot trail is what I'm having problems with.

Getting back to procedures, we find that we have set an age limit for people to vote; but we have not set an age limit for people to be in the counting place on election eve and I find that very ridiculous and this needs to be changed. It is not within my power to do so, but it certainly is within the power of the election board and I charge them to take care of that system from now and in the future.

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It is not a thing that we would like to have...the general public think that we are anything but upright in that evening's count and I would like to see them do that. I think we need a procedure to follow on election eve. I think we need to mark the boxes as they go back to the punch room and as they go back to the counterplace, so that anybody watching may note what is going on. I had never sat in an election room on election eve until the last election -- and I think I got an education that night. There was a gentleman sitting with me and we happened to see a ballot box get put aside. There were some workers who didn't know where to put them. So we're talking about educating the workers at the precinct level -- but we're saying nothing about the education for the people handling the ballots. So this is another thing I find that needs to be taken care of.

Helen, I know that you have been critical of some of the Commissioners' decisions insofar as election equipment is concerned. You thought maybe that you didn't have the input that you should have. I am telling you right now that we did not make any decisions without input from you. If you have anything else at this time that you want to bring to us, please do so. Because I do not want to read in the paper where you did not have any input.

H. Kuebler:

I do have one more thing to mention today. We were talking about the Commissioners being in charge of the precincts. I sent you a notice where it is the Federal Law that if there is a federal election that that precinct should be made available to all handicapped people. There will be a federal law, because there will be a U.S. Senate race this next time. So, if it is at all possible -- you will have a chance to look at your precincts that will be voting and the facilities they will have available and, if at all possible, we need to put them into precincts that will be available for the handicapped.

And, I would like to invite each of you to come and work on election night up in the counting room. It is very difficult to get help to stay and to carry those boxes back and forth. We had everybody walk out. David Shaw was the only one that stayed with me on election night to carry those boxes back and forth. And it was a very long, very exhausting evening. If you will stay from 5:00 in the morning. These attorneys were there from like 5-5:30 a.m. until 8 - 9:00 p.m. They get tired; they wanted to get something to eat and they left. I was left with one (1) person to carry those boxes. So, if those kids volunteered to help us carry those boxes back and forth -- we let them volunteer. They didn't get paid and they were helping us because there was nobody else and we were tired. I think I've heard this at about every meeting I've gone to -- about these kids being in there. But if you'll give us some help, we'd really appreciate it. And I'd like to invite both of you to come and be there that evening -- if you're not on the ballot, that is.

R. Willner:

Is there anyone else who would care to be heard on any subject insofar as the voting equipment or voting procedures are concerned? Dorothea?

D. MacGregor:

One thing -- if you're planning on buying new counters, which I read in the paper that this is probably what you're going to do -- I would make sure that with this counter on election night comes someone who can fix it. Because, they had the run-out on the one counter. The Friday before election it was down and I understand they called somebody from Indianapolis and he fixed it. And, then it broke or something like that. If you're going to have a mechanic come from as far away as Indianapolis, then I think you should make preparations for him to spend the night here and be on hand in case that machine breaks down.

Also, in all fairness to the democrat party, the first day that

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office opens, we should have a democrat counterpart in there. They have gone as long as two months -- been in there by themselves, without a democrat. Then they get ready to call a democrat in and they call and say, "We're ready for a democrat on Monday and the next week or two weeks we'll need another democrat"...and on like that. But I would like to see -- it's a bi-partisan office, and in all fairness to both parties, it should be a one-on-one; democrat and republican from the day that place opens.

This is a formal request and my chairman will stick behind me on that.

R. Willner: Thank you, Dorothea. Anyone else wishing to be heard at this time? Yes, Brad.

B. Tenbarger: This doesn't have much to do with elections; but I do think it is important. In the world of business and commerce there is a very strict delineation between what is electric and electronic. And I know that when it comes to matters of law that lawyers and judges are real touchy about what a word means. Now the things that have been described today are certainly not "electronic". Any electrical device just imparts power to some mechanical device. A radio is electronic; but an electric hand-drill is electrical. As a common citizen, I would just say that you need to be extremely careful about throwing about words. If you truly mean an electronic device, then say that. But then you should refer to these other things as electrical. Again, I am in complete agreement with Mr. Willner. I dread the day that there is no audit trail for votes. We have enough difficulty as it is trying to keep things honest out there. If there is no piece of paper or document or instrument to which we can refer, it would be absolutely impossible to prosecute for crimes if we ever decided to do such a thing. Thank you.

R. Willner: Thank you, Brad.

Larry Lazart has worked with the Commissioners, first in his job with the Department of Metropolitan Development and later as Chief Deputy Auditor. He was unable to be here this morning, but does have some input for the Commissioners and the public, in general. He'll be here Monday, July 1st, at 2:30 p.m. to give his version and what he has learned in the past six months. If there is anyone interested in hearing what Larry has to say, please feel free to attend that meeting on Monday at 2:30 p.m.

Mr. Borries?

R. Borries: Just as a matter of procedure here, Mr. Willner, I would think that after we have heard Mr. Lazart's report that we then would want to get some kind of awardance to the County Council to ask them to make some decisions re allocating money for this Board to go for bids to look at equipment, so whatever choice there would be it would be in place for the 1986 election.

R. Willner: I think we will do that -- whatever the decision of the Commissioners
Anyone else wishing to be heard at this time?

There being none, President Willner declared the meeting adjourned at 11:00 a.m.

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COUNTY COMMISSIONERS
June 27, 1985

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PRESENT:

COUNTY COMMISSIONERS

Robert L. Willner
Richard J. Borries

COUNTY AUDITOR

Alice McBride

COUNTY ATTORNEY


David L. Jones

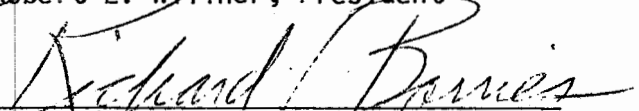
OTHER

Helen Kuebler
Paul Bitz
Paul Black
Mark Owen
Dorothea MacGregor
B. Tenbarger
Unidentified Individuals
News Media

SECRETARY:

Joanne A. Matthews


Robert L. Willner, President


Richard J. Borries, Vice President

453.

MINUTES
COUNTY COMMISSIONERS' MEETING
JULY 1, 1985

The Vanderburgh County Board of Commissioners met in session on Monday, July 1, 1985, in the Commissioners' Hearing Room, with President Robert Willner presiding.

Since it was the first meeting of the month, the meeting was officially called to order by Sheriff Clarence Shephard, who declared the meeting in session pursuant to adjournment.

President Willner entertained a motion concerning approval of the minutes of the previous meeting. Commissioner Borries moved that the minutes of the meeting held on June 24th be approved as engrossed by the County Auditor and the reading of same be waived. A second to the motion was provided by Commissioner Willner. So ordered.

The Chair then entertained a motion concerning approval of the Special Session conducted by the Commissioners on Thursday, June 27th, with regard to Voting Equipment and Procedures. Motion was made by Commissioner Borries that the minutes be approved as engrossed by the County Auditor and the reading of same be waived. A second to the motion was provided by Commissioner Willner. So ordered.

RE: POOR RELIEF/PIGEON TOWNSHIP

Homer Phelps/610 S.E. 3rd Street, Apt. B, Evansville: The Chair asked if Homer Phelps was in the audience. Mr. Phelps stood, was recognized by the Chair. Jim Ethridge, a staff attorney for Legal Aid, approached the podium and said he is representing Mr. Phelps.

Mr. Phelps is appealing the Trustee's decision to deny him assistance with payment of rent. The stated reason for denial is that the landlord is related to Mr. Phelps. He is, in fact, Mr. Phelps' brother. Mr. Ethridge said he is not certain what the rationale is behind this rule in the Trustee's Guidelines, but he would guess that the basic rationale is that there's collusion between tenants and related landlords. In Mr. Phelps' case, he thinks the amount of rent he is paying is not a fraudulent amount and it is a very fair amount. He rents an apartment from his brother and has done so for 10-11 years. He only pays \$30.00 per week for the apartment. Mr. Ethridge said he believes that this is comparable to what is paid at residents' hotels, such as the Civic Plaza Hotel -- and may even be less. Thus, he does not consider this an outrageous amount.

Mr. Phelps has never applied for any type of poor relief before -- and he asked that Mr. Phelps verify that this is correct. Mr. Phelps stated that that is correct. He worked up until the last Friday of March 1985. He is unable to work currently because he has severe emphysema. He is waiting for his disability payments (S.S.I.) to come through and the indications from Social Security are that they know of no reason at this time why it would not go through -- but cannot give him an exact date as to when his disability claim might be approved.

Commissioner Willner queried Mr. Ethridge as to Mr. Phelps' age? Mr. Ethridge said he is 56 years old.

Commissioner Borries asked Mr. Phelps how he is related to the person(s) from whom he is renting? Mr. Phelps said he rents from his baby brother...his younger brother.

Commissioner Willner asked Mr. Phelps how long he says he has lived in that house (apartment)? Mr. Phelps said he has lived there between ten (10) and eleven (11) years. It is a furnished apartment and the utilities are furnished. Commissioner Willner asked if he has paid rent for the entire 10-11 year period -- and in what amount? Mr. Phelps said he has paid rent the entire time at a rate of \$30.00 per week.

Commissioner Willner asked that Messrs. Ethridge and Phelps take a seat, while he hears the comments of the caseworker in the Pigeon Township Trustee's office.

Ms. Nancy Walters approached the podium and said that, according to their guidelines, if an individual has any relatives who are able to help, they are supposed to help that individual. Mr. Phelps' brother owned H&E Phelps Construction Company. Commissioner Willner asked if this is where Mr. Phelps worked for the last eleven (11) years? He worked for his brother? Ms. Walters affirmed that this is correct. Commissioner Willner asked if Mr. Phelps has a doctor's certificate stating that he is disabled? Ms. Walters said she does not have a doctor's certificate. The only time he was in

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the Trustee's office was on June 6th, when he came in for a non-food order.

Commissioner Willner asked Mr. Phelps who his doctor is? Mr. Phelps said he goes to the V.A.

Attorney Miller interrupted by asking if Mr. Phelps has applied for Social Security Disability? Mr. Ethridge said that he has. In response to Attorney Miller's query as to whether he is yet receiving S.S.I., Mr. Phelps said that he is not. He is awaiting for it to be approved.

Attorney Miller asked how much rent assistance is being requested? Ms. Walters said the applicant is requesting \$30.00 per week.

Commissioners Willner and Borries perused the guidelines and indicated they did not think there was anything prohibiting paying rent to a brother, etc. Commissioner Willner said, in fact, he would think it would be against the law to include something like this in the guidelines. "You cannot keep your brother from doing something, per se, just because he is your brother."

Commissioner Borries asked Ms. Walters if this is in their guidelines? Ms. Walters said this has been in their guidelines all along. She said they always ask them on the affidavit if they have any relatives who are able to help? She approached the Commissioners' table -- as the Commissioners and Attorney Miller perused the guidelines.

Commissioner Willner asked Mr. Ethridge if, in his opinion, if his disability is approved, will they pay him retroactive? Mr. Ethridge said he has not been representing Mr. Phelps re his disability, so he could not say for certain. But, generally, payments are retroactive. If payments are retroactive, he believes that Mr. Phelps would be willing to repay the County. Commissioners Willner said he doesn't believe that the County can require him to do that -- but it would be a good gesture.

In brief discussion between Commissioners Willner and Borries, Commissioner Willner said he believes the Trustee would need a copy of the doctor's certificates in the files and, regardless of whether it is a V.A. doctor or who, he thinks they have to pay him....and the Commissioners and Attorney Miller continued to review the guidelines to find the pertinent information. Attorney Miller pointed out that the information can be found on the next to the last page of the Guidelines, Section 6, Item 15. Disallowances show that Item #15 reads as follows:

"Landlord related to those persons renting or buying on contract."

Commissioner Willner said this is why he believes Mr. Phelps would need a doctor's certificate to prove that he does have a disability.

Commissioner Borries stated that if this is in the Indiana Statute, then this would be o.k.

Attorney Miller pointed out that the disallowance falls within that, but the interesting part of a situation like that is that if his brother throws him out -- he will have to go to the Civic Plaza Hotel or someplace like that, he will be right back here and probably incur higher expenses than he would incur with his brother. He guesses that goes to the wisdom of the standards, rather than the legality of the objection. But, according to the Standards & Guidelines of the Pigeon Township Trustee, (Section 6, sub-section 15) "Landlord related to those persons renting or buying on contract"....and based upon recent policy of attempting to follow as closely as possible the Standards and Guidelines, he would say that the disallowance clearly falls within that -- inasmuch as he is related to the landlord.

Attorney Ethridge stood and was recognized by Attorney Miller. He said there are several State Statutory sections dealing with family members. Parents, of course, have to support their children. Attorney Miller pointed out that the Trustee's Standards & Guideline does not speak to parent and child -- it says, "relativelandlord related." Continuing, Mr. Ethridge said that the Statutory section ...the Indiana Statute that deals with Township Trustees' duties to provide relief to the poor addresses that -- and it says something to the effect that if the Township Trustee finds out that there are family members or relatives who could help, then the Trustee is supposed to go ask them to help. It doesn't say that they can "compel"

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them to help. It's just that they can go and ask them.

Attorney Miller said he agrees that they can't "compel" them to help.

Attorney Ethridge said that he thinks this is, generally, a good guideline and helps prevent fraud, pollution, etc. He thinks that happens in cases where there are not family members as landlords -- they work out a deal with their landlord to get higher rent than usual. But, under the circumstances of this case, he thinks that what his brother is charging him is not an unreasonable amount.

Attorney Miller addressed Mr. Ethridge and said, "Counsel, if the Board holds its decision in abeyance for half an hour or forty-five minutes (something like that), could he search out the statute to which he is referring and bring it back? If there is enough leeway in the statute to support his argument -- the feeling of the Board may change. But, at this point, they are going to have to abide by...."

Attorney Ethridge interrupted and said he would do this.

Ms. Walters interjected that she was going to say, that if this is an apartment house and there is more than one (1) family living in this apartment house -- you usually make money when you rent out an apartment -- and if possibly one (1) person could stay there for just a little while until he gets his benefits -- and that is his relative -- it looks like he could kind of carry him a little bit....especially since Mr. Phelps' brother is in business for himself. That would make a difference.

Commissioner Willner said he would think that a doctor's statement would be required a doctor's statement to the effect that Mr. Phelps is, indeed, disabled. He thinks that would have to be forthcoming before his vote would be in the affirmative. With that, he -- along with the statute -- so Mr. Ethridge might look for two (2) things.

Mr. Ethridge said there is no way he could obtain a doctor's statement today.

Commissioner Willner said he thinks the Board's decision could rest upon that fact in their awarding the assistance. Then it would be up to Mr. Phelps to obtain the doctor's statement prior to being afforded assistance from the Trustee.

Attorney Ethridge and Mr. Phelps left the meeting room; Ms. Walters remained.

RE: VOTING EQUIPMENT REPORT - LARRY L. LAZART

Mr. Larry L. Lazart was recognized by the Chair and approached the podium. President Willner said he notes there are two (2) members of the County Council present today, and he appreciates their being here. (Mark Owen and Betty Hermann were seated in the audience, along with Helen Kuebler, County Court Clerk).

Mr. Lazart said that the study he was asked to do by the County Commissioners was an indirect result of the extended uncertainty regarding the Congressional Race in the 1984 Election. The Congressional Race involved one (1) vote and two (2) re-counts. However, the intervening period was a very positive one on several fronts, because he believes that the intervening period, due to extensive publicity both in the print and electronic media, made the public keenly aware as to their responsibility in the voting booth and in the precinct, itself. The publicity has allowed the general public, elected officials, appointed officials and others to consider methodologies and approaches, both in the technology employed and the procedures involved in the taking of the vote.

At the beginning of this study, his criteria revolved around several points..in looking at any voting system. One was the cost. The second one was, "Is there an audit trail of the vote?" And, security. The central issue for him was, "Did the voting system -- or would a new voting system restore some credibility to the voting process which, in his personal judgment, has been pretty effectively destroyed?" He knows that the 8th Congressional District received extensive national media coverage from several eastern newspapers and public television.

There are, essentially, three (3) major systems employed in the State of Indiana:

- 1) Paper ballot system
- 2) Computer Punch Card Voting System
- 3) Lever System
- 4) All Electronic System

(continued)

In Mr. Lazart's judgment, there are pluses and minuses to an electronic system and a computer punch card voting system.

An electronic voting system does provide for speed. However, on the negative side, a totally electronic voting system does not allow for an audit trail of the vote. Secondly, on the negative side regarding a totally electronic system, is the issue of cost. The systems which the Commissioners have seen which are approved by the State of Indiana -- the cost runs in the range from \$2,200 to \$4,000 per machine.

In the computer punch card voting method the pluses are that that system is currently in place in Vanderburgh County. However, faulty or deficient -- we do have that system and the public is aware of that system. Secondly on the plus side of the computer punch card voting system, it is relatively cost effective. Mr. Lazart said that last month he was able to have an extended visit with Mr. Robert Logay, who is Deputy Director of Elections for the office of the Cook County Clerk. Mr. Logay is responsible for the Cook County Election Office, which is separate from the City of Chicago. Under his jurisdiction, the Clerk of Cook County is responsible for in excess of 2,400 precincts and approximately 3,000,000 voters. On a given election, the Cook County Clerk is responsible for approximately 500 different election offices -- but there are a lot of suburbs in Cook County.

Cook County has developed their own tabulating system. They have spent thousands of dollars to develop their own tabulating system, which is done at the precinct level. They do use the punch card voting system, but they have developed their own. They have one of these in every precinct where, in essence, the ballot is inserted into the machine and counted. And then there is an electronic pack, which has been taken to five or six regional accounting centers in Cook County and then those results are then phoned into the Cook County Clerk's office in City Hall in the City of Chicago. This system that they developed cost Cook County approximately \$2,400 per machine. It is independent of any other vendor on the market. However, that cost is mitigated because Cook County bore all the development and research costs themselves, and they were able to purchase these machines in quantity (which Vanderburgh County would not be able to do). They are very pleased with the computer punch card voting system.

Mr. Lazart said he has stated the basic criteria out of which his study was operative. Based upon what he has seen to date, it is his recommendation to the Commissioners of Vanderburgh County that they purchase two (2) new Thornber tabulators -- which they have seen here. That cost would be approximately \$75,000.00 and ancillary equipment that would be required would be about another \$25,000.00 - \$30,000.00. So, there is a ballpark figure of around \$100,000.00.

With regard to his rationale for making this recommendation, Mr. Lazart said, that number one, he believes it is the most cost effective alternate available to the county. He does not believe that -- now as a private citizen -- there are currently adequate funds available for the county to purchase a new electronic voting system -- unless it is stowed away somewhere -- and he doesn't think that Alice (McBride) would do that. Nor, does he believe that it would be politically expedient, given the airport tax and the extension of the wheel tax, where any elected official would be willing to bite the bullet to purchase a new electronic voting system, based on a bond issue. It might be reminiscent of the salt tax just prior to the French Revolution.

Secondly, the rationale for the Thornber System is that it does allow time. It does allow the county more than adequate time. You can figure the life of the system at probably eight to ten years -- which would be similar to what is happening to the C.E.S. system. This would allow the county more than adequate time to see the direction in which the State of Indiana is currently going regarding the entire matter of election laws. We do have a Legislative Study Commission that will be reviewing all of Indiana's election laws. Their report, he gathers, will be made to the Legislature at its next session. However, that is a short session and he would be surprised if any recommendations -- barring some miracle in that short session -- were passed. Therefore, until such time as -- in his judgment -- the county sees the direction that the State is taking regarding the entire matter of election laws, election systems -- that he, personally, feels that it would be inopportune for us to go to an all electronic voting system at this time.

The third rationale behind the Thornber System:

- 1) The system proved extraordinarily effective in the Thompson-Stevenson re-count. Thornber is used by about sixty-seven (67) counties in the State of Illinois.

(continued)

The closest nearby election -- in terms of uncertainty -- that would be comparable to the 8th District Congressional Election, would be the Thompson-Stevenson gubernatorial race in the State of Illinois. That was an extraordinarily close election. A re-count was mandated in the State of Illinois. The State of Illinois also experienced several of the difficulties experienced by the 8th District regarding the care of ballots. Some were found in trunks; some were found in bags. Every locality has their own horror stories regarding elections. Yet, in spite of all this, the Thornberg System in those counties where it was employed in the State of Indiana, proved extraordinarily effective in terms of the initial count versus the re-count.

Mr. Lazart said that he believes that Thornberg would provide the county with service. They have logistics whereby they have a man stationed the night of the election that would be within one (1) hour's drive of the Civic Center. They are reliable. There are five (5) or six (6) counties within the State of Indiana that have recently changed over to the Thornberg System. This is his recommendation to the Commissioners.

However, he would like to say that he would hope that this study and the intervening six (6) months since the election have heightened everyone's awareness to their individual responsibilities in the election process. It is unfair to point fingers at anyone, for the public to point fingers at the elected or appointed officials, or for the elected or appointed officials to point fingers at the public. Both parties are equally as guilty. We have had people who are untrained work in our precincts for a multitude of reasons, some of which is the desperate need of bodies that political parties have to have. They have to have bodies sometimes just to fill the slots in the precinct. That does not allow adequate time for training. Training can be scant. Cook County puts out an Election Day Duties & Procedures Handbook. He knows that the State has one. But, in any event, we have had untrained people working at the precincts.

By the same token, in his judgment, the public has taken -- and he knows he is equally guilty -- a very laid-back approach to the entire election process. We kind of saunter in and casually sign our name. Maybe familiarity does breed contempt. We sign our name; we generally know the chaps or people who have been there -- because they have been there for years, and years, and years. We kind of saunter past these folks outside and slush past the demonstration booth and kind of saunter in to sign our names and get our ballots. We make little or no effort to double-check the ballots after we have put them in -- nor after we take them out to see where there are hanging chads or whether or not the ballot has been initialed on the back.

Mr. Lazart said his purpose here is not to point fingers. He thinks all of us have become very aware of what the responsibilities are of each party in the electoral system. However, he does believe the system can be improved by, at least, the purchase of new tabulators. He thinks we would have a newer system that has demonstrated its liability and would allow the county more than adequate time to see the direction in which the State of Indiana.

It is not his purpose to sit here and say we can solve the problem if we take pockets full of money and throw it at a problem. He doesn't like standing here before the people being impertinent enough to suggest that they throw \$100,000.00 at a problem and that will solve it. But he does think there are occasions when at least a partial solution does require the expenditure of some money.

One last comment. He would like, again, to thankthere were a number of people very gracious to him, granting him time to interview them -- both elected and appointed officials. For this, he is grateful to them. He is grateful to the Commissioners, because from the very beginning he saw all three (3) of the Commissioners and told them it was not his intent to make this a partisan endeavor. It was not going to be a hatchet job. And they were very patient. Never once did either Mr. Borries, Mr. Willner, or Shirley (Cox) interfere in any way -- and he is grateful for that. And he gives these recommendations to the Board.

Commissioner Willner expressed the Board's appreciation. He said that he, for one, appreciates what Mr. Lazart has done. He knows it comes at some expense to him, especially since his job did not entail doing this -- and he guesses he probably likes the response he's had -- which has nothing to do with his input -- and he appreciates it to the greatest. If Mr. Lazart ever needs anything from him, let him know.

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Commissioner Borries said he wanted to echo his thank-you. He knows that Mr. Lazart's efforts have not only involved time and expense, but Mr. Lazart was in the middle of a job change and he thinks that at his own expense -- since our county as a Commission Board has had a rather rigid policy on out-of-state travel. There are some who would want to go on fact-finding tours as our congressional folks like to do from time to time to such exotic fact-finding places as Jamaica, etc. But we don't do that in Vanderburgh County, and he knows that Mr. Lazart was willing to go to Montgomery, Alabama at his own expense (where one of the new electronic systems was going to be in use) and had he not been in the middle of a job change, he knows that Mr. Lazart would have been there. Mr. Borries said he appreciates all of Mr. Lazart's work in Cook County and Illinois, as well.

As Mr. Borries has seen it, and based on what the Commissioners' decisions have been in regard to this equipment, they've really four (4) alternatives which Mr. Lazart has outlined. One -- they could do nothing and they will continue to do what they're doing right now. Again, he thinks the media will document that there will always be complaints from the standpoint of the lateness and, at times, the problems caused by the equipment during elections. Or, we can purchase new tabulators, which Mr. Lazart has outlined. We also could purchase new electronic equipment. Mr. Borries said, again, he doesn't know what County Council will do and they will have some decisions to make and have the final say-so in relation to the money. But, based on Mr. Lazart's study, he thinks the real value of what he has done is to be able to offer continuous thing -- and he has been able to observe all of this equipment. He doesn't know whether all of the Council members have been able to observe all of the equipment which has been displayed here. Really, that is one advantage of having a person such as Mr. Lazart to be able to have a continuous observation of all of these things. He thinks that Commissioner Willner was in attendance at all of the meetings. He (Borries) missed one. That, alone, has a lot to do with the decision-making. There are some pretty exciting new kinds of equipment out there. He said he says "exciting" because, again, he said and will continue to say that when you look at new equipment that these various vendors or manufacturers are displaying -- they are not punch card systems, they are electronic systems. And he believes that is the way we will go. But, again, just as you look at hand-held calculators and computers and all kinds of data processing systems, which are changing rapidly, he would think that probably by the end of this decade we will see that the cost of these might be cut in half or less. And that is why he would also concur with Commissioner Willner and Mr. Lazart's observations that by that time, when it is possible to again review this -- and we must review it from time to time -- things change rapidly. Change is a dynamic factor in our life. We don't like it. As we get older, most of us probably want to reject change all the time -- but it is something that we will have to continuously cope with. As these new machines are refined and as they become much more sophisticated and more accurate and cost-effective, that is probably something we're going to have to review at some point in the future.

The only other alternative that he could see would be Alternative #4, that maybe we could lease on an experimental basis -- and look at some electronic system in the future in a targeted precinct and see if it would be something which this county might want to adopt. There, again, we'd have to see if it would work. Mr. Borries said he also offers his appreciation to Mr. Lazart; he thinks he's done a fine job. At this point, he has covered all bases -- and the Commissioners appreciate all of his work.

RE: SHERIFF'S RESERVE UNIT - SHERIFF SHEPARD

Sheriff Shepard said he's provided the Commissioners with copies of a letter and an Ordinance, which was adopted in 1982. For the record, he will read the request. There is no immediate concern, but he would like to have this taken before County Council within the next few weeks. The request letter read as follows:

July 1, 1985

Dear Commissioners:

I am respectfully requesting that the ordinance covering our Sheriff Reserve Unit be changed to read 65 instead of 50 for the total number of reserves in our unit.

In the last two years our reserve unit has worked a total average of 19,850 man-hours. This reflects a savings of \$169,725.00 or the equal of eight officers' salaries, including benefits.

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Their time is donated and the reserve unit is one of the finest in the state. We have a full time officer, Cpl. Joe Winfield, heading up the training and assignment of reserves to augment our daily needs of manpower in the Jail, Courts, Paper Service, Radio, Road Patrol and Burdette Park.

The Sheriff Reserve Unit is an asset to this county and we have a waiting list of applicants willing to donate the 20 hours minimum required to remain in the reserve program. The only cost to the county is the Law Enforcement Liability Insurance, which is about \$100 per person.

I request that you adopt the proposed change and relay this request to the County Council for adoption and implementation.

Respectfully submitted,

Clarence C. Shepard
Sheriff of Vanderburgh County

Commissioner Willner asked if Sheriff Shepard is saying that he does not want to take this to County Council this month? The Sheriff said he would, if we can. But Shirley Jean (Cox) isn't here -- and this is the first time the request has been mentioned. If the Commissioners would care to talk this over, then he could come back next month. But he would like to see this done, because --Burdette Park, for example -- he's talked with Mark Tuley, and these reserves have been doing a splendid job out there, supplementing the manpower out there. The Sheriff said he had talked to Joe Winfield at the Reserve Headquarters and he has fifteen (15) people he could put on right away. Commissioner Willner asked if the Sheriff needs a week? He said he did not. Commissioner Willner then asked Commissioner Borries if he has any problem with this? Commissioner Borries said he thinks he understands the Sheriff's situation -- and it is one where a lot of manpower is needed, particularly thru the summer months. Sheriff Shepard said he's trying to hold overtime down -- so the reserves can help cut this overtime down by filling in -- as he's having to give the regular officers time off now to cut the overtime. The Chair entertained a motion.

Motion was made by Commissioner Borries that the Ordinance be amended to read sixty-five (65) Sheriff Reserves instead of fifty (50).

Commissioner Willner asked that this be passed on to the Council. He doesn't think it requires dollars -- so it would not have to be advertised. As far as he is concerned, the Sheriff could approach County Council at their July 3rd meeting (Wednesday of this week). The Secretary will provide the Council Secretary with a copy of the request letter and Ordinance and ask that the Sheriff be placed on Wednesday's agenda.

RE: BURDETTE PARK - MARK TULEY

Water Slide Admission Fee: Mr Tuley said his purpose for being here today is to discuss an admission fee for the new water slide at Burdette. He does have a recommendation to make to the Commissioners. This is an all-day admission fee -- and the play to go with a wrist band. There are eleven (11) different colors and they will change colors every day on a different schedule. The wrist bands are numbered so they can keep track of them.

In talking to people at the Water Park Association, etc., toward determining the national average fee is for water slides, he would recommend that we start off with a \$3.50 fee for an all-day ride. He is also receiving some inquiries from people asking what about the people who come out to the park for just an hour or two -- that are not going to be there all day. Right now, the Commissioners may want to consider leaving that option open at this time. He suggested we start with an all-day fee and get rolling with that -- then see how much of a demand there is for a fee for a briefer period. Then we'd have the option to come back and add that. The national average on an individual ride is sixty (60) cents per ride -- this is what he was told.

Commissioner Borries asked that, while we're throwing around these statistics, how many rides do most water slidesdon't they go on a half hour basis or something like that? Mr. Tuley said there are a variety of pricing structures. That is a common one. The other one is the way we're going -- either a half day or a whole day ride. Most places that go with a half-day ride also go with a full day ride. So we also have that flexibility. He would think that if we went that route, it would be \$2.00 for a half day and \$3.50 for a full day, which would be very reasonable for the market. Mr. Tuley said that if it doesn't quit raining, we might never get to go down the slide! They finally

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got the footers done -- so one (1) track is up. The second track is bring put into place now. He said they were hoping at first to be done by the end of June -- but, obviously, the rain made that impossible. They are now shooting for the Fourth of July -- and he thinks that possibly the rains will keep them from meeting that goal, also. If it ever quits raining -- he believes they will finish the project. Even if they were finished -- with all the rain they'd never make any money off the slide!

Commissioner Willner queried Mr. Tuley, again, concerning his recommendation. He said he is recommending \$3.50 fee for all-day at this time. He thinks that is the way to go, especially with the market in this area. He thinks the ride is worth more than that -- but they also still have to pay the \$1.50 pool admission.

Commissioner Willner said that, in other words, Mr. Tuley wants to see what the demand is before -- a lot of people have talked to the pool staff about the all-day fee structure, and they say that if you come out and are only 2-3 hours, it's rather expensive.

Commissioner Willner noted that if they came out for 2-3 hours to swim, they'd pay the same price as they would to swim all day, also. He doesn't mind seeing what the traffic warrants. He has no problem with this.

Mr. Tuley said there are places which, basically, sell this per ride. Commissioner Willner said that if they do that, they'd almost have to come up with a whole different system.... Mr. Tuley said those are great on systems where you have to use mats -- because you go every half and every half hour you have to change color of the mats. And that's the way you do that. But theirs is a matless ride -- it would be a little more difficult to monitor if they change every half hour -- not saying it can't be done. But he's trying to keep the personnel cost down as low as possible.

Commissioner Willner asked Mr. Tuley if, then, his recommendation at this time is a \$3.50 fee for all-day, and that is what he wants the Commissioners to act on today? Mr. Tuley responded in the affirmative, saying, however, they can set whatever price they desire. Commissioner Willner said he thinks the \$3.50 is a fair fee. We can try that -- and if it needs to be changed then this is what they will do. He asked if Mr. Tuley's budget is all right to be able to advertise to let the public know when this will be open? Mr. Tuley said he thinks his advertising budget is a very meager budget for the size facility they have. He has enough to kick the advertising off very good and strong. He has a billboard campaign which will be starting somewhere around July 12th, providing they do not have a delay. (He showed the ad to the Commissioners, noting that there is one modification to be made.) He's going with the billboard campaign, notifying the radio and newspapers -- and that will be the end of his budget for the year. To do it right, they're going to be out of money real quick. Commissioner Borries said he thinks it's very important that Mr. Tuley let everyone in our area know when he is going to be open -- because at this point it is going to be on a day-to-day basis -- so everyone will know. (In looking at the ad, Mr. Lindenschmidt noted there is a letter "n" missing. Mr. Tuley said he just got the artwork this morning for proofs -- and there are some changes to be made. He will have this done -- that is no problem.)

President Willner asked that Mr. Tuley proceed with the \$3.50 per day fee -- and get back to the Board with a report shortly after he is in operation -- so any necessary changes concerning fees can be made. Mr. Tuley said there are several methods from which to choose if we go on the per ride basis. He will look into that. He is considering a token basis; he will see how long it will take to get the tokens if he orders those. He might go ahead and place an order just in case the Board wants to go with this. He'd hate to come to the meeting in a week or two and the Commissioners say they wanted to go this route and it would take 2-3 weeks to get the tokens. If it is a small cost, he will probably go ahead and place an order and keep them on stand-by.

Appointment to Advisory Board: Commissioner Borries said he'd like to make his nomination for the Advisory Board at this time, so Mr. Tuley can contact the individual and set his Advisory Board Meeting. He nominates Pete Helfrich to serve on the Burdette Advisory Board. He thinks Mr. Helfrich would be an excellent addition to that Board. He has extensive experience in tourism and also advertising and promotional activities -- not only in this community, because currently he is the director in Henderson, KY. He does, however, reside in Vanderburgh County at 4104 Kuebler Road (47712). He has

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expressed a lot of interest. He is a young person who has a lot of enthusiasm and he thinks he would be an excellent addition, since he has worked with Mr. Tuley before on various promotional activities out at Burdette. He is a "can-do" type of person and would be excellent addition to the Burdette Park Advisory Board. He asked that Mr. Tuley contact Mr. Helfrich when he sets up his Advisory Board Meeting.

Mr. Tuley said he will contact the Advisory Board members and try to set a meeting, if possible, for Wednesday evening of this week (July 3rd) around 7:30 p.m. at the park. He can't confirm that just yet. He wants to get his budget in and needs to have it ready for the Board to review. He also needs to get this into the Commissioners' hands.

Bad Power Line/Nurrenbern Road: Commissioner Borries said he has been traveling to/from Burdette Park almost nightly, since his daughter is involved in a rather tough Red Cross Advance Life Saving Program at the park. She crabs at him after it is all over with, but he thinks she is doing real well. They do an excellent job there -- the lifeguarding staff. Nonetheless, on his way out to the park (going west on Nurrenbern Road) he noted an electrical wire (he doesn't know whether it is a telephone line or a SIGECO line) where one wire is really, really down. He doesn't know whether this is a result of wind damage or what. But he can see some potential problem to that wire dropping. He asked if Mr. Tuley is familiar with the location he is describing. It is just as you come around the horseshoe bend there at Red Bank Rd., there are power lines going along. Part of the rigging or something has come down and it doesn't look as though the wire could be more than 10 ft. off the ground. He knows you have to have some leeway, but he doesn't think you need that much. Mr. Tuley said he knows where Mr. Borries is talking about -- it's the main power feed.

RE: COUNTY ATTORNEY - DAVID V. MILLER

Typewriter Purchases Ratified: Attorney Miller said he has a letter to the Commissioners from County Attorney David Jones regarding the purchase of typewriters by a couple of county departments. He said that he and Attorney Jones talked this over and, in view of the inadvertence that attended these two acquisitions, it is our opinion that they can be ratified by the Board of Commissioners and, if they find them to be acceptable, they can go ahead and ratify them and they won't have to be re-bid. Attorneys Miller and Jones talked to the State Board of Account folks about it and they agreed that this was not the way to do things. However, if the Board of Commissioners find them to be o.k. in retrospect -- they can approve them in retrospect and then they won't have to be re-bid. That is the essence of the letter.

President Willner entertained a motion to approve the typewriter in the Sheriff's office and seven (7) in the Recorder's office that were inadvertently ordered, which is approved by the State Board of Accounts. Motion to this effect was made by Commissioner Borries. He subsequently noted, however, that there has been something written about that. The County Council wants to study the whole matter of office equipment. He is certain that a lot of it is outdated. However, there again, with changes that could be on the horizon in word processing etc., he would hope that this would be rather an extensive study -- to look at all kinds of alternatives, rather than just one particular kind of machine. He said that perhaps it might be helpful to refresh some county officeholders' memories -- i.e., if a memo could be sent to the officeholders encouraging them to use the City-County Purchasing Department when they make purchases. He said he would approve the aforementioned purchases at this time, in case there might have been some inadvertence as the attorneys have said -- and the Commissioners will remind the officeholders to use purchasing in the future. A second to the motion was provided by Commissioner Willner. So ordered. Commissioner Willner asked that Mr. Lindenschmidt make certain that a letter goes out to the officeholders -- concerning purchases.

Voting Procedures: Attorney Miller said that during last week's meeting he did locate the amendments to the Election Code about which the Commissioners inquired. He has them here today for their perusal. With respect, however, to the payment of election workers for attending training sessions, he does not believe that that is envisioned by this statute. The statute describes a procedure for determining the pay and paying election workers for working on election day. It does give the County Election Board the duty to require some of the workers -- and the right to require other of the workers to attend meetings -- training sessions. In his opinion, as he believes he told Helen Kuebler early on, we can't pay them to attend the sessions, but we can surely not pay them for anything if they don't attend. That would be because if they were required to attend the sessions and did not attend, they would not be qualified workers and could not work the polls on that day. There would have to be a system set up for bringing in

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substitutes for standby -- who had, in fact, attended the sessions. So there would have to be a system of standby people who would attend the sessions on the possibility that they might be called upon to go to the polls.

RE: COUNTY HIGHWAY DEPARTMENT - BILL BETHEL

Weekly Absentee Report: Mr. Bethel presented copies of the Weekly Absentee Report for employees at the County Garage for period June 24, 1985 - June 28, 1985.....report received and filed.

Weekly Work Report: Also submitted was the Weekly Work Report for the same period.... report received and filed. Attached to the Weekly Work Report was the following Work Schedule:

Gradall: Mann Rd., St. Joe Avenue

Paved: Schroeder Rd. (Started)

Chip & Seal: Frontage Rd. (North-West)

Patch: Marx Rd., Eichoff, Hogue, Koring, Middle Mt. Vernon, Meadow Brook, St. Joe and Yoke Rd.

Mower: Old Petersburg, Allen Rd., Lynn Rd., Pollack, Audubon, Spry Rd., McDowell, Middle Mt. Vernon, Koresse, Marx, Upper Mt. Vernon, Water Works River Rd., S. Weinbach, Lynn and Pollack.

Grader: Bixler Rd., Frontage Rd., and Mann Rd.

Oil Roads: Chapel Hill and Eichele

Cut Bleeders: Broadway and Upper Mt. Vernon

Trash Crew: Lynn Rd., S. Weinbach, River Road and the Shop

Commissioner Willner asked where Mr. Bethel's crew is this week? Where do they plan to work now? He said they started again this morning on Schroeder Rd. -- paving. That is the main one and he can't recall at the moment all the other work planned. The rain caught them this morning and they had to stop -- and were hauling gravel into the yard.

Commissioner Borries said he thought the meeting on Mill Rd. was a good meeting and he hopes to spend some time at the garage during the next few weeks...he will be in and out. He would also encourage members of the Council to do the same. Again, it is an educational process where, in order to make some intelligent decisions on such an important activity as the County Garage performs on county roads, that it is important that people spend some time out there to see what is being done and see the hard work that is put in at the garage. He, again, encouraged members of the Council to spend some time out there.

RE: COUNTY SURVEYOR (NOT REPRESENTED)

President Willner said that the County Surveyor had submitted the Weekly Bridge & Guardrail Repair Report for period June 24 thru June 28, 1985, which is self-explanatory... report received and filed.

RE: COUNTY ENGINEER - ANDY EASLEY

I-164/Capella Drive Drainage: Mr. Easley said that the Commissioners will recall that he had written a letter to Mr. Yoder/Chief, Division of Design/IDOH, asking if they would be willing to include Structure #82, which would provide drainage for that Capella and Spry Road area. Mr. Yoder has responded, as follows:

June 21, 1985

R. Andrew Easley, Jr.
County Highway Engineer
Vanderburgh County Highway Department
Engineering Division
325 Administration Bldg.
Civic Center Complex
Evansville, IN 47708

(continued)

Re: IDOH Project I-164-1 (7)
I-164, Code 2154
Vanderburgh County

Dear Mr. Easley:

In regards to your June 14, 1985, letter, the Indiana Department of Highways does not object to your request for including the construction of Structure No. 82 in the sewer project. If Vanderburgh County obtains an easement for the area in question, we will include Structure No. 82 in the sewer contract.

If you have questions, please contact the undersigned.

S. R. Yoder, Chief
Division of Design

Mr. Easley said that he has already obtained the easement. In fact, he spent two (2) hours with Mr. Jacobs last Thursday night -- and he granted the easement.

Mr. Easley said he also talked to the Design Division at the IDOH today and they said they anticipated that we would get the easement and they have already revised the plans and specs to include the structure -- and this is for a September letting. The easement has been notarized and he will transmit that to the IDOH. Unless they have a real severe rain between now and the end of the year, this should solve the problems for the people on Capella. The IDOH has asked that the County have a gradall clean out a few feet of ditch (on Pollack Avenue) to make certain that the water level will not get any higher than necessary. He said he thinks he will ask Mr. Bethel if he will give him three (3) hours of gradall time out there -- so people won't get any flooding in their houses.

Appraisal Study of River Bank by Corps of Engineers; Mr. Easley said he has received a reply from the Corps of Engineers in response to our request that they conduct a study of the River Bank. He will read the response:

June 24, 1985

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

Dear Mr. Borries:

The Louisville District, Corps of Engineers has completed an Initial Appraisal study of a caving bank problem on the Ohio River in southern Vanderburgh County, Indiana. The study, requested by the Vanderburgh County Board of Commissioners, was conducted under authority of Section 14 of the 1946 Flood Control Act, as amended.

It was concluded during the study that landward relocation of the county road is the most cost-effective solution to the problem. The cost of road relocation is a nonfederal cost; therefore, no additional action is planned at this time by the Corps of Engineers under the Continuing Authorities Program.

A copy of the approved Initial Appraisal Report is enclosed for your information. Should you have any questions regarding the study, please contact our office.

Sincerely,

Dwayne G. Lee
Colonel, Corps of Engineers
District Engineer

(continued)

Mr. Easley said the conclusion in the report, itself, reads:

"It is concluded on the basis of this investigation that landward relocation of the threatened length of county road is the most cost-effective solution to the erosion problem. Cost for Protection Plan A is \$334,000.00, while Relocation Plan II can be accomplished for \$76,000.00 for the section of road in danger."

Mr. Easley said they do not include in that paragraph that the relocation plan can be performed with non-federal money (meaning County funds). He said he can leave this in the Commissioners' office if they would like to read all the fine print. Commissioner Willner said he has a copy.....and he did his homework this morning.

In conclusion, Mr. Easley said he can't think of any arguments with their cost-effective analysis at this point.

Progress Report/Eichoff-Koressel Road: Commissioner Willner said the latest copy of the Progress Report on the Eichoff-Koressel Road project was sent to his home rather than the Civic Center. He keeps forgetting to bring it in. If Mr. Easley is out his way, stop in and pick it up. If not, he will try to remember to bring it. In any event, it is in our hands.

Burkhardt Road Project: Commissioner Willner asked if the Burkhardt Road project is moving along. Mr. Easley said it is moving pretty well. They are back to the drawing boards on the culvert modification -- the modification to the bottom. The state has found out that the culvert wasn't constructed (they were told it had to "T" footings) and they say it is a rectangular box culvert and we have to attack the bottom modification a bit differently; it's a little more involved structurally.

RE: FLAG RAISING CEREMONY

President Willner announced that there is a flag raising ceremony scheduled for a new flag and new Flag Chairman for Vanderburgh County. Marvin Gray will be the new Flag Chairman. The ceremony will be held on July 3rd at 2:00 p.m. at 1721 N. 7th Avenue. Master of Ceremonies will be Carl Wallace, Vanderburgh County Veterans' Service Officer. The Mayor will have a few words to say and the AMVETS will be there. He noted that Mr. Wallace has advised that we are the only city in the United States that has a flag chairman.

RE: SPECIFICATIONS FOR LAUNDRY/DISHWASHING DETERGENT FOR JAIL

President Willner said he has a set of specifications to be approved for laundry and dishwashing detergent for the jail, together with a request to advertise same for bids, with bid opening scheduled for July 22, 1985. He entertained a motion. Motion to approve specs for advertising with bid opening on July 22nd was made by Commissioner Borries, with a second from Commissioner Willner. So ordered.

RE: TREASURER'S REPORT

The following report from the County Treasurer was submitted.....report received and filed:

July 1, 1985

County Commissioners
County Council

Reassessment (249)--Invested \$1,000,000.00 Jan. 7, 1985, at 8.8%. Estimated income at maturity is \$86,288.89. Maturity date is December 26, 1985.

Monies on Deposit--Invested \$500,000.00 (\$100,000.00 each of the 5 Savings & Loans) Jan. 8, 1985, at 8.1%. Estimated income at maturity is \$20,025.00. Maturity date is July 5, 1985.

Local Roads & Streets (216)--Invested \$1,000,000.00 Feb. 8, 1985, at 8.45%. Estimated income at maturity is \$42,250.00. Maturity date is Aug. 7, 1985.

Cumulative Bridge (203)--Invested \$2,000,000.00 Feb. 8, 1985, at 8.45%. Estimated income at maturity is \$84,500.00. Maturity date is Aug. 7, 1985.

(continued)

Actual Interest receipted to date:

County Revenue	\$374,618.36
Local Roads & Streets	3,276.00
Revenue Sharing	9,834.16
Local Option	<u>10,934.17</u>
Total	\$398,662.69

Projected Revenue: Includes interest already receipted and interest to be receipted when current investments mature:

County Revenue	-----\$	20,025.00
Reassessment		86,288.89
Cumulative Bridge		84,500.00
Local Roads & Streets		<u>45,526.00</u>
Total		\$ 236,339.89

Patrick Tuley

RE: HOLIDAY CLOSING - COUNTY OFFICES

President Willner noted that all City-County offices will be closed on Thursday, July 4th.

RE: OLD BUSINESS

The Chair entertained discussion on any old business. There was none.

RE: SCHEDULED MEETINGS

Wednesday	July 3	2:30 p.m.	--	County Council
"	"	2:00 p.m.	--	Flag Ceremony (1721 N. 7th Avenue)
Monday	July 8	4:15 p.m.	--	A. E. Boyce will demonstrate Voting Equipment (the last demonstration)

RE: CLAIMS

Reddinger Construction: Claim in the amount of \$17.50 for building permit refund was presented. Motion to approve claim was made by Commissioner Borries, with a second from Commissioner Willner. So ordered.

David V. Miller: Claim in the amount of \$252.00 for litigation services. Motion to approve claim was made by Commissioner Borries, with a second from Commissioner Willner. So ordered.

David L. Jones: Claim in the amount of \$3,132.00 for litigation services. Motion to approve claim was made by Commissioner Borries, with a second from Commissioner Willner. So ordered.

RE: EMPLOYMENT CHANGES - RELEASES

County Highway

Raymond E. Cook	Eq. Oper.	\$6.20/Hr.	Eff: 6/21/85
Daryl Chamberlain	"	\$7.68/Hr.	Eff: 6/21/85

RE: EMPLOYMENT CHANGES - APPOINTMENTS

County Highway

Raymond E. Cook	Eq. Oper.	\$7.68/Hr.	Eff: 6/21/85
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The Auditor's Office also submitted employment changes (Vonna Marie Wagner - appointment and Marian Ellsperman - Release; Leave of Absence). However, it was noted by Commissioner that L.O.A. for Marian Ellsperman showed release date July 1 - Aug. 30. Deputy Auditor Sam Humphrey advised that Mrs. Ellsperman is taking one (1) month's vacation and one (1) month's Leave of Absence. Commissioner Willner said he thinks

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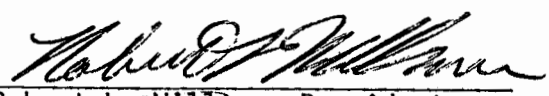
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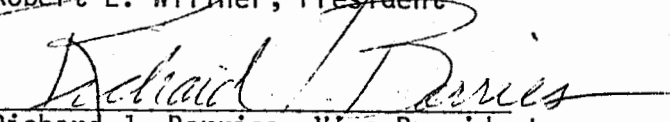
the Commissioners have to approve Leaves of Absence. Do we know why? Does Mr. Humphrey know why Mrs. Ellsperman is taking a leave of absence? Mr. Humphrey said he does not. Commissioner Willner said he believes the Commissioners have to approve the leave of absence or she doesn't get one. Attorney Miller said he thinks there has to be a written request. Commissioner Borries asked Mr. Humphrey if he could get a written request for that? Commissioner Willner said he doesn't think there is any problem, but the Commissioners do want to know why. Attorney Miller said he thinks that the Personnel Policy states that a written request has to be submitted to the employee's supervisor for transmittal to the Board. Commissioner Willner requested that the subject employment change notice be deferred until Monday, July 8th, at which time it should be re-submitted, together with written request, approved by the employee's supervisor.

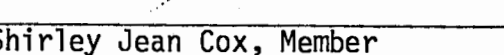
There being no further business to come before the Board at this time, President Willner declared the meeting adjourned at 4:00 p.m.

<u>PRESENT:</u>	<u>COUNTY COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	Robert J. Willner Richard J. Borries	Alice McBride Sam Humphrey, Chief Deputy	David V. Miller
	<u>COUNTY HIGHWAY</u>	<u>COUNTY ENGINEER</u>	<u>BURDETTE PARK</u>
	Bill Bethel	Andy Easley	Mark Tuley
	<u>SHERIFF</u>	<u>OTHER</u>	
	Clarence Shepard	Larry L. Lazart Homer Phelps/Poor Relief Applicant Jim Ethridge, Atty./Legal Aid Margaret Sallee/Pigeon Trustee's Office News Media Mark Owen/County Council Betty Hermann/County Council	
<u>SECRETARY:</u>	Joanne A. Matthews		

(Note: Commissioner Shirley Jean Cox was absent, because she is on vacation.)


Robert L. Willner, President


Richard J. Borries, Vice President


Shirley Jean Cox, Member

MINUTES
COUNTY COMMISSIONERS' MEETING
JULY 8, 1985

The Vanderburgh County Board of Commissioners met in session on Monday, July 8, 1985, in the Commissioners' Hearing Room, with President Robert Willner presiding.

President Willner entertained a motion concerning approval of the minutes of the previous meeting. Commissioner Borries moved that the minutes of the meeting held on July 1, 1985 be approved as engrossed by the County Auditor and the reading of same be waived. A second to the motion was provided by Commissioner Cox. So ordered.

President Willner welcomed Commissioner Cox back from vacation.

President Willner said he would like to recognize Keith Shelton, who is the President of the Warrick County Commissioners and Elmo Dockery, the County Engineer in Warrick County. He also recognized a contractor and Gerald Veach.

RE: OPENING OF BIDS FOR STORM DRAINAGE SYSTEM...ZAYRE CORPORATION AND HOT ASPHALT CONCRETE FOR THE AUDITORIUM PARKING LOT.

President Willner ask for a motion for the County Attorney to open the above bids.

Commissioner Borries so moved. The motion was seconded by Commissioner Cox. So ordered.

RE: POOR RELIEF/PIGEON TOWNSHIP

President Willner said they have a poor relief case continued from last week. He asked if there was a Homer Phelps in the audience.

Mr. Jim Etheridge said Mr. Phelps was not here but he was here to represent him.

President Willner said they were going to check into his welfares acceptance of his disability and if he would get back compensation.

Mr. Etheridge said he has just recently applied for social security disability and there has been no decision made on that application yet, so he has no decision from the social security administration. He said he does not have a doctors statement. as such, saying he is disabled but he does have some notes from recent visits to the Veterans Administration Out Patient Clinic here in town, doctors notes which provide some support for his claim for disability and he would like to present them to the Commissioners at this time.

President Willner asked Mr. Etheridge if there was some reason the doctor would not give Mr. Phelps a statement.

Mr. Etheridge said because that doctor had not given him a physical examination yet.

President Willner asked if they would like to continue this until the doctors statement is obtained.

Commissioner Borries asked Mr. Etheridge how long does he think it will be before they have those examinations by the doctor.

Mr. Etheridge said he is hoping within two (2) weeks.

Commissioner Borries moved the matter regarding Mr. Homer Phelps be continued until further notice. The motion was seconded by Commissioner Cox. So ordered.

RE: KIM BITZ...VANDERBURGH COUNTY AUDITORIUM

June Report: Mr. Bitz presented his June financial report...report received and filed.

Mr. Bitz said his June income is up for 1985, in 1983 the June income was \$9,481.62, in 1984 it was \$12,642.14 and in 1985 it is \$14,172.63.

Parking Lot: Mr. Bitz said this week they are going to start removing the old equipment and hopefully put in the electrical equipment, if necessary, for the extra machine that will be there and by the end of next week, hopefully the new equipment will be here and they will be starting the installation.

1986 Budget: Mr. Bitz presented his 1986 budget request to the Commissioners for approval.

(continued)

Mr. Bitz said in the 100 series, they have added \$1,000.00 to each salary as requested. He said they have increased the overtime and extra help slightly, with a 20% increase in bookings it just falls in place that they would need more money in overtime and part-time account to handle those events.

Mr. Bitz said in the 200 series, these are basically the same as last year.

Mr. Bitz said in the 300 series, they are requesting more money in trash hauling because they received \$1,400.00 for this year and that is depleted and they have just transferred \$1,000.00 into that account.

Mr. Bitz said in utilities they are requesting an additional \$10,000.00 over this year because of the increase in bookings.

Mr. Bitz read the following Capital Improvement List:

Account 412...Buildings Office & Stage

NEW LIGHTING SYSTEM.....\$150,000

Since the late 1970's, reports have been given on the slowly deteriorating condition of our current lighting system. We will spend a minimum of \$1,000 in repairs on this system this year, and that figure will escalate at a rapid pace as the availability of spare parts decreases. No one manufactures the type of system we have now. Current technology in the field of lighting passed our system over a decade ago. The University of Evansville Theatre has the same age and type of system, manufactured by the same company, and they are currently facing the same problems as the Auditorium. Ours goes one step further. Not only does our lighting system control the Auditorium but it controls the Gold Room as well. This is a necessary improvement for normal building operation. We shouldn't want another failure.

NEW RESTROOMS FOR GOLD ROOM.....\$25,000

This is an alternative for first floor restrooms that would be half the cost of and elevator. Proposed is an expansion of the restrooms currently set aside for caterers' use with access doors from the Gold Room. With the handicapped restroom located in the Walnut Lobby, this would provide some sort of first floor facilities for both areas of the building. In addition, the Mezzanine area would have more availability for rentals without the traffic from Gold Room events.

SECURITY DOORS FOR FACILITY.....\$7,600

Currently, there is no way to lock-up any part of the facility when not in use, also, the door currently used to separate the Stage from the loading dock (needed for sound purposes when two events are going on) cannot be used because of fire regulations. This is a small amount of money for the benefits these improvements will give the facility, especially in the area of security.

Account 421...Furniture & Fixtures

NEW SEAT PARTS.....\$1,200

This is for necessary parts for the repair of the Auditorium and Gold Room seating.

NEW PIANO.....\$5,000

Our present piano is more of an eyesore than a piano, and would cost more to bring back to life than it is currently valued at. A new studio piano for the Auditorium would also be a source of revenue. Currently, piano rental runs about \$75 plus \$50 for delivery and pick-up. Even with a rental fee of just \$75, a new piano would pay for itself in less than three years.

Account 428...Maintenance Equipment

H.V.A.C. CONTRACT.....\$52,000

This is an estimate of the new contract price for the heating and air-conditioning system.

NEW CHILLER SYSTEM.....\$160,000

This is the estimate on purchase and installation of a new air-conditioning system. The need is well known.

NEW PERSONNEL LIFT.....\$5,500

There is a lot of work at the facility which demands equipment that will reach tall heights. Our present equipment is old and will reach a point of being un-safe in the not to distant future. It also limits to one-man, the work that can be done at that height. Most jobs require two men. This new equipment would be a labor savor, and increase the amount of in house labor that could be done. This equipment is also transportable and could be used in other county departments.....and I am quite sure they could use it.

NEW MAINTENANCE EQUIPMENT

This is for a new lawn mower, gas powered weed eater and new carpet shampooer. Mr. Bitz said this is with full approval of the advisory board.

Mr. Bitz said he would now submit his budget to the County Auditor.

RE: COUNTY ATTORNEY...OPENING OF BIDS for PAVING OF AUDITORIUM PARKING LOT

Mr. Jones said on the paving contract project with the Auditorium, the engineers estimate is \$24,500.00. He said there were two (2) bids received and both bids were in order. The bids are as follows:

Rogers Group, Inc.	\$22,539.70
J.H. Rudolph, Co. Inc.	\$22,729.40

Mr. Jones said the itemized proposal simply contains a breakdown, such as removal of the existing asphalt, a price for the mixture for patching, wedging and leveling the surface.

President Willner called for a motion to take the bids under advisement for a period of one (1) week and have the county engineer and the Auditorium Manager give them their recommendation.

Commissioner Borries so moved. The motion was seconded by Commissioner Cox. So ordered.

Mr. Jones said if the recommendation is less than the low bid, then there must be an explanation as to why.

RE: COUNTY ATTORNEY...OPENING OF BIDS for STORM DRAINAGE SYSTEM, ZAYRE CORPORATION

Mr. Jones said there were six (6) bids received and all bids are in order. The bids are as follows:

Peyronnin Construction	\$268,908.00
Deig Brothers, Co. Inc.	304,236.00
John Manns, Inc.	369,387.00
Industrial Contractors	376,899.38
B.M.B. Inc.	380,705.00
Southwest Engineering	402,075.00

President Willner opened the engineers' estimate and that is \$329,010.00

Commissioner Borries moved that the bids be referred to Quinton Davis, the D.M.D. Director for a period of one (1) week. The motion was seconded by Commissioner Co. So ordered.

RE: COUNTY ATTORNEY...DAVID JONES

Revisions to Burdette Park Batting Cage Agreement: Mr. Jones said he has the revised agreement by and between the county and Daymac, a general partnership. He said this agreement has been changed to the extent that one of the parties in that partnership, Mr. McGee has deceased and under the terms of the contract it is binding on his heirs and successors. He said the successor to this contract becomes the wife of the other general partner, Sandra Austill. He said all the Commissioners need to do is simply affirm and recognize that the change has been made.

He said also the term was set back for one (1) year because of the starting date. He said it does not need to be rebid or resigned. He said commencing on the 1st day of May, 1985, rather than on the 1st day of May, 1984 and thereby terminating on the 30th day of April of the year 2005, rather than the year 2004.

Commissioner Borries moved that the changes in the agreement be affirmed. The motion was seconded by Commissioner Cox. So ordered.

Error in Tax Title Deed: Mr. Jones said the county inadvertently, took title to improvements owned by the Airport Authority under a tax default by the leasee of the Airport Authority. He said to clean up the record in that matter, he has prepared a quit claim deed from Vanderburgh County back to the Airport Authority giving them back what they really did not have to begin with. He said because it was put of record, it could make a messy chain of titles, so therefore the quit claim deed simply puts things back the way they should have been.

President Willner said along with that, the Airport Board has agreed that any deeds or contracts which they might make will have the tax being paid on a yearly basis to the Airport Authority so they will see that it has been paid and this should not happen in the future.

Commissioner Borries moved that the quit claim deed be approved and recorded. The motion was seconded by Commissioner Cox. So ordered.

Multiple Litigation: Mr. Jones said in the multiple litigation filed by two (2) former civilian jailers, Joann Reed and Mary Evans, each of those ladies in addition to having filed E.B.O.C. charges at both the state and county level which has been dismissed and thrown out, have each filed an action in state court in Vanderburgh County over compensation, wage claims, back pay, etc. They have each filed rather extensive complaints in federal court, one of which has now been amended. He said that has generated an amount of attorney fees probably more so than all the other cases combined at this point because of the broad sweep of the allegations that were made. He said it involves a number of allegations in departmental policy, etc. Those cases were tendered to the county's insurance agent of record who by form tenders them to all insurance carriers for the county that he deems to have any coverage. He said the law enforcement liability carrier denied coverage, saying this is basically sex discrimination, wage claims and civil rights action that those particular things have been excluded from the law enforcement policy. He said it was then tendered to the county's general liability or what some people refer to as E & O carrier, or errors and omissions.

He said they had initially denied it, they forwarded it to the county a letter which says that they reserve their rights, they have not determined to step in and defend this case. He said the county attorney's have defended it probably for at least eight (8) months. He said they are in to discovery substantial depositions, a great deal of the Sheriff's Department has been tied up as a result of these actions.

Mr. Jones said in going through this with John Hodge, he has a copy of the policy with the Home Insurance, the coverage under this policy says that the coverage under this policy says that the company will pay on behalf of the insured, which is Vanderburgh County all sums which the insured shall become legally obligated to pay as damages, because of any wrongful act which occurs during the policy period and arises out of discharge of duties by the insured on behalf of the public Entity. The nature of the complaints that were filed alleged the policies and procedures of the Vanderburgh County Sheriff's Department are wrongful in that they have caused different various damages to these parties. He said it is his opinion that it is clearly covered by the terms of this policy, that the insurance company should not have denied this, they should have stepped up and defended this. He said under that policy, the county also has a \$5,000 deductible, therefore, he has prepared a letter from the board if they see fit to endorse it that says that in response to their letter, that the policy has been reviewed and they are also tendering the amended complaint to them for defense that the coverage of section which he just explained to them, they feel clearly it encompasses allegations of the complaint that the county disputes their reservation of rights and they once again request that they accept defense of this case and that all sum expended by Vanderburgh County in defense in any of these actions are going to be applied to the \$5,000 deductible and that anything above that will seek reimbursement from the company for and that is the nature of the letter from the board to the company which is required as a response to their letter seeking to reserve their rights under the policy.

Commissioner Borries moved they approve the correspondence and forward it to the Home Insurance Company. Seconded by Commissioner Cox. So ordered.

(continued)

RE: COUNTY HIGHWAY DEPARTMENT...BILL BETHEL

Weekly Absentee Report: Mr Bethel presented copies of the Weekly Absentee Report for employees at the County Garage for period July 1, 1985 - July 5, 1985.....report received and filed.

Weekly Work Report: Also submitted was the Weekly Work Report for the employees at the County Garage for the week of July 1, 1985 - July 5, 1985.....report received and filed. Attached to the Weekly Work Report was the following Work Schedule:

Gradall: Mann Road, Baseline Road, Waterworks Road

Paving: Schroeder Road

Chip & Seal: Old State Road

Patch: Greenbriar, Green River Road, Sharon Drive, Fischer Road, Meadowview, Hogue Road, Felstead, Cliffwood, Rosser Drive, Mill Road West of Hwy 65

MOWER: Schmuck, Nurrenbern Road, Old Henderson Road, Pleasant Road, Outer Lincoln, Chickasaw, Audubon, Spring Valley

Grader: Bixler, Armstrong, Baehl Road, Wallenmeier, Frontage, Old State, Maasberg, Schmitt, Kneer, Trapp, Emge, Buente, Telephone

President Willner asked Mr. Bethel if they will get through with Schroeder today.

Mr. Bethel said he hoped to, but he cannot promise. If not today, it will be first thing in the morning.

RE: SURVEYOR...BILL JEFFRIES

Bridge & Guardrail Report: Mr. Jeffries submitted the Bridge & Guardrail Report for the period July 1, 1985 - July 5, 1985.....report received and filed.

Mr. Jeffries said he has a letter dated July 3, 1985 from the Warrick County Highway Engineer, Elmo Dockery, basically he is proposing that Warrick County make certain repairs to Bridge #81, which is the County Line Road Bridge, it is currently closed, it is the one that goes over Dennis Wagner Ditch just south of Kansas Road. He said both counties have received various complaints from citizens in both counties. He said they closed it for safety reasons. He said what Mr. Dockery proposes to do is for Vanderburgh County to pay certain costs and his crews will perform the work to repair the bridge and open it to general public and he has indicated that they would be interested in assuming all future maintenance of the bridge, towith, at that time the Warrick County Commissioners would assume sole maintenance of the bridge until such time it would be reviewed again.

Mr. Jeffries said attached to the letter is a list of proposed costs, or his estimate of costs. 1) Equipment including a welding truck, gradall, backhoe and pickup truck, on a per hour basis. 2) Materials, construction materials necessary to effect the repairs. 3) Labor, including welders, carpenters, and general laborers.

Mr. Jeffries said it is his understanding that Mr. Brenner has spoken with Mr. Dockery and their office is prepared to make an offer in catagory 2, Materials at the amount of \$3,525. He said they will pay for the materials. He said currently that bridge is supposedly maintained one half by Vanderburgh County and one half by Warrick County.

Mr. Shelton said no, that is not correct, it is altoghter maintained by Vanderburgh County.

Mr. Jeffries said then Warrick County in not required by statute to do anything.

Mr. Shelton said this road is used mostly by Warrick County People and that road gets under water. He said they wanted to get it so those people did not have to drive so far around with their machines. He said they figured a five (5) ton limit, if they will maintain that, they won't have a lot of maintenance on it for next ten (10) to fifteen (15) years.

President Willner asked if it was Mr. Jeffries recommendation that they spend \$3,525. from the bridge budget.

(continued)

Mr. Jeffries said that is correct. He said that particular bridge had a budget allotted for total replacement of \$80,000 for 1985, so the money has been appropriated over and above the amount they are prepared to offer to Warrick County.

Mr. Jeffries said they would like the County Attorney draw up some type of document reflecting the intent of our county and the intent of Warrick County, that they assume maintenance.

Mr. Dockery said they wouldn't like to definitely assume maintenance, that is from now on, maybe until such time after I-164 is built. He said they would like to leave that option open because in some future date something may happen that they are not aware of right now, could occur.

Commissioner Cox said the agreement should address liability as well as maintenance. It should all go to Warrick County.

Commissioner Borries moved they approve the agreement. Seconded by Commissioner Cox. So ordered.

Mr. Jones said they will have to tell him what they want.

They said they will have the information to him within a couple of days.

Mr. Jones said he will have to have some kind of date.

Mr. Shelton said if things remain the same as they are now, that bridge should hold up for another fifteen (15) years.

Mr. Jones said it will not be enforceable to put a clause in a contract that says they assume maintenance until such time that is prudent to review it. He said this is meaningless, neither side could enforce that.

Mr. Shelton said to put the time at fifteen (15) years.

Mr. Jeffries said the Vanderburgh county Work Release program has begun, assisting them in certain culvert projects and he will be going out with them this week to see how they are progressing and give them a report on it next week.

President Willner said he understands some people have been driving around the barricades on Kansas Road.

Mr. Jeffries said they will weld them to the bridge.

Commissioner Borries asked Mr. Jeffries if he would have his crew check the decking on the Ohio Street Bridge. He said he has been using it a lot and there are a couple of holes on that bridge deck.

RE: HIGHWAY ENGINEER...ANDY EASLEY

Mr. Easley said the county, which is acting as a contracting agent for the Zayre Storm Sewer. He said they would like for them to award a contract today.

He said Peyronnin Construction was the low bid and with their permission he will inform Peyronnin that they are the low bidder and on behalf of the city, they would ask them to submit the bond and contract.

President Willner said first they would have to award the bid and the engineers recommendation is to go with the low bid, is that correct.

Commissioner Borries moved that Peyronnin Construction, Co. Inc. be awarded the Storm Drainage System contract for Zayer Corporation in the amount of \$268,908. The motion was seconded by Commissioner Cox. So ordered.

Mr. Easley said the county has received, from the state, two (2) original signed copies of the bridge inspection contract that was signed by the county and submitted to the state for Floyd E. Burroughs to do the bridge inspection. He said he would like permission to give him the notice to proceed.

Commissioner Cox asked did they also ask that they do certain bridges first, they did talk about this, that they wanted them to start.....she asked Mr. Easley if he has the list.

(continued)

Mr. Easley said the one that he thinks was of prime importance was the 5th Avenue, but he will be glad to submit to them, if someone will tell him which other ones

President Willner said he thinks that is the only one and they did talk to them about it, and he might reaffirm that.

Mr. Easley said he would.

Mr. Easley said on anticipating their authorization of that he does have a letter that he will mail this afternoon. It will be a notice to proceed.

Commissioner Cox questioned the notice to proceed being signed by the Highway Engineer.

President Willner said he thinks the letter is alright.

Mr. Easley said the minutes could authorize him to do this.

Commissioner Cox said she thinks they must do that, because she thinks that the notice to proceed is to be issued by the Commissioners and signed by the Commissioners unless otherwise designated.

Councilman Cox moved that the County Engineer be authorized to send a letter to Floyd E. Burroughs & Associates, Inc. regarding the bridge inspection, a notice to proceed.

The motion was seconded by Commissioner Borries. So ordered.

President Willner said they have asked Mr. Easley to have some input on the county road system, that is to go to print Wednesday and they will need to institute and have ready his program.

RE: SUPERINTENDENT OF COUNTY BUILDINGS....JIM LINDENSCHMIDT

Mr. Lindenschmidt said Voters Registration the cabinets with sliding drawers that held registration cards as surplus. He said they have become obsolete since the registrations are now on the computer and these cabinets are of no use to any office and they are taking up quite a bit of storage space and he is asking they be allowed to take them to a salvage yard and sell them for scrap metal.

Commissioner Cox asked if these were for the addressograph plates.

Mr. Lindenschmidt said no, these were cabinets that had drawers that came out and had the cards on them.

Mr. Jones said it is surplus property and they have to follow the statute. He said they have to appoint somebody come back and give them an estimate of what it is worth and if it under X dollars, then they can dispose of it any way they want too. He said this should be put into the record.

It was suggested that Warrick County may be able to use them.

President Willner asked Mr. Lindenschmidt if he would call the scrap metal places and ask them to come and give him a bid, and then work with the attorney to see if they can do that.

Commissioner Borries asked Mr. Lindenschmidt if he thinks any other county may be interested in them.

Commissioner Cox said Warrick County might want them because they are a growing county.

President Willner told Mr. Lindenschmidt to call the three (3) surrounding counties and see if they are interested. Then call the scrap metal place.

RE: APPOINTMENTS

Joint Department of Legal Services: Commissioner Borries said he would like to re-nominate Robert Saunders, who is currently serving in this position. (3 year term)

Airport Authority: Commissioner Borries said he would also like to nominate Ed Kuhlenschmidt for this position. He is the current board member now. (3 year term)

The motion was seconded by Commissioner Cox. So ordered.

(continued)

RE: MONTHLY REPORT...BUILDING AUTHORITY

President Willner said they have the monthly report from the Building Authority..... report received and filed.

RE: MEETINGS

Airport Authority Board: The meeting scheduled for Monday, July 8, 1985, has been cancelled.

RE: VOTING MACHINES

President Willner said they did get an estimate from A.E. Boyce for the voting machines, and they were supposed to be here today with their new system but they couldn't make it again today. He said in turn they sent a bid price and it was \$970,000 plus. So that meeting will not take place today.

Commissioner Borries said in reviewing the records, there were some comments made regarding the County Council's input and what their position might be in regards to voting equipment and also since Commissioner Cox was not here when Mr. Lazart reported the consideration of new tabulating equipment be looked at, the existing system..... he said he does not know why, or if there was an error, why the County Council would not have been notified regarding those meetings, however, his comments were, the meetings were a matter of public record, the media all attended and all interested parties were invited to attend those meetings, and the alternatives that were looked at, this seemed to be the most cost effective.

President Willner said he feels bad that the Council was not given a separate invitation, it was perceived that they would be there if they were interested and they will try not to let that happen anymore.

RE: PERSONNEL POLICY...COMMISSIONER COX

Commissioner Cox said she has been asked by county employees why the county's vacation policy time differs so from the city's vacation time. She said evidently there were some articles in the paper while she was on vacation, she did not read it, there was a break down given of years of service and number of days of vacation. She said she really did not know or could explain why when they drew up their vacation time policy that they have it on a one (1) year, five (5) year, ten (10) year and then it skips to twenty (20) year. She said the city is set up on a six (6) month, one (1) year, five (5) year, ten (10) year, fifteen (15) year and twenty (20) year, and the employee questioned why the county did not have a vacation time difference after the ten (10) year period.

Mr. Jones said whether they compatible with the city was irrevelent, the wages are not the same, there was no reason to copy the city in terms of the numbers plugged in because they have different salary ranges, they have different vacation benefits and what they did was tract the existing union agreements so that they brought all county employees in line. He said the idea was to get the county uniform and hang what the city is doing.

RE: EMPLOYMENT CHANGES

AUDITOR

Appointments:

Vonna Marie Wagner	3208 Folz Lane	Extra Help	\$35.00 per day	7/1/85
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Released:

Marion Ellsperman	4310 Kathleen Ave.	Clerk	11,760.00 per year	7/1/85
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Ms. McBride said this is a leave of absence.

Commissioner Cox asked for what reason?

Ms McBride said this is a personal leave and she will take care of her own insurance, she will receive no benefits while she is off.

President Willner said it is his opinion that the Personnel Policy says the Commissioners must grant that leave of absense, not the officeholder.

(continued)

Ms. McBride said she thinks the only ones they have authority over is like Burdette, Highway and Auditorium. and she thinks the officeholder has the right to give it as long as they receive no benefits. She said she read the Personnel Policy.

BURDETTE PARK

Appointments:

Greg Bruce	9800 New Harmony Road	P/T Ground Crew	\$3.75 hr	6/19/85
Cutee Gostley	R.R. 1 Box 40	Extra Guard	3.35	6/25/85

Releases:

Greg Bruce	9800 New Harmony Road	P/T Ground Crew	\$3.50 hr	6/19/85
George Peaugh	1915 S. Werner	Rink Guard	4.00	4/13/85

CIRCUIT COURT

Appointments:

Roy Weightman	Maint. Sup.	\$14,700.00	7/1/85
Verner Solomon	P/T Maint.	7,500.00	7/1/85
Robert L. Hart, Jr.	Director	21,000.00	7/1/85
William Martin	Comm. Serv.	18,169.00	7/1/85
Stephen Fuchs	Comm. Serv.	18,169.00	7/1/85
Dennis Heathcott	Comm. Serv.	18,169.00	7/1/85
Michael Mattingly	Comm. Serv.	18,169.00	7/1/85
William Martin	Comm. Serv.	17,179.00	7/1/85
Michael Peeler	Trans. Off.	14,480.00	7/1/85
Leslie Hammonds	Prob. Clerk	12,200.00	7/1/85

Releases:

Roy Weightman	Maint. Sup.	\$14,000.00	6/28/85
Verner Solomon	P/T Maint.	6,500.00	6/28/85
Robert L. Hart	Director	20,000.00	6/28/85
William Martin	Comm. Serv.	17,179.00	6/28/85
Stephen Fuchs	Comm. Serv.	17,179.00	6/28/85
Dennis Heathcott	Comm. Serv.	17,179.00	6/28/85
Michael Mattingly	Comm. Serv.	17,929.00	6/28/85
William Martin	Comm. Serv.	14,480.00	6/28/85
Michael Peeler	Trans. Off.	17,179.00	6/28/85
Leslie Hammonds	Prob. Clerk	11,000.00	6/28/85
Daniel Hall	P/T Bailiff	200.00	6/14/85
Michael Danks	Intern	3.35	6/14/85

COOPERATIVE EXTENSION SERVICE

Appointments:

Ella Mae Sheets	3307 Bayard Park Drive	Secretary	\$11,760.00	7/1/85
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Releases:

Ella Mae Sheets	Secretary	\$11,260.00	7/1/85
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There being no further business the meeting recessed at 3:40 p.m.

PRESENT:

COUNTY COMMISSIONERS

COUNTY AUDITOR

COUNTY ATTORNEY

Robert J. Willner
Richard J. Borries
Shirley Jean Cox

Alice McBride

David Jones

COUNTY HIGHWAY

COUNTY ENGINEER

COUNTY SURVEYOR

Bill Bethel

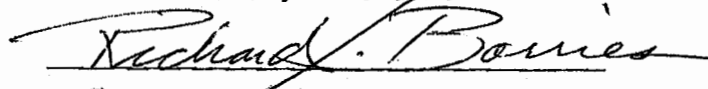
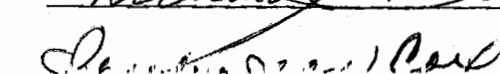
Andy Easley

Bill Jeffers

SECRETARY:

Joann Matthews
by Jean Wilkey


Robert Willner, President

476.

MINUTES
COUNTY COMMISSIONERS' MEETING
JULY 15, 1985

The Vanderburgh County Board of Commissioners met in session on Monday, July 15, 1985, in the Commissioners' Hearing Room, with President Robert Willner presiding.

President Willner entertained a motion concerning approval of the minutes of the previous meeting. Commissioner Borries moved that the minutes of the meeting held on July 8, 1985 be approved and the reading of same be waived. The motion was seconded by Commissioner Cox. So ordered.

RE: REZONING PETITIONS

VC-8-85...Hazel Fulton: President Willner asked if there was anyone here for this rezoning. He said if there is, the petition has been withdrawn. He said they have a letter to that effect.

President Willner asked Ms. Cunningham if she knows why this petition was withdrawn?

Ms. Cunningham said they have the letter and they contacted the attorney and it just says it has been withdrawn from the July 15th., 1985 meeting of the Commissioners.

She said if it is officially withdrawn, then it is withdrawn for a year, but if they would change their mind at a later date, if the Commissioners all agree, it could be put back on the agenda.

VC-9-85...Raymond A. Reuter: Toby Shaw said he represents Mr. Reuter and as he understands they heard this matter last month. He said this is for a request to change a parcel he owns on Orchard Road from Agriculture to M-2. He said he read the minutes from the last meeting and Commissioner Borries had a concern that the residence on the south portion of the property was likewise being requested to be rezoned. What he would propose is to amend this petition to delete the front portion, which would be 305 feet on the east side and 200 feet on the west side. He said the rezoning request would entail the rear 700 feet of the property.

Mr. Shaw said he has prepared a new legal description and it will be attached to the ordinance if they see fit to pass this tonight. He said they do have letters signed by the three (3) interested property owners that border on the north, east and west side of the property. He said Mr. Reuter's father owns across Orchard Road.

He said what Mr. Reuter is operating is a construction business and has for several years on the property and also a truss manufacturing business. He said they are asking that this be rezoned so he can continue with his business.

Mr. Shaw said he understands from the field report that the cart was placed before the horse and that several pole barns were erected prior to the zoning, it is nonconforming at the present time, and these permits would be obtained.

Mr. Shaw said they do not have any remonstrators and he thinks the main thing to consider here is that he is not planning to do anything than what he has been doing on this property for the past seven (7) years, and that is to operate his construction and truss business.

President Willner said to let the record show he has three (3) letters indicating seven (7) persons have signed that they have no objections to this business.

President Willner questioned the driveway.

Ms. Cunningham said they could give an easement over it and then they wouldn't have to include the driveway.

Ms. Cunningham said when they talked about getting permits, they will have to get state permits on that too.

Commissioner Cox asked Ms. Cunningham if this has to carry the high zoning of M-2. She said she noticed on Mr. Reuter's letter he sent to the surrounding property owners that he has a hearing to be held to approve the rezoning from agriculture to commercial.

Ms. Cunningham this kind of construction could be a C-4, but he is doing manufacturing of the trusses and that is an M-2.

(continued)

President Willner asked if there were any remonstrators to this petition and there were none.

Commissioner Borries moved that VC-9-85, petitioner Raymond E. Reuter be approved.

The motion was seconded by Commissioner Cox and passed with the following roll call vote: Commissioner Cox, pass; Commissioner Borries, yes; President Willner, yes.

President Willner said the reason he voted yes is because he would like for Mr. Reuter to continue to make a living, some people do not work for one and he is glad he does and he hopes he continues, however, he does not ever want to see the area turned commercial and he hopes at such time that a bigger building can be found or somewhere else that the trusses can be manufactured or his business grows, then he will find a different location. He said they want him to make a living but they do not want him to expand in that location. He said that is why he voted yes.

RE: AWARDING OF BID TO RESURFACE PARKING LOT AT AUDITORIUM

President Willner said this was advertised on the 17th and 24th of June and the bids were opened on July 8th and continued until tonight.

President Willner said he has a letter from Mr. Bitz and he is tied up at the Auditorium and cannot be here tonight. he did send a message that both the County Engineer and himself feel that the bid should be awarded to the low bidder (Rogers Group, Inc.) for the sum of \$22,539.70. The starting date for the project will be during the second week of August so as not to conflict with a few large events currently scheduled between now and then.

Commissioner Borries moved the low bid of \$22,539.70 be approved. The motion was seconded by Commissioner Cox. So ordered.

RE: CARL WALLACE

Mr. Wallace said he does come from a large family and two (2) weeks ago they had their family reunion at Burdette Park, he said they have been having this reunion for several years and they had it out at the park and it turned out so wonderful that the family has gotten together and it decided that this will be the permanent home, every two (2) years for the family reunion and Mr. Tuley and his employees did such a super job in taking care of everybody and seen that they got everything they wanted, and the family got together and wanted to give some little appreciation for the people out at the park and they bought a plaque that says; "To Mark Tuley, perfect host, and employees at Burdette Park, in appreciation in a job well done" from the Carl Wallace family.

President Willner said they will see that Mr. Tuley get the plaque.

Commissioner Borries said he talked to Mr. Tuley this afternoon and he has had a very busy few days with the opening of the waterslide.

RE: DAVID MILLER...COUNTY ATTORNEY

Mr. Miller said he has a modification of a cooperative agreement which has been previously approved by this board, it has to do with the jail modifications. He said there is a \$9,802.00 additional amount modifying schedule D. He said it requires the signature on line 12 of the President of the Board of Commissioners and Mr. Jones has sent this along for him to get it signed, and he would ask that the Commissioners formally approve it at this time.

Commissioner Borries moved that the President sign the modification. The motion was seconded by Commissioner Cox. So ordered.

RE: BILL BETHEL...VANDERBURGH COUNTY HIGHWAY

Weekly Absentee Report: Mr. Bethel presented copies of the Weekly Absentee Report for employees at the County Garage for period July 8, 1985 - July 12, 1985.....report received and filed.

Weekly Work Report: Also submitted was the Weekly Work Report for the employees at the County Garage for the week of July 8, 1985 - July 12, 1985.....report received and riled. Attached to the Weekly Work Report was the following work schedule:

Gradall: Mann Road, Lynch Road (Dead Deer)

(continued)

Paved: Schroeder Road

Chip & Seal: Duesner Road

Pull Shoulders: Volkman Road

Patched: Diefenbach Road, Koring Road, Little Schaeffer Road, Huckelberry Road, Old State Road, Walnut, Baseline, Kremer, Meier and Kleitz Road

Mower: St. Joe Ave., Darmstadt, Old State, Volkman, McCutchan, Kimber Lane, Spring Valley and Schlensker

President Willner said he understands the Mr. Bethel is going on vacation.

Commissioner Cox said she has a question on Schroeder Road, are they using a hot-mix on that, she said she thinks she saw in last weeks report that they were.

Mr. Bethel said yes, they are using hot-mix.

Commissioner Cox asked how he determines if he is going to use hot-mix or cold-mix.

Mr. Bethel said Schroeder Road and Volkman Road from Hwy 41 to Old State Road will be hot-mix and from Old State Road over will be cold-mix.

Commissioner Cox said she looked at the transportation study that they got in 1982 and it shows there is not enough traffic on there to even count.

Mr. Bethel said surprisingly there is quite a bit of traffic, a lot more than they thought. He said they had to close the road in order to get it paved.

Commissioner Cox said a question she has gotten is that they had filled some holes in the road and mowed areas that were out of our jurisdiction, that laid in the Town of Darmstadt. She asked Mr. Bethel if he was aware of anything like this.

Mr. Bethel said not to his knowledge, they have not. He said they went over Old State Road right by Hwy 41, there was a couple of holes there that they got.

Commissioner Cox said this would have been outer 1st Avenue and Darmstadt Road.

Mr. Bethel said he does not know of mowing out of their territory, although they did mow Darmstadt Road.

Commissioner Cox asked Mr. Bethel if someone could please check this out.

Mr. Bethel said they would.

RE: ANDY EASLEY...COUNTY ENGINEER

Mr. Easley said he has nothing that needs their action.

President Willner said it was reported to them that there was some holes in the Ohio Street Bridge and would he check with Mr. Brenner tomorrow and see that it is taken care of.

President Willner said there was also a call in their office about Millersburg Bridge, indicating a hole in it.

Mr. Lindenschmidt said he talked to Mr. Bethel about it and he does not know what has been done about it.

Mr. Easley said he looked at Millersburg the morning that she told him about it and there was no barricade out there, he said he did not get under the bridge but there did not seem to be a gaping hole that he could see.

President Willner said just make sure they are not having any liability there.

Mr. Miller told Mr. Easley that he received a letter in the mail last week and it needs some attention in connection with Mann Road.

Mr. Easley said he got a copy of that letter and he will check it out.

(continued)

COUNTY COMMISSIONERS
JULY 15, 1985

Page 4

RE: HUMAN RELATIONS

President Willner said he has the following letter from Human Relations:

TO: COUNTY COMMISSIONERS

FROM: JACQUELINE LaGRONE

SUBJECT: Advertisement of job replacement

DATE: July 15, 1985

County Commissioners, I was just notified by Darrell Collins that he is vacating his part-time position as Human Relations Specialist effective July 12, 1985. I need your permission to advertise the job for a new part-time person to assume the responsibility of the increased case load since this agency's jurisdiction was expanded to include service to Vanderburgh County.

Your immediate attention and response will be greatly appreciated.

Thank you in advance.

Jacqueline LaGrone

Commissioner Cox moved that Ms. LaGrone advertise for this position. The motion was seconded by Commissioner Borries. So ordered.

RE: CHECK...WELLS CABLE TV CO. INC.

President Willner said he has a check from Wells Cable TV Company, Inc., of \$112.14 for franchise fee for April, May and June.

Commissioner Borries moved they sign the check and place it in the County General Fund. The motion was seconded by Commissioner Cox. So ordered.

RE: CERTIFICATE OF INSURANCE

President Willner said they have a Certificate of Insurance from the Evansville Civic Theatre, Inc. for a play to be held at the Auditorium on July 18, 19, 20 and 21, 1985. Certificate received and filed.

RE: REQUEST TO TRAVEL....COUNTY TREASURER

President Willner said they have the following request from Pat Tuley, County Treasurer:

TO: COUNTY COMMISSIONERS

FROM: PATRICK TYLEY

SUBJECT: REQUEST TO TRAVEL

I respectfully request permission to travel to Chicago, Illinois on Thursday, August 1, 1985. The purpose of the trip is to attend a two and half hour seminar being given by the Federal Reserve Bank of Chicago. The Federal Reserve System is conducting a series of seminars to cover repurchase agreements.

I contacted the office of Public Information to see if there was a possibility that a seminar might be conducted in Indianapolis, St. Louis, or maybe Nashville. I was told that eight thousand cards and newsletters were sent and if one thousand or so people stated they would attend if the meeting were to be held in one of the cities mentioned above, then there is a possibility that a meeting could be held in one of those cities.

I feel that since we deal primarily in repurchase agreements, it would be beneficial for the county and myself if I was able to attend the meeting in Chicago. I would prefer not to wait and see if there would be a meeting in a closer city.

Commissioner Cox asked if there was an approximate cost.

President Willner said he will take no per diem, no meals or anything. Just plane fare.

Commissioner Cox moved the request be granted. The motion was seconded by Commissioner Borries. So ordered.

(continued)

RE: UPCOMING MEETINGS

Commissioner Borries said there was a E.U.T.S. meeting this Thursday at 4:00 p.m. There is an Advisory Board Meeting at the Auditorium tomorrow at 4:00 p.m. and Mr. Lindenschmidt will attend this meeting if Commissioner Cox cannot attend.

Commissioner Cox said Mr. Lindenschmidt had better plan on attending, although she will try to be there.

Commissioner Cox said she thinks the County Council should be invited.

President Willner said St. Mary's Medical Center and Deaconess Hospitals request the Commissioners at a presentation reception introducing Tri-State Health Care Network Tuesday evening on the 16th of July from 6:00 p.m. - 8:00 p.m. at the Evansville Country Club. He said he is going and he thinks Mr. Lindenschmidt is going. He said if anyone else wants to go let him know and he will try and get another reservation in.

RE: CLAIMS

President Willner said the have a claim for Patton Heating and Air Conditioning, a refund on permit #8977 work has not been started at 500 Gunpowder. The amount of the claim is \$32.50.

Commissioner Cox moved the refund claim be signed. Seconded by Commissioner Borries. So ordered.

President Willner said the have a claim in the amount of \$51,018.30 to Alexander Ambulance Service, and this is for quarter ending 6/30/85.

Commissioner Borries moved the claim be approved. Seconded by Commissioner Cox. So ordered.

President Willner said they have a claim for a refund of \$25.00 for Campground rental from Burdette Park to Mary Aguilera.

Commissioner Cox moved the refund be signed. Seconded by Commissioner Borries. So ordered.

President Willner said they have a blue claim for refund of Capmground rental in the amount of \$65.00 for Harold Stockton.

Commissioner Borries moved the claim be allowed. Seconded by Commissioner Cox. So ordered.

RE: EMPLOYMENT CHANGES

County Auditor

Appointments

JoAnn Utle	2087 Polaris Ave.	Extra Help	\$35.00 day	7/10/85
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Area Plan Commission

Appointments

Kathryn S. Young	2700 Lodge Ave.	Technician	\$12,300.00 year	7/15/85
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Releases

Kathryn S. Young	2700 Lodge Ave.	Technician	\$11,760.00 year	7/15/85
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There being no further business, the meeting recessed at 8:20 p.m.

PRESENT:

COUNTY COMMISSIONERS

Robert J. Willner
Richard J. Borries
Shirley Jean Cox

COUNTY HIGHWAY

Bill Bethel

COUNTY AUDITOR

Sam Humphrey

COUNTY ENGINEER

Andy Easley

COUNTY ATTORNEY

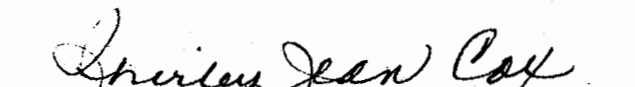
David Miller

Secretary:

Joann Matthews
by Jean Wilkey


ROBERT WILLNER, PRESIDENT

RICHARD BORRIES, VICE PRESIDENT


SHIRLEY JEAN COX, MEMBER

482.

MINUTES
COUNTY COMMISSIONERS' MEETING
JULY 22, 1985

AGREEMENTS

Draft of Inter-Governmental Agreement between Vanderburgh & Warrick
Counties re County Line Road Bridge-----to be submitted to Commissioners
& Councils of both governmental bodies for approval ----- 5-7

APPROVAL OF MINUTES -----June 15th ----- 1

BIDS

Opening of Bids Received on Laundry/Dishwashing Detergents for County Jail----- 1, 4 & 5
*Of two (2) Bids received, only (1) Valid; Sheriff to take under
advisement and make recommendation to Commissioners on 7/29/85
Notice to Bidders on Millersburg Rd. Bridge to be Advertised w/Bid Opening
Scheduled for August 12th @ 2:30 p.m.----- 8 & 9
Notice to Bidders on County Line Rd. Bridge to be Advertised w/Bid Opening
Scheduled for August 12th @ 2:30 p.m. ----- 9

BURDETTE PARK - MARK TULEY

Financial Reports for May & June ----- 1 & 2
Folk Festival-----July 26, 27 & 28 ----- 2 & 3
Presentation of Plaque f/Carl Wallace Family ----- 3
Private Pool Parties (Welborn Hospital & Evansville Bar Assn.)-----Campaign
scheduled for 1986 to promote Private Parties ----- 3
Extension of Pool Hours to General Public Under Consideration----- 3

CLAIMS

David L. Jones/Litigation-----\$4,250.03-----Approved ----- 12
Morley & Associates -----\$19,825.00-----Approved ----- 10
(Construction Engineering on Burkhardt Rd./June)-----

CLERK OF THE CIRCUIT COURT/MONTHLY REPORT ----- 12

COUNTY ATTORNEY - DAVID L. JONES----- 6-7

Purchasing Procedures/Vanderburgh County; J. Lindenschmidt to send copies to
County Officeholders

COUNTY ENGINEER - ANDY EASLEY

Request to Go Before Council re Transfer of Funds from St. Joe Ave. Account to
Burkhardt Rd. Account-----Approved; Dollar amount to be given 7/29/85--- 9-10
Claim/Morley & Associates----- (See "Claims" above)----- 10
Progress Report/Koressel-Eichoff Rd. Project ----- 10
Creasey Company Door Modifications---Should be complete 7/26; County to absorb
cost of Night Watchman for (4) Nights @ approx. \$80.00 per night ----- 10

COUNTY SURVEYOR - ROBERT BRENNER

Bridge & Guardrail Repair Report --- (2) Weeks ----- 7
Installation of Culverts (5 in 2 Weeks) ----- 7
Dovetailing of Culverts/Road Paving, etc. ----- 8 & 9
Millersburg Road Bridge-----See under "BIDS" above----- 8 & 9
County Line Road Bridge -----See under "BIDS" above ----- 9

COUNTY HIGHWAY DEPARTMENT

Weekly Absentee Report, Work Report & Work Schedule ----- 11
Mowing in Darmstadt Area ----- 11
Patching of Old State Rd. & Darmstadt Rd.----R. Willner to check w/B. Bethel -- 11

DEPARTMENT OF NATURAL RESOURCES ----- 4

Bayard Park Historic District entered on National Register of Historic Places;
area bounded by Gum, Kentucky, Blackford & Garvin

EMPLOYMENT CHANGES ----- 12-13

PURCHASING PROCEDURES/VANDERBURGH COUNTY---See under "COUNTY ATTORNEY" above----- 6-7

SCHEDULED MEETINGS ----- 12

SUPERIOR COURT/JUDGE STEPHENS

Letters from Judge Stephens re Data Processing Equipment Needs to be given to
Council Secretary for Transmittal to County Council Equipment Committee ----- 12

MINUTES
COUNTY COMMISSIONERS' MEETING
JULY 22, 1985

The Vanderburgh County Board of Commissioners met in session on Monday, July 22, 1985, in the Commissioners' Hearing Room, with President Robert Willner presiding.

The meeting was called to order at 2:35 p.m., with President Willner subsequently entertaining a motion concerning approval of the minutes of the previous meeting. Motion was made by Commissioner Cox that the minutes of the meeting held on Monday, July 15th, be approved as engrossed by the County Auditor and the reading of same be waived. A second to the motion was provided by Commissioner Willner. So ordered.

President Willner announced that Commissioner Borries will be absent from this week's meeting and also next week, due to the fact that he is vacationing in Florida with his family.

RE: OPENING OF BIDS/LAUNDRY & DISHWASHING DETERGENTS FOR COUNTY JAIL

President Willner asked that Mr. Jim Lindenschmidt be authorized to open the bids received for laundry and dishwashing detergents for the County Jail, since County Attorney Jones is still in the process of discussing a case with Sheriff Shepard and had not yet entered the meeting. Motion to this effect was made by Commissioner Cox, with a second from Commissioner Willner. So ordered.

RE: BURDETTE PARK - MARK TULEY

Financial Statements: Mr. Tuley distributed copies of the Financial Reports for Burdette Park for the months of May and June, as follows:

<u>MAY</u>	<u>1985 STARTING BUDGET</u>	
1985 Budgeted		\$ 485,881.00
1984 Encumbered by P.O.		6,319.43
1984 Encumbered by Contract		14,445.01
1985 Additional Appropriation		200,000.00
Total 1985 Budget		\$ 706,645.44
<u>EXPENDITURES & BALANCE 1/1/85 to 5/31/85</u>		
Total Expenditures		\$ 254,855.03
Total Balance		\$ 451,790.41
<u>INCOME 1/1/85 TO 5/31/85</u>		
Pool		\$ 3,355.53
Rink		18,721.93
Rentals		26,403.23
Misc.		2,156.14
Total Income		\$ 50,636.83
<u>5/31/85</u>		
Total Expenditures		\$ 254,855.03
Total Income		\$ 50,636.83
Total Deficit		\$ 204,218.20
<u>JUNE</u>	<u>1985 STARTING BUDGET</u>	
1985 Budgeted		\$ 485,881.00
1984 Encumbered by P.O.		6,319.43
1984 Encumbered by Contract		14,445.01
1985 Additional Appropriation		200,000.00
Total 1985 Budget		\$ 706,645.44

484.

EXPENDITURES & BALANCE 1/1/85 TO 6/30/85

Total Expenditures	\$ 410,262.74
Total Balance	\$ 296,382.70

INCOME 1/1/85 TO 6/30/85

Pool	\$ 22,137.03
Rink	21,369.48
Rentals	34,580.42
Misc.	2,435.88
Total Income	\$ 80,522.81

6/30/85

Total Expenditures	\$ 410,262.74
Total Income	80,522.81
Total Deficit	\$ 329,739.93

Mr. Tuley said that in the interest of time, he won't read through both financial statements; rather, he will just basically highlight same. If the Commissioners have any questions, he will be glad to answer them. A jump in the deficit is evident from May to June. What is reflected there is what was paid for the balance of the water slide and the ball diamonds. With the appropriation of the funds for the water slide, the appropriation went from \$485,881.00 up to \$706,645.44. The \$7,000.00 transfer approved by Council for advertising should also be in that total. The total deficit at the end of May was \$204,218.20. June income was \$80,522.81 with expenditures of \$410,262.74 and a deficit of \$329,739.93 at month's end.

In the July statements (which the Commissioners will get in August) the Commissioners will note the first income figures on the water slide. These will be broken down just as he does for the pool, the rink, rentals, etc. At this point, we're pretty happy with the water slide operation. He just hopes the weather stays good and hot; he knows the farmers, however, do not want to hear that. Things are going pretty well at this point in time, however, insofar as the water slide.

Folk Festival: Mr. Tuley said he does want to remind the Commissioners that the Burdette Folk Festival will be held this coming weekend (Friday, Saturday and Sunday). He hopes they will come out and believes they will enjoy it. The festival opens Friday, July 26th at 5:00 p.m. There will be heavy accent on German heritage; they will have German food and then the bierstube. On Saturday there will be arts and crafts from 10:00 a.m. - 5:00 p.m. There will be softball tournaments, swimming, skating, etc. The bierstube will open again at 5:00 p.m. and country style food and music will be featured.

Commissioner Willner asked if Mr. Tuley will be charging a gate fee and then swimming and rollerskating will be free? What time does this gate fee go into effect? Mr. Tuley said they will probably put the gate fee into effect as soon as the park opens at 7:00 a.m. on Friday. The pool and rink will open at 10:00 a.m. Age 6 and Under will be free admission. Age 7 and Over will have a \$1.00 admission fee. The \$1.00 admission fee includes swimming and skating but does not include the water slide or admission to the bierstube.

Commissioner Cox asked, "That only includes children -- it does not include adults, does it? Or, does it?"

Commissioner Willner asked, "What's that?"

Mrs. Cox said, "The admission to the pool and skating."

Mr. Tuley responded that the adults can also take advantage of this. They'd like for them to do that throughout the day.

Mrs. Cox said the advertisements she'd been seeing on television said for the adults to come and enjoy what is going on and let the children swim or skate for free -- so she thought this needed clarification.

Mr. Tuley said the \$1.00 admission fee entitles children and adults (all peoples) to swim and skate at no extra charge. There will be \$1.00 admission fee for the bierstube

(continued)

In response to query from Commissioner Willner, Mr. Tuley cited the following tentative schedules:

<u>Friday, July 26th</u>	5:00 p.m.	Opening of Festival (Dinner Served)
	7:00 p.m.	Music (Rhine Valley Brass Band)
<u>Saturday, July 27th</u>	11:00 a.m. - 1:00 p.m.	Lunch to be Served
	5:00 p.m.	Dinner to be Served
	6:00 p.m.	Music (Jimmy Nall and Redline)
<u>Sunday, July 28th</u>	11:00 a.m. - 1:00 p.m.	Lunch to be Served
	2-3:00 p.m. to 10:00 p.m.	Music (Foxfire and Kentucky Ramblers)

Additionally, there will be several concession stands in the park.

Commissioner Willner asked Mr. Tuley if there is anything the Commissioners can do with regard to the Folk Festival prior to its opening? Mr. Tuley said they'd just appreciate it if the Commissioners come out to the Festival and spend some money! He might also ask the Commissioners to present the trophies on Sunday for the Softball Tournament winners.

Commissioner Willner asked if there are any out-of-town teams coming in for the tournament? Mr. Tuley said several teams from Southern Illinois have expressed interest and he will probably know tonight if they'll have a team from Madisonville, Kentucky. A tournament was held this past weekend (sponsored by the Burdette softball team) and there were several teams from Henderson, Kentucky participating -- and they really enjoyed it. This was the first time they'd been to the park. So far, the ball diamonds are working well.

Commissioner Willner queried Mr. Tuley concerning the pavillions and cottages for the coming weekend? Mr. Tuley said there are limited rentals this weekend. The cottages are rented to one entire family (Gregorys) who have been coming in for 5-6 years; they have all six (6) cottages and will probably be there for 7-9 days. There will be some companies coming in. They did, however, limit the rentals for this weekend because of the anticipated crowd for the festival. It is going to be difficult enough to place all the cars. Insofar as rentals for the year, they are up over last year's total.

Presentation of Plaque: Commissioner Willner indicated he had a plaque to present to Mr. Tuley (it was left last week and Mr. Tuley was not present). The plaque reads as follows:

"To Mark Tuley, Perfect Host, and to the Employees of
Burdette Park in appreciation of a job well done.

Carl Wallace Family"

Commissioner Willner said the Wallace family appreciated what Mr. Tuley did for them and they had a very nice time.

Private Pool Parties: On July 13th, the water slide opened. Also, on the same date, they opened their Private Pool Party operation with Welborn Hospital. It went very well. In fact, they will be having another one on August 10th. The Evansville Bar Association is also having a private pool party on August 23rd. Mr. Tuley said he will be pursuing this angle and thinks this is a large area of untapped revenue. Next year he plans to have an aggressive campaign promoting private pool parties.

Commissioner Willner asked if any thought has been given to opening the pool to the general public for evening sessions? Mr. Tuley said that if the weather stays hot, they'd be delighted to do this. If the hours can be extended, it naturally makes it a better value to those coming out to the pool. The only thing bad about this is that if the current trend continues insofar as crowds are concerned, it could be that he will be back in about a month asking for more money for the other employees account (for the swimming pool and ground crews). They had to start the ground crew about six (6) weeks early this year -- and all of this is starting to catch up with his budget -- but he is trying to make it stretch as far as possible.

(continued)

RE: NOTICE TO BIDDERS RE LAUNDRY DETERGENT, ETC.

President Willner asked that the record reflect that the Notice to Bidders re laundry detergent, etc., together with Specifications, has been given to the secretary for her files.

RE: BAYARD PARK HISTORIC DISTRICT INCLUDED IN NATIONAL REGISTER OF HISTORIC PLACES

It was noted by President Willner that the following letter was received from the Indiana Department of Natural Resources:

"July 17, 1985

Vanderburgh County Commissioners
c/o County Auditor
Civic Center Complex
Evansville, IN 47708

Gentlemen:

The Department of the Interior has notified us that the Bayard Park Historic District, roughly bounded by Gum, Kentucky, Blackford and Garvin Streets in Evansville, in Vanderburgh County, was entered on the National Register of Historic Places on June 27, 1985."

The foregoing letter was received and filed.

RE: BIDS RECEIVED ON LAUNDRY/DISHWASHING DETERGENTS FOR THE COUNTY JAIL

County Attorney Jones advised that while there were three (3) envelopes, there were only two (2) bids. Evansville Supply, Inc. declined to bid.

Bids were received, as follows:

Economics Laboratory, Inc.

Laundry Detergent	200 gals.	Unit Price	\$13.33
Laundry Bleach	100 gals.	" "	\$ 4.19
Liquid Laundry Soft			
Combination/Equal	90 gals.	" "	\$ 9.59
Chlorinated Machine			
Dishwashing Detergent	2,000 lbs.	" "	\$ 1.23
Machine Dishwashing			
Rinse Additive	60 gals.	" "	\$17.35
Solid Pot/Pan			
Detergent/Equiv.	200 lbs.	" "	\$ 4.15

*Bid was in order

Diversity Wyandotte Corp. (Wayne Co., Michigan) BID NOT IN ORDER (No Bid Bond)

County Attorney Jones said that only one (1) valid bid was received. Sheriff Shepard asked if the valid bid was from Economics Laboratory, Inc.? Attorney Jones responded in the affirmative. Sheriff Shepard said that Economics Laboratory is currently handling our products for us. We have had an excellent working relationship with them in the past and at the present time. We can call them on a 24-hr. basis; if a problem occurs with one of the machines, there is a man there within a matter of an hour or so. The washing machine and dishwashing has to go on on a 24-hour basis for three (3) meals, so it is critical that we have this kind of service. The relationship with them has been excellent for the past couple of years or so.

Attorney Jones said he would say that, even though the one (1) bid is not valid, because of the disparity in the prices in the valid bid and invalid bid that the Sheriff might want to take a look at the bids. One (1) 5-gallon pail is \$13.00 and the other is \$62.00. Sheriff Shepard said he has enough on hand to last a while. The commissary officer (Kenny Collins) is on vacation but they can look at the bids if the Commissioners want to delay the matter for a week. Commissioner Willner said he would like to defer the matter for one (1) week, as he'd like to know the price increase over last year.

(continued)

Motion was made by Commissioner Cox that the bids on laundry and dishwashing detergents be referred to Sheriff Shepard to take under advisement for one week, reporting back to the Commissioners at next week's meeting. A second to the motion was provided by Commissioner Willner. So ordered.

RE: PROPOSED INTER-LOCAL GOVERNMENTAL AGREEMENT BETWEEN WARRICK COUNTY, INDIANA AND VANDERBURGH COUNTY, INDIANA CONCERNING VANDERBURGH COUNTY BRIDGE NO. 81, COUNTY LINE ROAD, VANDERBURGH COUNTY, INDIANA.

With regard to the subject matter, Attorney Jones said that because this is an Inter-Local Governmental Agreement, expenditure funds will be required. Thus, the agreement will need to go before the respective Boards of Commissioners and the County Councils of both governmental bodies for approval. The draft of the Agreement read as follows:

"WHEREAS, the County of Vanderburgh and the County of Warrick, the parties hereto, are political subdivisions of the State of Indiana; and

WHEREAS, Vanderburgh County Bridge No. 81 located on County Line Road south of Kansas Road ("Bridge 81") is owned by and has been operated and maintained by Vanderburgh County until its recent closing; and

WHEREAS, Bridge 81 has been used by residents of Warrick County, Indiana, as well as by residents of Vanderburgh County, Indiana, prior to its closing; and

WHEREAS, Vanderburgh County officials have determined that Bridge 81 can no longer be safely and economically maintained and operated; and

WHEREAS, Warrick County officials have proposed to cooperate with Vanderburgh County officials by providing certain resources so that Bridge 81 can be reopened for the mutual use and benefit of the residents of both counties;

NOW, THEREFORE, the parties do hereby enter into this Inter-Local Governmental Agreement upon the following terms and conditions:

I. DURATION. This Agreement shall be in full force and effect from and after its execution by the parties and until a date which is fifteen (15) years later than the date upon which Bridge 81 is officially reopened.

II. PURPOSE. The purpose of this joint Agreement is to advance the interests of the parties and the residents of both Warrick and Vanderburgh Counties in the State of Indiana by and through the safe and proper repair, maintenance and operation of Bridge 81 for local traffic.

III. JOINT UNDERTAKING.

A. Warrick County, through its properly authorized governmental officials and departments, agrees to make all repairs necessary to allow Bridge 81 to be safely utilized by local vehicular traffic to a load limit of ten thousand (10,000) pounds per vehicle providing all planning, supervision, labor, machinery, equipment and material necessary to the accomplishment of that undertaking without contribution by Vanderburgh County, except as otherwise provided for herein.

B. Vanderburgh County, through its properly authorized governmental officials and departments, shall contribute the sum of Three Thousand Five Hundred Twenty-Five Dollars (\$3,525.00) to the joint undertaking, which sum represents the estimated cost of materials necessary for Warrick County to place Bridge 81 in a safe and operable state of condition and repair for use by vehicular traffic to a load limit of ten thousand (10,000) pounds per vehicle.

C. Vanderburgh County, through its properly authorized governmental officials and departments, agrees to officially reopen Bridge 81 upon being satisfied that the proper repairs have been made to Bridge 81 for the purposes herein stated.

IV. PROPERTY OWNERSHIP. Vanderburgh County shall maintain ownership of Bridge 81, transferring responsibility for the proper and safe operation, maintenance and repair thereof only, to Warrick County for the duration of this Agreement.

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V. AMENDMENT. This Agreement may be amended in total or in part at any time provided such amendment shall be reduced to writing and signed and dated by each of the parties hereto.

VI. NOTICES. Each notice or other communication to be given by either party under this Agreement shall be in writing and addressed to either party as follows:

Warrick County, Indiana

Vanderburgh County, Indiana

Each party shall specify a new address for notices under this Agreement in writing, if necessary, addressed to the other party.

IN WITNESS WHEREOF, the parties hereto have duly executed the foregoing instrument by and through their authorized officials this ____ day of _____, 1985.

(Signatures of members of Warrick County Board of Commissioners, Vanderburgh County Board of Commissioners, Warrick County Auditor, Vanderburgh County Auditor.)

Since money is involved, it was noted by County Auditor Alice McBride that the Agreement will have to be advertised prior to being presented before the County Council. It is too late to do this prior to the August 7th County Council meeting. It can be advertised, however, and presented to the County Council at their meeting scheduled for Wednesday, September 4th.

President Willner presented copies of the draft to the Commissioners for their perusal and asked County Surveyor Brenner if he would like to have a copy.

Attorney Jones noted that it would not be good not to enter into an agreement since Warrick County is agreeing to take the responsibility of maintenance. Thus, they take the lawsuits. As an afterthought, even though Warrick County agrees to do this, who has it scheduled for insurance purposes? It would still be listed as our (Vanderburgh County) bridge. The Commissioners may want to contact John Hodge (the county agent of record at Helfrich Insurance Agency). If Warrick County is going to take care of the maintenance, we ought to at least put their carrier on notice and determine if they want to do something about that. It could be a problem if something happens down the road.

RE: PURCHASING PROCEDURES IN VANDERBURG COUNTY

With respect to the letter concerning the laws concerning purchasing in the county, Attorney Jones said he had submitted subject letter to all the Commissioners -- outlining laws with respect to purchasing in the county -- and actually entering into all contracts. He also attached to this letter a copy of the Vanderburgh County purchasing rules which were adopted by the Commissioners (initially around 1980 or 1981). From what he could tell, those rules have never been rescinded. However, he also had prepared a new clean version of those same rules so that if this particular Board wants to make it emphatically clear that those rules are still there, they can simply readopt them or they can take a look at them to see if any changes are deemed necessary. However, as far as he knows, those purchasing rules are still in effect. A number of questions were raised over typewriters and all kinds of things. He thinks there are a lot of smaller transactions floating around in the county which would go under these purchasing guidelines and under the State statute. The purpose is to put everyone on notice at one time -- so we all know what the rules are up front. Then, if they don't follow them, they can't say they didn't know. The letter to the Commissioners gives them an overview and, basically, it says that the Board of County Commissioners is the only body in the county authorized specifically by statute to purchase materials, supplies and equipment. Nobody else has that authority. Anyone else who attempts to do so acts outside the scope of their authority. In those situations where there is no harm-no foul -- he has been advised that the State Board of Accounts would let the board otherwise affirm the purchases. That is what has been done. The purchasing rules are set by the Board of Commissioners. They can delegate that authority and that has been done so far so that that the Purchasing Department is whom the Commissioners have delegated this authority -- and the Commissioners have set these rules to be followed. This is what is attached to the letter.

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Commissioner Willner said a letter was sent to all officeholders and he thinks he will probably reproduce the subject letter and forward it, also. Attorney Jones said he believes he also sent a copy to each of the County Council members (he had gotten a number of inquiries from the Council members and he advised them that the Commissioners had asked that he write an opinion letter -- so he went ahead and "shot" them a copy).

RE: AGREEMENT ON BRIDGE 81 (County Line Road Bridge)

Commissioner Cox asked if this will have to be advertised? She was under the impression that we had money appropriated for the County Line Road Bridge.

County Surveyor Bob Brenner said we have money appropriated. However, in order to give it to another county, Attorney Jones said we have to go before Council. The money is available -- that is no problem.

Attorney Jones said it is not the spending of the money and bid or no bid -- it is the fact that we have entered into an agreement with another unit of government that involves an expenditure (whether appropriated, unappropriated, special appropriation, a transfer or what). He is just going by the statute. It seems that it is just taking longer by signing an agreement -- he agrees with that.

Commissioner Cox asked if the draft of the Agreement has already been forwarded to the Warrick County Commissioners? Attorney Jones said it has not.

Commissioner Willner asked if it is possible to get the agreement signed on August 6th and then?

Attorney Jones said he believes the Commissioners can go ahead and sign the agreement since it does not require Council's approval for an appropriation -- before it is signed by Council. All the Council is doing is giving their blessing to the agreement -- it is not an appropriation. The money can be spent right now on that bridge, because it has been budgeted for that purpose.

Commissioner Cox said there is another question regarding the addressing of the liability insurance.

Commissioner Willner said he doesn't think there is a question. Attorney Jones was just saying that we need to take it off our liability.

Attorney Jones said that if Warrick County is going to take the liability for it, then we don't want to carry it on our insurance. Their insurance company, in effect, should send something to our insurance company.

Commissioner Willner asked then, if the Commissioners can have approval to take the Agreement before Council on August 6th -- and sign off on it after it comes back?

Commissioner Cox said she thinks it is all right.

It was noted by Mr. Lindenschmidt that Commissioner Borries will be back on August 5th. Commissioner Willner said it can go to Council and then come back to the Commissioners. He is just asking for approval to take it before Council. Mr. Borries will be back before the Council meeting anyway.

Attorney Jones said he will send another duplicate of originals to Warrick County so they can get theirs signed. Once both sides have signed, we can exchange copies at a later date. Then it is in effect.

President Willner called a motion to take the Agreement before Council on August 7th. A motion to this effect was made by Commissioner Cox, with a second from Commissioner Willner. So ordered.

RE: COUNTY SURVEYOR - ROBERT BRENNER

Bridge & Guardrail Repair Report: Mr. Brenner submitted copies of the Bridge & Guardrail Repair Report for two (2) weeks.....reports received and filed. He said they have endeavored to up their installation of culverts so that this summer they can get the work release crew (which is out making saw cuts in the roads now). They got five (5) culverts in the two week period. They also have to take up Millersburg Road.

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Millersburg Road Bridge (over Bluegrass Creek)

With regard to Millersburg Road, Mr. Brenner said we have several options. We have a new plan on Millersburg Road which straightens the road and does not elevate it. It should cut the price by \$100,000.00 or so.

Commissioner Willner asked what the elevation was the first time he advertised? Mr. Brenner said it was 380 ft. he thinks.....seven (7) ft. above where we are now.

Commissioner Willner asked if Mr. Brenner is saying that the other one where we did not get a bid under the engineer's estimate was 387 ft.? Mr. Brenner said that is correct. Commissioner Willner said he thought the flood plain was 384 ft. Mr. Brenner said it has to be 2 ft. above the 100 year flood, if you're going to be perfect -- that's what you shoot for. Commissioner Willner queried Mr. Brenner concerning the other changes.

Mr. Brenner said this plan will straighten the road. Once we don't elevate it, we don't have to go back near as far. It is set on spread footing instead of piling; which is an option you can use once you don't elevate it.

Commissioner Willner asked if the Commissioners could make a motion to put the plan up to 384 ft., or would Mr. Brenner have to go back to the drawing board? Mr. Brenner said he'd have to completely re-do it again. Mr. Brenner said he'd hate to go down that low. Mr. Brenner said it is maybe a foot higher than it is now. Commissioner Willner said we might go to 383 ft. Mr. Brenner said we could rebid the other one, he still has it. Commissioner Willner said he is not too sure that 2 ft. above it is the thing to do, but he hates to go down to 380 ft. He asked Commissioner Cox what she thinks?

Commissioner Cox said she doesn't know. Is the bridge still open?

Mr. Brenner said the bridge is closed. It was in imminent danger of falling down.

Mrs. Cox referred to her copy of report from County Engineer Easley.

Mr. Brenner said that raising the bridge up and down is not any great problem. What it does to the approach is that when you raise it 2 ft. or lower it 2 ft., it affects at least 300 ft. back the road.

Commissioner Willner said he believes Mr. Brenner said it was 387 ft. the last time and now it is 380 ft. Mr. Brenner said he doesn't have a set of plans in front of him; it might have been 386 ft.

Commissioner Cox said she has a copy of the old plan -- where the bids came in too high. Commissioner Willner queried her concerning the elevation on that set of plans.

Commissioner Willner continued to peruse the plans.

Commissioner Cox said that while Commissioner Willner is reviewing the plans, she has some questions concerning the culverts shown on the Bridge & Guardrail Repair Report. She notes that several of them are on roads that have come in that have been chipped and sealed or resurfaced. Is he dovetailing his culvert installations and highway cuts with them in any way or....? Mr. Brenner said he has a list of culverts they are replacing and Commissioner Cox asked if the County Highway knows which ones they are going to be replacing? On the report it shows that on Wednesday the week of 7/15 - 7/19, Schroeder Rd. and Old State Road and last week's report showed that Old State Road was chipped and sealed and they were paving Schroeder Road with hot-mix. Mr. Brenner said there is no plan in Vanderburgh County -- and never has been -- showing where the culverts are and they do now have a plan for Armstrong. They finished that township and are now in Scott Township. It's a haphazard method to go out and fix it when it falls in and that is what they're doing. Mrs. Cox said it would seem that it would be beneficial to all parties if we could more or less dovetail our operations so the surveyor wouldn't have to..... the report only says chip and seal on Old State Road. It doesn't say to what or how many tenths of a mile or anything. Here's Mill Road, recorder mile east of Mesker Park Drive. She knows we just put a surface down on that last year -- on that part of Mill Road. But we're working on the same time frame here in some of these areas. She just thought that maybe it would be well for Bill Bethel to give Mr. Brenner a list of the road projects he was going to repave and someone take a look at it. That is what a road study would do. It would show us on drainage -- if we're supposed to have new culverts put in there before we put a surface down. Mr. Brenner said he doesn't know what new culverts are needed. He has a list of some thirty (30). Commissioner Cox interrupted that if Mr. Brenner knew the highway was going to repave Schroeder Road, then someone ought to take a look at it before they repave it -- to put in the new culverts. Commissioner Willner said that they do -- and they also clean the ditches before they go in to repave. Mr. Brenner said

(continued)

he would expect them to tell him if a culvert collapsed and call him to tell him to replace it. Commissioner Cox said that she will go take a look at those areas. Mrs. Cox said we always criticize the Waterworks and SIGECO re going in and making cuts in our roads that we have resurfaced. And here we are not dovetailing our plans to do almost the same kind of work.

Millersburg Road: Commissioner Willner had finished reviewing the Millersburg Road plans and advised the elevation was 385.5 ft. on the old bridge. He said he would go 1½ ft. lower -- he doesn't really want to go to 380 ft. Mr. Brenner said it will flood every 18-20 years.

Commissioner Willner queried Mr. Brenner concerning other changes made. Mr. Brenner again said spread footing rather than piling. He said if the Commissioners will pick an elevation -- they can do it.

Commissioner Willner said that 384 ft. is about his limit. That is 1½ ft. below the original. He informed Mr. Easley that the Commissioners are discussing elevation -- and asked that he put in his two cents worth concerning Millersburg Road Bridge.

Mr. Easley said the 100 year flood would be 383.5 ft. Commissioner Willner said that if they drop it 1½ ft., that would help.

Bill Jeffers interrupted by saying they won't be able to do box beams if we go back up. In response to query as to how many spans, he advised there is one (1).

Commissioner Cox asked if Commissioner Willner is saying 384 ft. elevation period or 384.5 ft.? Commissioner Willner said he is saying 384 ft. period. That is 1/2 ft. above the 100 year flood plain. Commissioner Cox said that this sounds reasonable.

Commissioner Willner asked for a motion.

Commissioner Cox moved that the Board recommend that the surveyor prepare revised plans for the Millersburg Road Bridge over Bluegrass Creek to reflect 384 ft. elevation. A second to the motion was provided by Commissioner Willner. So ordered.

Mr. Brenner said that even though he does not have the plans done, if we move fast and have the Notice to Bidders advertised, they can be ready to accept bids for opening on August 12th.

President Willner called for a motion to advertise Notice to Bidders concerning Millersburg Road Bridge, with bid opening scheduled for August 12th at 2:30 p.m. A motion to this effect was made by Commissioner Cox, with a second from Commissioner Willner. So ordered.

County Line Road Bridge: Mr. Brenner said he also has Notice to Bidders and specifications ready for the County Line Road Bridge, so it can also be advertised.

Commissioner Cox asked if he wants this advertised in conjunction with the Millersburg Road Bridge? Mr. Brenner said that is correct.

Commissioner Cox moved that the County Surveyor be authorized to advertise for bids on the County Line Road Bridge (Structure #106) at Ruston Lane, with bid opening scheduled for August 12th at 2:30 p.m. A second to the motion was provided by Commissioner Willner. So ordered.

There was some question concerning the specifications and some necessary changes were noted. Mr. Brenner said they are obligated to have the specifications ready within one (1) week from the date the project is first advertised. He anticipates no problem in this area and advised the specs will be ready by the time they are needed.

RE: COUNTY ENGINEER - ANDY EASLEY

Request to Go Before Council Re Transfer of Funds: Mr. Easley said he is seeking authorization to appear before County Council to request another \$50,000.00 from the St. Joseph Avenue account be transferred to the Burkhardt Road account. He has bills coming in faster than we are receiving money from the State. There are some change orders which have been approved; and when we get done, our share of the final -- we paid all but 10% when we were billed by the Indiana Department of Highways -- and we may have to have a final transfer. But he hopes this will do it on operating money.

(continued)

Commissioner Willner asked if Mr. Easley has billed Warrick County anything for their plans? Mr. Easley said, "On Lynch?" Mr. Willner said that is correct. Mr. Easley advised that he has not yet done this. Commissioner Willner asked how much money is left in St. Joe account? Mr. Easley said there was \$142,000.00 and he thinks he's taken \$40,000.00 or \$45,000.00; thus, there should be some \$50,000.00.

Commissioner Willner said St. Joe Avenue is finished and there is no more billing, is there? Commissioner Cox interrupted by saying that it is final and we've even paid the retainer's fee.

Commissioner Willner said why doesn't Mr. Easley empty that account -- and put the remainder into the ditch fund -- R & S?

Mr. Easley said the other projects are active and he thinks we should probably transfer that money to the Burkhardt Road account. Both Commissioners Willner and Cox asked, "All of that money?" Mrs. Cox asked how much was in the Burkhardt Road account to begin with? Mr. Easley said we couldn't pay our 25% and he had to transfer some to cover that. County Auditor Alice McBride said that Mr. Easley didn't ask for anything for Burkhardt in the 1985 budget, but he encumbered \$376,779.00 from the year before. Mr. Easley said that is correct.

Mrs. Cox asked if we're running over budget on Burkhardt? Mr. Easley said that if she will recall, the bids were higher than anticipated. We also had some change orders out there. There have been two or three change orders, one of which was on the culvert and ditch work. Of course, the State is going to pay 75% of that; but, this is mostly operating money. When he transferred enough in there initially, it was to cover the check that had to go to the Indiana Department of Highways for our 25% and he wasn't thinking about -- and they only billed us for 90% of our share.

Commissioner Willner suggested that the Board authorize Mr. Easley to go before County Council on August 7th to request transfer, with the exact dollar amount to be named next week. Commissioner Cox asked Mr. Easley if he has a cost estimate now, where he can ask for the whole amount? Does it mean the whole amount can be used for Burkhardt Road? Mrs. McBride said he encumbered \$376,779.00. Mr. Easley said that was last year, but we've expended most of that. We had to send the check to the Indiana Department of Highways when we had to pay the 90% of our 25% share. He had to transfer some money to cover that plus cover some operating expenses.

Commissioner Cox said we can't stop the project now. Thus, she moved that Mr. Easley be authorized to appear before County Council to request transfer of funds, with the exact dollar amount to be named next week. A second to the motion was provided by Commissioner Willner. So ordered.

Claim/Morley & Associates: Mr. Easley presented a claim in the amount of \$19,825.50 to Morley & Associates for construction engineering for June. He said he has checked the claim and signed it and recommends approval, since it is in accordance with the county's agreement with Morley & Associates. This is the heavy construction period and there are a lot of people working out there and they have a lot of technicians on the job. Motion to approve the claim was made by Commissioner Cox, with a second from Commissioner Willner. So ordered.

Progress Report/Eichoff-Koressel Project: A Progress Report from United Consulting Engineers, Inc. on the Eichoff-Koressel Project was presented to the Board. Mr. Easley said their preliminary draft should be almost finished re the environmental assessment. Report received and filed.

Creasey Company Modifications: Mr. Easley said that, as has been noted in the newspaper, the Creasey Company has been acquired by another firm. They no longer have an evening shift and the project cost is going to have to absorb a night watchman for about four (4) evenings. He thinks this will probably cost us about \$80.00 per evening. They have the services of Pinkerton. It is such a big building that they have to make their rounds and one man cannot cover it, so a special watch is needed out there. We're hoping to have the door back on late Friday afternoon. They started taking the frames down this morning.

Commissioner Willner said there is no problem with this. If we have to absorb the cost of a watchman, then we have to. The new company might not want a railway in there?

Mr. Easley said the building is still there and he is not certain what is going to happen. Since the project started, he's gone through two (2) presidents and this is the second owner of the company. But they have been very, very cooperative.

(continued)

RE: COUNTY HIGHWAY DEPARTMENT

Absentee Report: President Willner presented copies of the Weekly Absentee Report for Employees at the County Garage for period of July 15 - July 19, 1985.....report received and filed.

Weekly Work Report: Also submitted for the same period was the Weekly Work Report for Employees at the County Garage. Attached to the work report was the following work schedule.....report received and filed.

Gradall: Dig Ditches - Heckel Rd., Schroeder Rd. Pick up loose rock and asphalt -- 7724 Green Bruar Rd. and Inglefield Rd.

Grader: Chip and Seal - Deusner Rd.

Grade & Rock: Old Henderson Rd., Golden Rule Rd., Seminary Rd., Trapp Rd., Goebel Rd., Motz Rd., and Buente Rd.

Paved with
Hot Mix: Volkman Rd.

Patch Crew: N. Red Bank off 460, Koring Rd., Old Henderson, Mohre Rd., Laubscher Rd., Arla Jane Dr., Holly Hill, Ridgeview Rd., Bartel Rd., Heinlein Rd., Browning Rd., Boonville-New Harmony Rd. West, St. Wendel Rd., Happe Rd., Seminary Rd., Red Bank Rd. and Hogue Rd.

Mowing: Burgdolt, Hitch-Peters Rd., Browning Rd., Boonville-New Harmony Rd. East, Broadway Rd., Felstead Rd., Schutte Rd., Middle Mt. Vernon Rd., Upper Mt. Vernon Rd.

President Willner said he believes everything is up to date. He does believe that last week Commissioner Cox asked whether a mower had gone through Darmstadt mowing weeds -- and the answer to that is "Yes".

Commissioner Cox asked, "What about the patching of Old State Road and Darmstadt? She had asked that both of these things be checked.

Commissioner Willner said he did not get an answer on the patching. He thought Mr. Bethel answered that week, so he didn't do anything on that.

Commissioner Cox said that Mr. Bethel only said that he wasn't aware that we went on up into Darmstadt, but that he would check it out.

Commissioner Willner said he did not check this out.

Commissioner Cox asked, "How did that happen?"

Commissioner Willner said, "What's that?"

Commissioner Cox asked, "How did it happen that we mowed out of our jurisdiction?"

Commissioner Willner said, "Well, I guess I'll have to tell you a story."

Commissioner Cox asked, "Is it a true one?"

Commissioner Willner said, "It seems that when Darmstadt became an incorporated town that one of the Commissioners (and it was not himself -- when he was a minority member) met with the County Highway Superintendent one morning at breakfast on Mill Rd. and 1st Avenue. If the story was related to Commissioner Willner correctly, the Commissioner asked the County Highway Superintendent not to scrape snow through the Town of Darmstadt. Immediately upon completion of that request, a county snow removal truck went through Mill Rd. and 1st Avenue (which is in the City of Evansville) and was clearing snow as he went. They thought that maybe the driver had a little more good common horse sense than they did -- and they decided from that time on that they would not raise the snow plow nor the mower blades when they went through the Town of Darmstadt. I thought that was a very good idea, because they were helping the people. And that is the way it has been since."

Commissioner Cox said, "We've always mowed within Darmstadt then?"

Commissioner Willner said, "That is correct. If they were mowing Darmstadt Road, then they mowed the whole thing."

(continued)

Commissioner Cox said, "Then we're mowing all of Darmstadt, because we have roads that go through on both sides."

Commissioner Willner said, "No, that is not correct."

Commissioner Cox said all she knows is that the people who live in the other areas of Vanderburgh County wonder why their roads aren't mowed -- and so now, they have an answer.

RE: CLERK OF THE CIRCUIT COURT - MONTHLY REPORT

President Willner submitted the Monthly Report from the Clerk of the Circuit Court for period ending June 28, 1985.....report received and filed.

RE: SCHEDULED MEETINGS

Monday July 22 6:30 p.m. Meeting re Time Zone Change to be held at Hyde Hall at U.E.

Wednesday August 7 2:30 p.m. County Council Meeting

RE: CLAIMS

David L. Jones: A claim to David L. Jones for litigation services in the amount of \$4,250.03 was presented. President Willner said he did query Attorney Jones concerning the Lee versus DeGroote matter. He thought it was resolved. Attorney Jones advises that this is still an active case. He asked if Attorney Jones wanted to comment re the matter.

Attorney Jones said that this case was filed once and dismissed without prejudice, which meant that the individual had the right to refile, which he subsequently did. He refiled in Federal Court and had a motion for summary judgment pending for 6-9 months and possibly longer. This case has taken so long that Mr. Lee has even been released from prison and is back in Evansville. He and his mother filed again in Judge Brooks' office in Federal Court and the judge gave him additional time to go and get a lawyer which he still didn't do. All the affidavits and records show that Attorney Jones does not believe that Mr. Lee has a case and the lawsuit is a frivolous lawsuit. It is in the status of pending or holding by the court upon this motion for summary judgment, which Mr. Jones believes will dispose of the case. But it hasn't been set yet to be heard. The County Attorneys are scheduled to go back into court. Attorney Jones said he might also add that the subject statement is a consolidated statement that comes from the law firm, rather than separately from him and Attorney Miller....just one statement from Bowers, Harrison, Kent & Miller.

The Chair entertained a motion. Motion was made by Commissioner Cox that the claim be approved, with a second from Commissioner Willner. So ordered.

RE: DATA PROCESSING EQUIPMENT NEEDS/SUPERIOR COURT

Commissioner Cox said she is certain that Commissioner Willner received letters from Judge Stephens, as did she, concerning their data processing equipment needs. (Commissioner Willner acknowledged that he also received a copy.) Commissioner Cox moved that the letters be forwarded to the County Council Equipment Committee for their review. A second to the motion was provided by Commissioner Willner. So ordered.

Commissioner Willner requested that Joanne Matthews give the letters to the Council Secretary, for transmittal to the Council Equipment Committee.

RE: EMPLOYMENT CHANGES - RELEASES

County Highway

Charles A. Sumner	1315 Marshall Ave.	Laborer	\$7.20/Hr.	Eff: 7/16/85
Sam Robinson	1510 S.E. Riverside	Greaseman	\$7.50/Hr.	Eff: 7/16/85
George Cummings, Jr.	R.R.#2, Box 138	Tool Crib	\$7.50/Hr.	Eff: 7/16/85
		Clerk		

(continued)

Circuit Court

Katherine Baird	Recept.	\$4.50/Hr.	Eff: 7/12/85
Karen Miller	Intern	\$3.35/Hr.	Eff: 7/12/85
Chris Carl	Law Clk.	\$180/Wk.	Eff: 7/12/85
Glenn A. Deig	Intern	\$4.00/Hr.	Eff: 7/12/85
Donald R. Vowels	Intern	\$4.00/Hr.	Eff: 7/12/85
Mark A. Aiton	Intern	\$4.00/Hr.	Eff: 7/12/85
Thomas Montgomery	Intern	\$4.00/Hr.	Eff: 7/12/85
James I. Moffitt	Intern	\$4.00/Hr.	Eff: 7/12/85

Burdette Park

Amy Helfrick	9401 Hogue Rd.	Ext. Gd.	\$3.35/Hr.	Eff: 7/3/85
Marie Anderson	16 Park Ridge Dr.	"	"	"
Joeli Staley	6708 Cliftwood	"	"	"
Dawn Beguelin	2024 Lincoln Ave.	"	"	"
Greg Bruce	9800 A. New Har. Rd.	P.T.G.C.	\$3.75/Hr.	Eff: 7/3/85
Charles Coleman	645 Jefferson St.	"	\$3.50/Hr.	Eff: 7/3/85
Larry Nickens	R.R.#2 Hillview Dr.	P.T.G.C.	\$4.00/Hr.	Eff: 6/24/85
Nancy Buckman	1637 E. Illinois	"	\$3.50/Hr.	Eff: 6/23/85
Andrew Branham	6000 Apple Grove Rd.	Reg. Gd.	\$3.60/Hr.	Eff: 6/28/85
Tracy VanZant	101 S. Peerless Rd.	"	\$3.60/Hr.	Eff: 7/1/85

RE: EMPLOYMENT CHANGES - APPOINTMENTS

Burdette Park

Carole McNaughton	625 Marigold Ct.	Ext. Gd.	\$3.35/Hr.	Eff: 7/13/85
Karen Williams	1804 Alta Vista Dr.	"	"	"
Beth Herrmann	6925 Little Schaeffer	"	"	"
Scot Winstead	3321 Wildeman Rd.	"	\$3.50/Hr.	Eff: 7/12/85
Bruce Crider	2108 W. Virginia	Security	\$10.00/Hr.	Eff: 7/3/85
James Spence	4206 Tremont Rd.	"	\$10.00/Hr.	Eff: 7/3/85
Amy Helfrick	9401 Hogue Rd.	Reg. Gd.	\$3.60/Hr.	Eff: 7/3/85
Marie Anderson	16 Park Ridge Dr.	"	"	"
Joeli Staley	6708 Cliftwood Dr.	"	"	"
Dawn Beguelin	2024 Lincoln Ave.	"	"	"
Robert Kirk	R.R.#2, Box 256	Ext. Gd.	\$3.35/Hr.	Eff: 7/18/85
Greg Bruce	9800 A. New Har. Rd.	P.T.G.C.	\$4.00/Hr.	Eff: 7/3/85
Charles Coleman	645 Jefferson	P.T.G.C.	\$4.00/Hr.	Eff: 7/3/85
Ann Barton	2335 N. Main St.	Ext. Gd.	\$3.35/Hr.	Eff: 7/18/85

County Highway

Charles A. Sumner	1315 Marshall	Greaseman	\$7.50/Hr.	Eff: 7/16/85
Sam Robinson	1510 S.E. Riverside	T.C. Clerk	"	"

Circuit Court

Donald R. Vowels	Intern	\$4.00/Hr.	Eff: 7/15/85
Mark A. Aiton	"	\$4.00/Hr.	Eff: 7/15/85
Thomas Montgomery	"	\$6.50/Hr.	Eff: 7/15/85
Katherine Baird	Recept.	\$4.50/Hr.	Eff: 7/15/85
Karen Miller	Intern	\$3.35/Hr.	Eff: 7/15/85
Chris Carl	R. Baliff	\$180/Wek.	Eff: 7/15/85
Glenn S. Deig	Intern	\$4.00/Hr.	Eff: 7/15/85

Superior Court/Probation Dept.

Susan Metz	12236 Browning Rd.	Prob. Of.	\$17,678/Yr.	Eff: 7/15/85
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(continued)

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COUNTY COMMISSIONERS
July 22, 1985

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

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	Robert L. Willner Shirley Jean Cox	Alice McBride	David L. Jones
	Richard J. Borries (Absent/Vacation)		
	<u>COUNTY ENGINEER</u>	<u>COUNTY SURVEYOR</u>	<u>BURDETTE PARK</u>
	Andy Easley	Robert Brenner Bill Jeffers	Mark Tuley
	<u>SHERIFF</u>	<u>OTHER</u>	
	Clarence Shepard	News Media	
<u>SECRETARY:</u>	Joanne A. Matthews		


Robert L. Willner, President

Richard J. Borries, Vice President


Shirley Jean Cox, Member

MINUTES
COUNTY COMMISSIONERS' MEETING
July 29, 1985

<u>Subject</u>	<u>Page No.</u>
ACCEPTANCE OF CHECKS	
Moving Media, Inc. for Advertising---\$172.80 -----Approved -----	8-9
ACCEPTANCE OF STREETS & STORM DRAINAGE IMPROVEMENTS/LANT MANOR, PHASE III	
*Lant Lane -----875 ft. or 0.166 miles -----Approved -----	5-6
AGREEMENTS	
Amended Inter-Local Governmental Agreement Between Warrick & Vanderburgh Counties re County Line Road Bridge (Br. #81)----- Approved by Commissioners; to be approved by County Council 8/7/85 -----	1-4
Agreement with Barnes & Sons, Inc. Trucking Co. re hauling on County Roads; Agreement to be reviewed by County Attorneys prior to submitting for Approval & Signatures (Vienna & Slate Rds.)-----	7
APPROVAL OF MINUTES -----July 22nd Meeting -----	1
BIDS (AWARDED)	
Bid for Laundry/Dishwashing Detergents for County Jail awarded to Economics Laboratories, Inc. -----	1
BURDETTE PARK	
Folk Fest -----Commissioners to send Letter to Burdette Staff -----	9-10
BURKHARDT ROAD - CHANGE ORDER #6	
Per J. Morley, Change Order #6 will result in net decrease in the Burkhardt Rd. Project of some \$137,434.05. Board requests update report on overall project cost from Andy Easley -----	4-5
CLAIMS	
Jim Wicks Excavating, Inc. ---\$750.00----Demolition at 2408 S. Red Bank, plus hauling debris and grading of lot -----Approved -----	9
COUNTY ATTORNEY - DAVID V. MILLER	
Agreement re County Line Road Bridge--See "AGREEMENTS" above -----	1-4
Lawsuit filed re Alleged Loss of Personal Property/Judith Oldham -----	4
COUNTY HIGHWAY ENGINEER - ANDY EASLEY (Absent)	
Acceptance of Streets, etc. in Lant Manor, Phase III--See "ACCEPTANCE" above	5-6
Capella Avenue/Letter of Appreciation from Residents -----	8
COUNTY HIGHWAY GARAGE - BILL BETHEL	
Weekly Absentee Report, Work Report & Work Schedule -----	7
COUNTY SURVEYOR - BILL JEFFERS, CHIEF DEPUTY	
Bridge & Guardrail Repair Report -----	7-8
EMPLOYMENT CHANGES (NONE) -----	9
LAWSUITS	
Lawsuit filed re Alleged Loss of Personal Property/Judith Oldham ---Attorney authorized to Proceed to Defend County -----	4
OLD BUSINESS	
Ohio Street Bridge-----Board requests report -----	9
REQUEST TO GO ON COUNCIL CALL RE TRANSFER OF FUNDS	
Commissioners re Transfer of \$5,000 from Telephone Acct. to Soldiers Burial Account -----Approved -----	9
County Engineer re Transfer of Funds from St. Joe Acct. to Burkhardt Rd. Project Acct. -----Dollar Amount to be Given 8/5/85 -----	5
SCHEDULED MEETINGS & EVENTS-----	9

MINUTES
COUNTY COMMISSIONERS MEETING
JULY 29, 1985

The Vanderburgh County Board of Commissioners met in session on Monday, July 29, 1985, at 2:30 p.m. in the Commissioners' Hearing Room, with President Robert Willner presiding.

The meeting was called to order at 2:37 p.m., with President Willner subsequently entertaining a motion concerning approval of the minutes of the previous meeting. Commissioner Cox moved that the minutes of the meeting held on June 22nd be approved, as engrossed by the County Auditor, and the reading of same be waived. A second to the motion was provided by Commissioner Willner. So ordered.

RE: AWARDING OF CONTRACT FOR LAUNDRY & DISHWASHING DETERGENTS/COUNTY JAIL

Sheriff Shepard said that last week County Attorney David Jones mentioned a discrepancy in the pricing. Mr. Shepard said that Corporal Kenny Collins, commissary manager and service/maintenance manager for the jail/departmental needs is here. Mr. Wayne Nolan of Economics Laboratory, Inc. is also present at today's meeting. Both Messrs. Collins and Nolan are prepared to answer any questions the Commissioners might have.

Continuing, Sheriff Shepard said that Economics Laboratory had bid the 1-gallon price and the competing bidder had bid a 5-gallon price. Thus, there is no real discrepancy -- just about \$6.00 all total. The Sheriff said that the jail currently has 24-hour service from Economics Laboratory. If a washing machine breaks down at 2:00 a.m., by 6:00 a.m. it is usually fixed. They have no problems whatsoever with the service provided by Economics Laboratory. Insofar as the pricing is concerned, they are over on some items and under on others, but all total it comes out just about the same. It is his recommendation that the Commissioners accept the bid from Economics Laboratory, Inc., which is in order.

President Willner asked Commissioner Cox if she has any questions. Mrs. Cox queried Sheriff Shepard concerning the correct name of the company? Mr. Nolan responded that it is "Economics Laboratories, Inc."

The Chair entertained a motion.

Motion was made by Commissioner Cox that, upon recommendation of Sheriff Shepard, the contract be awarded to Economics Laboratories, Inc. for laundry and dishwashing detergents for the County Jail. A second to the motion was provided by Commissioner Willner. So ordered.

RE: INTER-LOCAL GOVERNMENTAL AGREEMENT BETWEEN WARRICK & VANDERBURGH COUNTIES CONCERNING BRIDGE NO. 81, COUNTY LINE ROAD, VANDERBURGH COUNTY, INDIANA

President Willner advised that subsequent to last week's meeting, Attorney Jones informed him that a paragraph had inadvertently been omitted from the draft of the Inter-Local Governmental Agreement presented at last week's meeting concerning the County Line Road Bridge. The deleted paragraph concerned the description of the bridge. Additionally, the Board had requested that a paragraph concerning liability be included.

Attorney Miller has the Amended Agreement to be presented for approval at today's meeting. A copy has already been forwarded to the Warrick County officials for their approval. It was subsequently determined that Paragraph "B" of the draft had been altered, liability is addressed in Paragraph "C" and Paragraph "D" concerning the reopening of the bridge has been added. The amended agreement reads as follows:

2116I
F012-1880-1

INTER-LOCAL GOVERNMENTAL AGREEMENT BETWEEN WARRICK COUNTY, INDIANA AND VANDERBURGH COUNTY, INDIANA CONCERNING VANDERBURGH COUNTY BRIDGE NO. 81, COUNTY LINE ROAD, VANDERBURGH COUNTY, INDIANA

WHEREAS, the County of Vanderburgh and the County of Warrick, the parties hereto, are political subdivisions of the State of Indiana; and

WHEREAS, Vanderburgh County Bridge No. 81 located on County Line Road south of Kansas Road ("Bridge 81") is owned by and has been operated and maintained by Vanderburgh County until its recent closing; and

(continued)

WHEREAS, Bridge 81 has been used by residents of Warrick County, Indiana, as well as by residents of Vanderburgh County, Indiana prior to its closing; and

WHEREAS, Vanderburgh County officials have determined that Bridge 81 can no longer be safely and economically maintained and operated; and

WHEREAS, residents and officials of Warrick County, Indiana, desire that Bridge 81 be reopened for traffic use; and

WHEREAS, Warrick County officials have proposed to cooperate with Vanderburgh County officials by providing certain resources so that Bridge 81 can be reopened for the mutual use and benefit of the residents of both counties;

NOW, THEREFORE, the parties do hereby enter into this Inter-Local Governmental Agreement upon the following terms and conditions:

I. DURATION. This Agreement shall be in full force and effect from and after its execution by the parties and until a date which is fifteen (15) years later than the date upon which Bridge 81 is officially reopened.

II. PURPOSE. The purpose of this joint Agreement is to advance the interests of the parties hereto and the residents of both Warrick and Vanderburgh Counties in the State of Indiana by and through the safe and proper repair, maintenance and operation of Bridge 81 for local traffic.

III. JOINT UNDERTAKING.

A. Warrick County, through its properly authorized governmental officials and departments, agrees to make all repairs necessary to allow Bridge 81 to be safely utilized by local vehicular traffic to a load limit of ten thousand (10,000) pounds per vehicle providing all planning, supervision, labor, machinery, equipment and material necessary to the accomplishment of that undertaking without contribution by Vanderburgh County, except as otherwise provided for herein.

B. Warrick County, through its properly authorized governmental officials and departments, agrees to maintain Bridge 81 for the duration of this Agreement, at all times keeping it in good and safe condition of repair. Warrick County further agrees to indemnify and hold harmless Vanderburgh County, its officers, representatives, agents and employees from any and all liability or obligation to any person, firm or entity connected with the use, control, operation, maintenance or repair of Bridge 81 for the duration of this Agreement.

C. Vanderburgh County, through its properly authorized governmental officials and departments, shall contribute the sum of Three Thousand Five Hundred Twenty-Five Dollars (\$3,525.00) only, to the joint undertaking, which sum represents the estimated cost of materials necessary for Warrick County to place Bridge 81 in a safe and operable state if condition and repair for use by vehicular traffic to a load limit of ten thousand (10,000) pounds per vehicle.

D. Vanderburgh County, through its properly authorized governmental officials and departments, agrees to officially reopen Bridge 81 upon being satisfied that the proper repairs have been made to Bridge 81 for the purposes herein stated.

IV. PROPERTY OWNERSHIP. Vanderburgh County shall maintain ownership of Bridge 81, transferring responsibility for the proper and safe operation, maintenance and repair thereof only, to Warrick County for the duration of this Agreement.

V. AMENDMENT. This Agreement may be amended in total or in part at any time provided such amendment shall be reduced to writing and signed and dated by each of the parties hereto.

(continued)

VI. NOTICES: Each notice or other communication to be given by either party under this Agreement shall be in writing and addressed to either party as follows:

Warrick County, Indiana

Vanderburgh County, Indiana

Each party shall specify a new address for notices under this Agreement in writing, if necessary, addressed to the other party.

IN WITNESS WHEREOF, the parties hereto have duly executed the foregoing instrument by and through their authorized officials.

WARRICK COUNTY, INDIANA

PASSED by the Warrick County Board of Commissioners on the _____ day of _____, 1985.

By: Warrick County Board of Commissioners

Keith Shelton
Richard McKain
Paul Gore

WARRICK COUNTY COUNCIL

PASSED by the Warrick County Council on this _____ day of _____, 1985.

ATTEST:

Thomas G. Hess
Warrick County Auditor

VANDERBURGH COUNTY, INDIANA

PASSED by the Vanderburgh County Board of Commissioners on this 29th day July, 1985.

By: Vanderburgh County Board
of Commissioners

Robert L. Willner
Shirley Jean Cox
Richard J. Borries (absent)

PASSED by the Vanderburgh County Council this _____ day of _____, 1985.

ATTEST:

Alice McBride
Vanderburgh County Auditor

THIS INSTRUMENT PREPARED BY DAVID L. JONES,
COUNTY ATTORNEY, VANDERBURGH COUNTY, INDIANA. (continued)

The meeting continued with Commissioner Cox stating that she questioned the matter of liability last week, and she thinks Attorney Jones responded that "Yes, that needs to be taken off our coverage". It was, again, noted that the liability matter was addressed in Paragraph "C". The Commissioners having reviewed the agreement, Chairman Willner entertained a motion. Motion was made by Commissioner Cox that the Amended Agreement be approved, as presented, and forwarded to the County Council for their approval during their meeting of August 7th. A second to the motion was provided by Commissioner Willner. So ordered.

RE: JUDITH OLDHAM-VS.-VANDEBURGH COUNTY, BOARD OF COMMISSIONERS AND SHERIFF'S DEPARTMENT

Attorney Miller advised that legal action was filed on July 22nd by Judith Oldham against Vanderburgh County, the Board of Commissioners and the Sheriff's Department regarding an allegation of the loss of personal property that she says Vanderburgh County negligently failed to return to her at the time she was released from the Vanderburgh County Jail. Attorney Miller said he has notified the insurance carrier of this matter; however, he believes there is some question about insurance coverage. He also believes that there is some question as whether or not the plaintiff in this case gave the necessary notice to Vanderburgh County of her claim within six (6) months of the occurrence of the loss. Therefore, they have asked the attorney for the plaintiff to provide us with that, if he has it. He said they need authority to enter upon the defense of the county unless the insurance company provides defense.

Chairman Willner entertained a motion.

Commissioner Cox moved that the matter be referred to the County Attorney for his expertise, with authority to proceed to defend. A second to the motion was provided by Commissioner Willner. So ordered.

RE: BURKHARDT ROAD - CHANGE ORDER NO. 6

The Chair recognized Mr. Jim Morley. Mr. Morley approached the podium and said he has a request for Change Order No. 6, which would result in a net decrease in the contract of \$137,434.05. At the time the project was bid (and if the Board will recall, it was bid a couple of different times) no one could understand why the prices were so high. In reviewing the figures, the State inadvertently entered an incorrect figure which increased the quantity of asphalt in one (1) particular line item over 5,000 tons. That is being taken back out of the contracts, so the Board can more reasonably understand the budget for this project. Thus, the request is to decrease this by 5,157 tons with said change order.

The Chair entertained a motion.

Commissioner Cox asked if Andy Easley will be present at today's meeting to give the Board a report on the Burkhardt Road project? Whether we will now have enough money in that account now with this decrease, etc.? We will not have to go before Council to transfer monies hertofore mentioned?

Commissioner Willner said that he will.

Mr. Morley interjected that the add quantity that the State had inserted incorrectly (6,000 tons) is being decreased 5,157, leaving in some 840 tons, which at the end of the job (it is a unit price job) when you add on the lengths of pipe that we've added in some of the locations, we should balance out. This is where he thinks we should be for budget purposes and if there is enough money left in the job we should be in good shape. The change order represents the amount they think they should deduct right now --that should bring us right in on budget.

Commissioner Willner said that he understands, however, that Mr. Easley still needs some money in the Burkhardt Road account. Is that correct?

Mr. Morley responded that he does. Whenever the State had the incorrect figures, we had to forward at least 90% of our share. Thus, we had to up the amount we sent. When we did, we depleted the county's appropriation for Burkhardt Rd. The county pays for the engineering inspection and right-of-way (the people from whom we had to purchase property). When the State asked for more money and we forwarded it, we completely wiped out the local cash account. Thus, there was nothing in there to make payments for the inspection and to make other payments. The whole project is on budget; but when they

(continued)

asked for that extra money, then it wiped it out.

Commissioner Cox said she would like to see Mr. Easley's overall budget.

Mr. Willner said that Mr. Easley will not be here today because of an emergency. His wife is ill and he needed to accompany her.

Mr. Lindenschmidt said he talked with Mr. Easley Friday afternoon and he said he is still going to have to have some emergency money for operating. Later on, some of the money will be back in the account to go for some other purpose.

Commissioner Willner said that Mr. Easley did not leave a report, just the letters requesting acceptance of streets.

Mr. Morley said the bottom line is that we sent all the money to the State, which left none locally. We will probably have some money coming back from the State. In the interim, we still have to cover operating costs.

Commissioner Willner asked if the Board did not give Mr. Easley permission to go before Council? Commissioner Cox said the Board did grant said permission, with the understanding that he would give the Board a full report on the Burkhardt Road project at today's meeting.

Commissioner Willner said he has a copy of Mr. Easley's letter to County Auditor Alice McBride, requesting that \$50,000.00 be taken from the St. Joseph Avenue account and placed in the Burkhardt Road construction account. Mrs. McBride said that is a transfer and not an appropriation for new monies, so this is not a problem; it does not have to be advertised. Since Council does not meet until August 7th (Wednesday of next week) the matter can be resolved at next week's Commissioners' meeting.

Commissioner Cox said she knows that some monies have already been transferred into the Burkhardt Road account previously. Thus, it will not hurt to wait a week. The Board has already granted permission for him to appear before Council to request the transfer; the dollar amount was to be given this week. She thinks the Board does need to have an update on the overall cost of Burkhardt Road.

Commissioner Willner said that Mr. Morley indicated the overall cost of the project will be down somewhat. Our contribution to the State is already up in Indianapolis and we probably can't get it back until the project is completed. He doesn't think they will send us a check for 90% of the 25% of the \$137,000. If so, they'd be sending us \$30,000.00 and he doesn't think they will do that until the job is completed. Commissioner Willner said there might be another change order before that time.

Mr. Morley said that as of the end of the week of July 13th, they were 114 days into the job with 192 remaining. As of today, there is about 20 days' difference; we're about 134 days into the job with 170 days remaining. He thinks the contractor is moving along pretty well now with the paving. We'll go thru the winter and landscaping, etc., will be done next spring. But within the next month, he believes we'll see a lot of progress insofar as completion of paving -- so we can get back to having better access for some of the people who live in that area.

RE: ACCEPTANCE OF STREETS AND STORM DRAINAGE IMPROVEMENTS IN LANT MANOR
SUBDIVISION, PHASE III

President Willner proceeded by reading the following letter submitted by Andy Easley, County Highway Engineer:

July 26, 1985

Robert L. Willner, President
Vanderburgh County Board of Commissioners
305 Administration Building
Civic Center Complex
Evansville, IN 47708

Re: Acceptance of Streets and Storm Drainage Improvements
in Lant Manor Subdivision, Phase III

Dear Mr. Willner:

(continued)

COUNTY COMMISSIONERS
July 29, 1985

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On July 17, 1985, the undersigned made an inspection of subject street and storm drainage improvements.

All streets are paved with 6 inches of concrete and have been constructed in accordance with the approved plans. All joints in the pavement have been sealed and the curbs have been properly backfilled. All storm drainage inlets and storm sewers have been constructed in accordance with the approved plans.

The street and storm drainage improvements were in excellent condition and I could find no repairs to be made or discrepancies to be corrected.

Enclosed is a copy of a letter from Morley and Associates concerning the construction of the streets, together with a copy of the report of the subgrade soil compaction tests.

The following is the length of the street in Phase III of Lant Manor Subdivision:

Lant Lane----- 875 ft. = 0.166 miles

It is recommended that the street and storm drainage improvements in this Subdivision be accepted for maintenance.

Sincerely,

R. Andrew Easley, Jr., P.E.
County Highway Engineer

cc: Bill Bethel, County Highway Superintendent
James Q. Morley, Engineer
Bud Bussing, Developer

Commissioner Cox asked how old the streets are? Mr. Morley said those streets were poured a couple of months ago or something like that. Commissioner Cox asked if this is for a new section of development? Mr. Morley said that is correct. The old section has already been accepted. What the owners are doing -- the subcontractors who pave the streets hold the retainage until they are accepted by the county. In other words, the owners do not pay the contractors off until the streets are accepted. And the concrete contractor is clamoring for his money and the owner is reluctant to give it to him until he is certain that everything is 100% o.k., which is pretty much the same thing the county would do; we'd pay 90% and then hold 10% until a project were approved.

Motion was made by Commissioner Cox that, upon recommendation of County Engineer Andy Easley, Lant Lane (875 ft. or approx. 0.166 miles) be accepted by the County for maintenance and the County Engineer should notify the State of this new mileage. A second to the motion was provided by Commissioner Willner. So ordered.

Commissioner Willner said he went out, personally, to look at the street and he thought it was better than average. Mr. Morley commented that they did an excellent job.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Absentee Report: Mr. Bethel submitted copies of the Weekly Absentee Report for employees at the County Garage for period July 22nd thru July 26th.....report received and filed.

Weekly Work Report: Also submitted was the Work Report for Employees at the County Garage for the same period.....report received and filed. Attached to the Work Report was the following Work Schedule:

Gradall: Roesner Rd. and Schraeder Rd.

Grader: Happe Rd. and Old State Rd.

Paved: Volkman Rd.

Chip & Seal: Happe Rd.

(continued)

Patched: Allen Rd., St. Joe Rd., Old 460, Oak Hill Rd., Bergdolt Rd., Winding Way, Telephone Rd., Browning Rd., Fuquay Rd., Spry Rd., Nurrenbern, Pollack Ave., Ingelfield Rd., Greenbriar, Newburgh Rd., Outer Lincoln Ave., Middle Mt. Vernon Rd., Jobs Lane, Hogue Rd., and Westchester Dr.

Mower: West Chapel, Roesner, Creamery Rd., Eichoff, Hogue Rd., Middle Mt. Vernon Rd., Schenk Rd., Orchard Rd., Woodland Hills, Orchard Rd., Schroeder Rd., Barton Rd., Old State Rd. and Baseline Rd.

Oil Roads: Volkman, Happe Rd., Armstrong Rd., and Bixler Rd.

Tree Crew: Darmstadt Rd.

Barricades: Painted

Hauling on Slate Rd.: Commissioner Willner said the Commissioners were contacted today concerning a company hauling some dirt from a site at Vienna & Slate Rds. in Vanderburgh County to the Division Street project. They did meet with company officials and they are going to draw up an agreement for the scrutinization of the County Attorneys. In brief, they have agreed to help patch (if needed) and to pay for any damage they do to said county roads (Slate and Vienna). The company officials may be present before the adjournment of today's meeting. Commissioner Willner asked Attorney Miller that the attorneys give subject agreement their attention as soon as the company officials present same for their review.

Commissioner Cox said she believed the name of the firm was "Barnes & Sons, Inc. Trucking Company." Retrieval of the following letter confirmed that Commissioner Cox was correct:

"Board of Public Works
City-County Building
Evansville, IN 47708

Dear Sirs:

Barnes & Sons Trucking request permission to transport materials over the route described below:

The route starts from Slate Rd. to Vienna Rd. to Highway 66 to First Avenue and to Division Street.

Thank you for your cooperation.

William L. Barnes"

Notation written on letter by John Vezzozo read, as follows:

"Board of Public Works cannot authorize travel on county or state roads, but First Avenue and Division Street are o.k.

J.J.V."

Commissioner Willner requested that the record reflect that the correct name/address of the corporation doing the hauling was Barnes & Sons, Inc. Trucking Company at P.O. Box 5763, Evansville, IN 47715.

RE: COUNTY SURVEYOR - BILL JEFFERS, CHIEF DEPUTY

Bridge & Guardrail Repair Report: Mr. Jeffers submitted the Bridge & Guardrail Repair Report for period July 22 thru July 26, 1985.....report received and filed.

Mr. Jeffers said the crew had installed two (2) new culverts and they are also cutting and painting guardrails throughout the county. On Monday, Tuesday and Thursday, the barricades had to again be set up on Millersburg Road. On Friday, the bridge was welded shut. They had had numerous reports of young daredevils crossing the bridge at night -- so they just welded it shut. The barricades will still be maintained, as this will provide a warning before reaching the guardrail.

(continued)

RE: COUNTY ENGINEER - ANDY EASLEY (Absent)

President Willner said that, as previously indicated, Andy Easley will not be present for today's meeting.

Capella Avenue/Letter of Appreciation: The following letter was presented in conjunction with the drainage proposal made to the State by Mr. Easley:

July 15, 1985

Vanderburgh County Council
Room 305 - Civic Center Plaza
Evansville, Indiana 47708

Attention: Mr. Rick Borries

Re: East Side Drainage Proposal by Mr. Andy Easley,
Civil Engineer

Dear Councilman Borries:

Just a brief note to let you know how much we appreciate the many, many hours and support we have received from the County Engineer, Andy Easley. As you well know, the ponding situation in our area is far more than a nuisance and, in fact, poses a threat to our homes during long rains or severe storms.

Since we are adjacent to county lines our solutions for drainage problems have been complex. Mr. Easley has been quite supportive in our efforts to seek appropriate solutions. At the present time, it appears that bids to be let by the State of Indiana this September will incorporate the building of a drainage system in our area that will solve the problem.

Again, Mr. Easley has been most helpful in expediting the timeliness of this project. We would hope that the Council will be supportive in Mr. Easley's efforts to bring this project to a successful completion in the shortest possible time. Some County support may be necessary to insure optimal effectiveness of the state drainage system in our area.

Again, our appreciation to Mr. Easley and our appeal for your support in his efforts.

Sincerely,

Mr. and Mrs. James Voorhees
2017 Capella Avenue

Mr. and Mrs. Fred Woerter
2024 Capella Avenue

President Willner said he is certain the county will follow through. Mr. Easley contacted the State and asked that in the building of I-164 that they take the aforementioned drainage problem into consideration, which they said they would do. Thus, the county needs to stay on top of this.

RE: ACCEPTANCE OF CHECK FROM MOVING MEDIA, INC.

President Willner presented a check from Moving Media, Inc. in the amount of \$172.80 for advertising purchased on Walnut Street Sign. In response to query from Commissioner Cox, he said the last check was received on May 13th for some \$40.00. The current report shows "As of 7/22". This report reflects lease income for either two or three month period. He entertained a motion concerning acceptance of check. Commissioner Cox moved that the check be accepted, endorsed and deposited into the General Fund. A second to the motion was provided by Commissioner Willner. So ordered. The report submitted was as follows:

(continued)

COUNTY COMMISSIONERS
July 29, 1985

Page 9

COUNTY COMMISSIONERS - LEASE INCOME
FOR WALNUT STREET ELECTRONIC SIGN

AS OF 7/22

<u>CLIENT</u>	<u>\$ AMOUNT PURCHASED ON WALNUT ST. SIGN</u>	<u>20% DUE</u>
WIKY-WROZ	\$ 162.00	\$ 32.40
JACK BROWN BODY SHOP	108.00	21.60
NUNLEY-GARDNER MFG. & STGE.	54.00	10.80
WKDQ	270.00	54.00
BRINKER JEWELERS	162.00	32.40
GOOD SHEPHERD CATHOLIC CHURCH	54.00	10.80
ACCENT ON PETS	54.00	10.80
	<u>\$ 864.00</u>	<u>\$ 172.80</u>

RE: REQUEST TO GO ON COUNCIL CALL - COUNTY COMMISSIONERS RE TRANSFER

President Willner said the Commissioners need to go on Council Call on August 7th to request transfer of \$5,000.00 from Telephone Acct. (#130-314) to Soldiers' Burial Account (#130-306). Mrs. Evans of the Bookkeeping Department has advised that she is holding bills on Soldiers Burial in the amount of \$1,300.00 and only has \$60.00 left in the account, with five (5) months to go yet this year.

Motion was made by Commissioner Cox that the request to go on Council Call to request transfer of aforementioned funds be approved. A second to the motion was made by Commissioner Willner. So ordered.

RE: OLD BUSINESS

Ohio Street Bridge Inspection: Commissioner Cox said that, although Andy Easley is not present at today's meeting, several weeks ago the Commissioners requested that he make an inspection of the Ohio Street Bridge. She said the problems existing have still not been fixed. Commissioner Willner remarked that they left the three (3) holes, but welded the loose pieces. He doesn't know whether they plan to go back to do more work or not. Commissioner Cox said the Board needs a report on this.

RE: SCHEDULED MEETINGS

President Willner announced that a Drainage Board Meeting will be held immediately subsequent to the Commissioners' Meeting today.

Vanderburgh County 4-H Fair: It was also noted that the Vanderburgh County 4-H Fair begins tomorrow (July 30th) and runs thru August 3rd (Saturday).

RE: CLAIMS

Jim Wicks Excavating, Inc.: A claim in the amount of \$750.00 to Jim Wicks Excavating, Inc. was submitted for demolition at 2408 S. Red Bank Rd., as well as hauling of debris and grading of lot. Mr. Jesse Crooks, Building Commission, has signed the claim. Motion to approve claim for payment was made by Commissioner Cox, with a second from Commissioner Willner. So ordered.

Commissioner Willner asked Commissioner Cox if she recalls how much the Council put into Acct. #130-269 (demolition)? Following brief discussion, it was noted that \$2,000.00 was requested and Council approved \$2,000.00 in April.

RE: EMPLOYMENT CHANGES

President Willner said that no employment changes were submitted this week.

RE: BURDETTE PARK - FOLK FEST

President Willner said the Folk Fest held at Burdette Park this past weekend was well received. Friday night was a little slow; but they made up for this on

(continued)

Saturday and Sunday. On Sunday, President Willner said there was standing room only at the water slide. He said the Board needs to write a letter to the Burdette Park workers, who stood by and put forth their total effort (and this will be done at a later date). He said he believes Burdette Park is moving on.

There being no further business to come before the Board at this time, President Willner declared the meeting adjourned at 3:15 p.m.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	Robert L. Willner Richard J. Borries (Absent/Vacation) Shirley Jean Cox	Alice McBride	David V. Miller
	<u>COUNTY HIGHWAY</u>	<u>COUNTY SURVEYOR</u>	<u>OTHER</u>
	Bill Bethel	Bill Jeffers	Jim Morley/Morley & Assoc. News Media
<u>SECRETARY:</u>	Joanne A. Matthews		


Robert L. Willner, President

Richard J. Borries, Vice President


Shirley Jean Cox, Member

MINUTES
COUNTY COMMISSIONERS' MEETING
August 5, 1985

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MINUTES
COUNTY COMMISSIONERS' MEETING
August 5, 1985

The Vanderburgh County Board of Commissioners met in session on Monday, August 5, 1985, in the Commissioners' Hearing Room, with President Robert Willner presiding.

The meeting was officially called to order by Sheriff Clarence Shepard, since it was the first meeting of the month, at 2:38 p.m.

President Willner subsequently entertained a motion concerning approval of the minutes of the previous meeting. Motion was made by Commissioner Cox that the minutes of the meeting held on Monday, July 29th, be approved as engrossed by the County Auditor and the reading of same be waived. A second to the motion was provided by Commissioner Willner. So ordered.

The meeting continued with the President welcoming Commissioner Borries back from a two-week vacation.

RE: LETTER OF COMMENDATION TO GERMANIA MAENNERCHOR

In conjunction with the Indiana Folk Festival held at Burdette Park on July 26, 27 and 28, President Willner read the following letter of commendation from the Board of Commissioners to Germania Maennerchor:

August 5, 1985

Germania Maennerchor
916 N. Fulton Avenue
Evansville, IN 47710

Gentlemen:

On behalf of all those who attended the Southern Indiana Folk Festival at Burdette Park on July 26, 27 and 28, 1985, we want to commend you for your participation in helping to make the festival such a great success.

The effort you put forth was greatly appreciated and with cooperation such as this, we are sure the Folk Festival could be an annual event to be enjoyed by everyone attending. Again, our sincere thanks.

Very Sincerely,

The Board of Commissioners of
the County of Vanderburgh

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

A motion was entertained by the Chair. Motion was made by Commissioner Borries that the letter be approved, signed and mailed. A second to the motion was provided by Commissioner Cox. So ordered.

RE: LETTER OF COMMENDATION TO MARK TULEY, MANAGER/BURDETTE PARK

Continuing, Mr. Willner said he had also prepared a letter of commendation from the Commissioners to Mr. Mark Tuley, Manager/Burdette Park, as follows:

August 2, 1985

Mr. Mark Tuley, Manager
Burdette Park
P. O. Box 7081 - Nurrenbern Road
Evansville, IN 47712-0881

Dear Mark,

On behalf of all those who attended your Southern Indiana Folk Festival on July 26, 27 and 28, 1985, we want to heartily commend you and your employees for a job well done.

(continued)

We know it took many hours of planning and preparation to make the festival the success that it was.

The effort put forth by everyone at the park was greatly appreciated and with cooperation such as this, we are sure the Folk Festival could be an annual event to be enjoyed by everyone attending. Again, our sincere thanks.

Sincerely,

The Board of Commissioners of
the County of Vanderburgh

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

The Chair entertained a motion. Motion was made by Commissioner Borries that the letter be approved, signed and mailed. A second to the motion was made by Commissioner Cox. So ordered.

RE: COUNTY HIGHWAY DEPARTMENT - BILL BETHEL

Weekly Absentee Report: Mr. Bethel submitted the Weekly Absentee Report for employees at the County Highway Garage for period July 29 - August 2, 1985.....report received and filed.

Weekly Work Report: Also submitted for the same period was the Weekly Work Report.... report received and filed. Attached to the Work Report was the following Work Schedule:

Gradall: Schroeder Rd.

Pull
Shoulders: St. Joe Avenue to Schenk Rd.

Paved: Schroeder Rd. (Not finished)

Chip & Seal: Happe Rd., Duesner Rd., and Mt. Pleasant Rd.

Patch Crew: Mesker Park Rd., Allen Rd., Pleasant Rd., Graff Rd., Seminary Rd., Duesner Rd., Hogue Rd., Bromm, Vienna, Graff, Streuh-Hendricks, Darmstadt, Tupman, Peerless, Pinehurst, Strawberry Hill, Dry Branch, Five Dollar Rd., and Westchester Rd.

Tree Crew: Darmstadt and Vienna Rds.

Mower: Schraeder Rd., Barton Rd., Baseline, Green River Rd., Heckel Rd., Millersburg, Olmstead and Old State Rd. East.

All Trucks: Repaired Burkhardt Rd.

RE: REQUEST TO GO BEFORE COUNCIL TO REQUEST APPROPRIATION OF \$120,000 FOR ROAD PAVING

Mr. Bethel said he is requesting permission to go before County Council to ask for \$120,000.00 for paving of roads, as follows:

Old Petersburg Rd. (from IN 67 thru McCutchanville)	1.7 miles
Harmony Way (from Old IN 460 to Evansville City Limits)	1.2 miles
Allen's Lane (from City Limits to St. Joe Avenue)	0.6 miles
St. Joe Avenue (from Mill Rd. to Mohr Rd.)	1.7 miles

In response to query from Commissioner Cox as to how he arrived at the amount of thickness, Mr. Bethel said he met with Commissioner Willner and County Engineer Andy Easley. The latter suggested the proper thickness. He also checked with some of the paving contractors. He has done this on all the roads. Mrs. Cox asked if Mr. Bethel was aware of any drainage problems? Mr. Bethel said his people will pull all the shoulders of the roads before they are paved. The shoulders on St. Joe have already been done. Mrs. Cox asked if Mr. Bethel is aware of any culverts that need to be replaced before the paving is done? Mr. Bethel said that most of them have been replaced. Mrs. Cox

(continued)

asked if Mr. Bethel is going to prepare bid specs? He indicated that he is. Commissioner Willner interjected that bids will be advertised on the paving. However, the county will handle getting the roads ready for paving. He then entertained a motion.

Motion was made by Commissioner Borries that Mr. Bethel be authorized to go before Council to request \$120,000.00 appropriation for paving of roads, with a second from Commissioner Cox. So ordered.

RE: REPAIRS NEEDED ON POLLACK AVENUE

Commissioner Cox noted that in the Fuquay/Pollack Rd. area there are several bad potholes on Pollack. The south shoulder is in bad shape. In fact, she ran off one side and thinks she bent a tire rim. Mr. Bethel advised that he will check this area in the morning.

RE: COUNTY SURVEYOR

President Willner presented the following report, which had been submitted by the County Surveyor's office:

Bridge & Guardrail Repair Report/Period 7/29/85 - 8/2/85:

<u>Monday</u>	Volkman Rd. 1/2 mi. east of Old State Rd. Baseline Rd. west of Hwy. 41	Rip-rap washout at guardrail Cut grass & painted guardrail ends
<u>Tuesday</u>	R.R. 1, Box 73	Installed new 18" culvert
<u>Wednesday</u>	Browning Rd. & Old State Rd. Little Schaefer Rd. & Springdale Rd.	Cut grass & painted guardrail ends Blacktop old trench where culvert was installed.
<u>Thursday</u>	Schaefer Rd. 1/4 mi. N. of Mohr Rd.	Hauled dirt to construction site and cut up trees.
<u>Friday</u>	Schaefer Rd. 1/4 mi. N. of Mohr Rd.	Cut up trees and burned; started building retaining wall.

Other Information:

1. Bids for Millersburg Bridge #77 and County Line Bridge at Ruston #106 are scheduled for opening on Monday, August 12th, at 2:30 p.m.
2. The county jobs program has repaired its backhoe and will begin patching culvert cuts within the next ten (10) days. First on the patch list is Middle Mt. Vernon at Lemay.
3. The Ohio Street Bridge steel deck was patched using 1" flooring to replace three (3) tire-sized holes. 1½" decking is on order to effect a more permanent and even patch.
4. Big Creek Drainage Association has completed their dredging project on Maidlow Ditch and is starting on Rusher Creek this week.
5. The Survey Crew relocated several survey points along N. Green River Rd. for the City Engineer's office to use in designing the North Green River Road widening.

Continuing, President Willner said he had received a letter from County Surveyor Robert Brenner concerning paving of culverts on Mill Rd. at Henze Rd. and Big Schaefer Rd.

RE: SURVEYOR AUTHORIZED TO PREPARE SPECS FOR BIDS/MILL RD. & SCHAEFER RD.

Bob Brenner advises that the County Surveyor's crew has completed the supervision of installation of two (2) structures in German Township, which are the bridge on Mill Road at Henze Rd. and a culvert on Big Schaefer Rd. Both improvements are in need of paving. Surveyor requests that County Highway Department place this on their high priority list, as only after the paving is done can the potential of these projects be realized. The surveyor's crew will assist in the compacting and grading, as needed, if the County Highway Department will let them know when they are ready. President Willner said that the County Highway Department is currently occupied with other roadwork and, while the county crews will do the necessary compacting, grading, etc., to get these areas ready for paving,

(continued)

we will need to have the actual paving done by an outside contractor. Following brief comments, a motion was entertained. Motion was made by Commissioner Borries that the surveyor's office prepare specs for bids on paving of the bridge on Mill Road and the culvert on Big Schaefer Road and submit to Commissioners for approval prior to advertising for bids. A second to the motion was provided by Commissioner Cox. So ordered.

RE: COUNTY ENGINEER - ANDY EASLEY

Burkhardt Road Improvements: In response to request from Commissioners to provide update on cost of Burkhardt Road project, Mr. Easley said he had obtained from the Auditor's office a printout of the Burkhardt Road project expenditures as of June 30, 1985. He also has a summary of the Change Orders, including Change Order #6 which was approved last week showing a decrease of \$137,000. Total construction cost is \$1,648,917.66. It would have been cheaper to have had a box culvert, but the State wants the pipe. We will be getting 75% of the construction engineering cost back from the State (on the \$196,000 contract with James Morley & Associates) but this may require several weeks. In the interim he needs money in the account for operating expenses. If there are no more change orders, he projects that we should have somewhere around \$64,000.00 of unobligated money in the account when the project is finished. Mr. Easley proceeded to read the following letter:

July 22, 1985

Mrs. Alice McBride, Auditor
208 Civic Center Complex
Evansville, IN 47708

Re: Transfer of Funds to Burkhardt Road
Construction Account 216.0-000.0-4832

Dear Mrs. McBride:

Subject account is used for the payment of claims for construction engineering on the project.

As you are aware, the County is reimbursed for 75% of the cost of the construction engineering, but it requires many weeks for the State of Indiana to reimburse the county for the State's portion of the fees we are obligated to pay.

The account needs additional operating funds to pay the claims for construction engineering from the County's consulting engineer.

It is requested that \$50,000.00 be taken out of the St. Joseph Avenue Account - 216.0-000.0-4775 and be placed in the Burkhardt Road Construction Account - 216.0-000.0-4832.

The undersigned has been granted permission by the County Commissioners to appear before the County Council to request this transfer of funds.

If any additional information is required, please contact the undersigned.

Very Sincerely,

R. Andrew Easley, Jr., P.E.
County Highway Engineer

President Willner remarked that since the Commissioners previously granted permission to Mr. Easley to appear before the Council to request the transfer, that no action is required today. Mr. Easley had initially requested the \$50,000.00 transfer, but the exact amount was not confirmed until such time as he presented an update on the total construction costs after all Change Orders had been taken into account.

County Bridge Inspection Program: Mr. Easley continued his report by presenting copies of the following letter to the Commissioners:

August 2, 1985

(continued)

COUNTY COMMISSIONERS
August 5, 1985

Page 5

Mr. Robert L. Willner, President
Vanderburgh County Board of Commissioners
305 Civic Center Complex
Evansville, Indiana 47708

Dear Mr. Willner:

Floyd E. Burroughs and Associates, Inc., the consultant who is inspecting the bridges for the County, started inspection work on Wednesday, July 21, 1985.

Attached is a list of the bridges that are to be inspected. This list was taken from the 1979 Bridge Inspection Report and may contain some discrepancies and/or omissions.

The bridges have been listed in the order that they will be inspected based on their location in the County. The inspections are expected to require approximately three weeks to complete and they are being performed by Mr. Donald J. Dudkiwski and an assistant.

If any additional information is required, please contact the undersigned.

Very Sincerely,

R. Andrew Easley, Jr. P.E.

In response to query from Commissioner Willner, Mr. Easley replied that they had asked for a copy of the 1979 report and he had transmitted same to them. Commissioner Willner commented that the 1979 report may contain some discrepancies and/or omissions and requested that a copy be given to the County Surveyor's Office for their perusal and comments/suggestions.

RE: ROAD MAINTENANCE IN MCCUTCHANVILLE AREA OF THE COUNTY

Mr. Easley presented copies of the following letter, directed to Commissioner Willner:

August 2, 1985

Mr. Robert L. Willner, President
Board of Commissioners, Vanderburgh County
Room 305, Civic Center Complex
Evansville, IN 47708

Re: Road Maintenance in the McCutahcnville
Area of the County

Dear Commissioner Willner:

Petersburg Road needs to be extensively patched with hot mix asphalt and the cracks should be sealed to keep water from penetrating the existing asphalt surface.

It is recommended that the County have the surface of Petersburg Road and Browning Road Slurry Sealed this year to prevent further deterioration to the pavements.

Whetstone Road between State Highway 57 and Petersburg Road should be resurfaced with hot asphaltic concrete this year. The bad spots in the pavement should be patched with hot mix prior to resurfacing. The surface of this road is showing many of the classic signs of distress and pavement failure. I strongly recommend that the Commissioners personally inspect the above section of Whetstone Road to see the condition of the pavement.

Very Sincerely,

R. Andrew Easley, Jr., P.E.
County Highway Engineer

(continued)

Mr. Easley said a lot of school busses travel the road. It is his understanding that this road (Whetstone) was built around 1964 or before. He really thinks the Commissioners should go out to take a look at it. There seem to be a lot of examples of alligatoring in the pavement, etc.

Commissioner Willner said the county has not had the funds to fix the roads.....but we will have some \$120,000 to spend on roads. The Commissioners have asked for and received permission for "hot mix" on four (4) different roads. We will be advertising for bids on this work. The county will get the roads ready for the paving. The roads involved are Old Petersburg Road (from IN 67 thru McCutchanville), Harmony Way (from Old Indiana 460 to the Evansville City Limits), Allen's Lane (from the City Limits to St. Joe Avenue) and St. Joe Avenue (from Mill Rd. to Mohr Rd.).

Mr. Easley said that, in his opinion, the State has not allocated the gas tax money properly and he thinks they should be taking a look at the equation. Commissioner Willner said there may be reasons why they haven't -- as some areas might wind up with less. The county feels that the state spent the major portion of their money on smaller portions of road mileage.

RE: BURKHARDT ROAD PROJECT

With regard to the Burkhardt Road project, Commissioner Borries asked that Mr. Easley contact James Morley re the concerns of the residents in the 500-600 block on the east side of the road in regard to the slope. We paid for the right-of-way to build the street. We intend to leave them seeded or sodded. Mr. Easley said the seeding or sodding would probably take place in the spring. Commissioner Borries said we will have to watch this closely because of the freezing and thawing....they should put something on there to get us through the winter months. Mr. Easley said that, in his opinion, they should have time for the seeding or sodding to get started prior to the period of freezing. In any event, he will express those concerns to Mr. Morley.

RE: REQUEST FOR EMERGENCY APPROPRIATION FOR VANDERBURGH AUDITORIUM

The meeting resumed with Commissioner Willner reading the following correspondence submitted by Kim Bitz, Manager/Vanderburgh Auditorium.

July 18, 1985

Vanderburgh Auditorium
715 Locust St.
Evansville, IN 47708

Attention: Purchasing

Subject: Carrier Service Agreement No. 747A44028

In accordance with previous conversations between Bobby G. Lewis and Robert L. Willner, the present coverage and price for the subject Maintenance Agreement will be extended through October 31, 1985, pending the decisions made on the replacement chiller proposal. This means there will be no increase in the monthly invoice amount of \$3,491.00 for the months of September and October.

For your records, this letter should be attached to and become part of the Service Agreement.

Thank you for the continuing opportunity to provide your maintenance needs.

Very truly yours,

Gregory K. Hicks/Branch Service Manager
Carrier Building Services/St. Louis-South Branch

* * * * *

August 2, 1985

Dear Commissioners:

As stated in the letter sent by Carrier Corporation (attached) our present

(continued)

agreement for maintenance on the H.V.A.C. will be extended through the months of September and October, pending the decision on replacing the current chiller unit. However, in order to pay the monthly service contract fee, the Auditorium Account #428 will need an additional appropriation of \$6,000.00 from the General Fund. This extension of the present contract will see us "safely" through the current air-conditioning season.

In addition, Account #425 will need an additional appropriation of \$500.00 due to a much higher than budgeted bid on the resurfacing of the Auditorium Parking Lot.

Councilman Taylor has asked that both of these items be considered as emergency appropriations and placed on the current Council Committee agendas. Thank you for your consideration of these matters.

Sincerely,

Kim Patrick Bitz

The Chair entertained a motion. Commissioner Borries moved that Mr. Bitz be authorized to go on Council Call to request emergency appropriations as outlined, with a second from Commissioner Cox. So ordered.

RE: TREASURER'S REPORT

President Willner distributed copies of the following report submitted by County Treasurer, Patrick Tuley:

August 5, 1985

County Commissioners
County Council

Reassessment (249)--Invested \$1,000,000.00 Jan. 7, 1985, at 8.8%. Estimated income at maturity is \$86,288.89. Maturity date is Dec. 26, 1985.

Local Roads and Streets (216)--Invested \$1,000,000.00 Feb. 8, 1985, at 8.45%. Estimated income at maturity is \$42,250.00. Maturity date is Aug. 7, 1985.

Cumulative Bridge (203)--Invested \$2,000,000.00 Feb. 8, 1985, at 8.45%. Estimated income at maturity is \$84,500.00. Maturity date is Aug. 7, 1985.

Monies on Deposit--Invested \$500,000.00 (\$100,000.00 with each of the 5 Savings and Loans) Jul. 5, 1985, at 7.125%. Estimated income at maturity is \$17,317.71. Maturity date is Dec. 27, 1985.

Monies on Deposit--Invested \$2,000,000.00 Jul. 5, 1985, at 7.15%. Estimated income at maturity is \$70,705.56. Maturity date is Dec. 30, 1985.

Monies on Deposit--Invested \$3,000,000.00 Jul. 19, 1985 at 7.25%. Estimated income at maturity is \$70,705.56. Maturity date is Dec. 30, 1985.

Monies on Deposit--Invested \$3,000,000.00 Jul. 19, 1985 at 7.25%. Estimated income at maturity is \$31,416.67. Maturity date is Sept. 9, 1985.

Actual Interest receipted to date:	County Revenue	\$410,294.34
	Local R&S	3,276.00
	Revenue Sharing	<u>9,834.16</u>
	Total	\$423,404.50

Projected Revenue: Interest to be receipted when current investments mature.

County Revenue	\$134,217.72
Local R & S	42,250.00
Reassessment	86,288.89
Cumulative Bridge	<u>84,500.00</u>
Total	\$347,256.61

(Continued)

RE: LOOMIS ARMORED, INC. - INCREASE IN RATES/SEPTEMBER 1, 1985

President Willner said he had a letter from Loomis Armored, Inc., announcing a rate increase (effective September 1, 1985) from \$198.50 per month to \$228.00 per month for service contract for County Treasurer and County Clerk. Commissioner Borries said that is approximately a \$30.00 per month increase. Subsequent discussion revealed that the County had cancelled contract with Brink's and gone with Loomis because the latter offered lower rates. It was the consensus of opinion that the County should check out Brink's current rates as well as the rates of any other available armored car service in the area prior to signing a contract with Loomis reflecting increased service rate. The Chair entertained a motion. Motion was made by Commissioner Borries that Jim Lindenschmidt be instructed to check this out before the Commissioners take any action with regard to signing a new contract with Loomis. A second to the motion was provided by Commissioner Cox. So ordered.

RE: HOUSE RESOLUTION NO. 66 PERTAINING TO SAFETY OF JOGGERS

President Willner asked that Commissioner Borries read the following letter received from the Indiana Department of Highways:

July 26, 1985

TO ALL COUNTY AUDITORS AND COMMISSIONERS

RE: Joggers and Runners

The Indiana General Assembly has passed House Resolution No. 66 pertaining to the safety of joggers and runners who use the streets and highways in our state and are concerned about their well-being while they are doing physical exercise. The concern of the health and safety of these enthusiasts should be protected and encouraged so as to prevent accidents and injuries.

In compliance with the Legislator's Resolution enclosed please find a brochure pertaining to the above subject that has been developed in this office for distribution throughout our state.

If you have an outlet for distribution with your constituency for the use of this brochure, please call or write to us, and we will fulfill your needs.

Sincerely,

Charles D. Loos
Director, Division of Traffic Safety

Commissioner Cox noted that organizations, etc., who send a letter to the Commissioners about jogging/runner events (such as Welborn Hospital, S.I.U., etc.) get a copy of this letter so they can request additional copies from the State for their participants, etc., if they want to. The Commissioners will post their copy on the Bulletin Board. Mr. Bob Guillich of SIGECO, who was attending today's meeting, requested a copy so he could post it on the bulletin board at that facility.

RE: OLD BUSINESS

The Chair entertained questions, but there were no matters of old business to be brought before the Board at this time.

RE: SCHEDULED MEETINGS

Commissioner Willner announced that County Council will meet on Wednesday, August 7th.

RE: CLOSING OF OAK HILL ROAD EAST OF HIGHWAY 57

It was announced by President Willner that CONRAIL closed Oak Hill Rd. (east of Highway 57) early this morning to make improvements to railway crossing. It is anticipated that the road will be closed today and tomorrow and, hopefully, will re-open late tomorrow.

(continued)

RE: CLAIMS

Helfrich Insurance Agency: Claim presented in the amount of \$2,640.00 for Work Release Accident Policy. Motion to approve claim for payment was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

Patrick Tuley: Mileage Claim in the amount of \$142.08 for attending Federal Reserve Board Meeting in Chicago was presented. Motion to approve claim, as presented, was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

RE: EMPLOYMENT CHANGES - RELEASES

Burdette Park

Chris Branham	6000 Apple Grove Rd.	Reg. Guard	\$3.60/Hr.	Eff: 6/29/85
Tracy VanZant	101 S. Peerless	Reg. Guard	\$3.60/Hr.	Eff: 7/1/85
Regina Southard	312 S. Congress	P.T. G.C.	\$3.75/Hr.	Eff: 7/9/85
Simone Head	7120 Hogue Rd.	Reg. Cashier	\$3.50/Hr.	Eff: 7/15/85
Brooke Heathcotte	3512 Koring Rd.	Ext. Guard	\$3.35/Hr.	Eff: 7/20/85

Circuit Court

Robert Montgomery	1274 Woodbine	Intern	\$4.00/Hr.	Eff: 7/26/85
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Sheriff

Gilbert Humphrey		Patrolman	\$18,243/Yr.	Eff: 7/26/85
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Superior Court

Jill L. Hendricks	(Maternity Leave)	Prob. Off.	\$18,178/Yr.	Eff: 7/30/85
James Dunaway, Jr.		Temporary	\$150/Wek.	Eff: 7/26/85

RE: EMPLOYMENT CHANGES - APPOINTMENTS

Burdette Park

Heide Sherman	609 Drexel Dr.	P.T.R.G.	\$3.50/Hr.	Eff: 7/28/85
Mary Jo Brockman	1778 Hicks Dr.	P.T.R.G.	\$3.50/Hr.	Eff: 7/26/85
Daryl Niemier	106 Ryan Lane	P.T.R.G.	\$3.50/Hr.	Eff: 7/24/85
Brenda Sue King	245 Bayer Dr.	P.T.R.G.	\$3.50/Hr.	Eff: 7/26/85
Charles Jackson	405 Cross Valley Cir.	Ext. Guard	\$3.35/Hr.	Eff: 7/26/85
Ann Barton	2335 N. Main St.	Ext. Guard	\$3.35/Hr.	Eff: 7/18/85
Robert Kirk	R.R.#2, Box 256	Ext. Guard	\$3.35/Hr.	Eff: 7/17/85

Superior Court

Susan Metz		Prob. Off.	\$18,178/Yr.	Eff: 7/29/85
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Sheriff:

Larry A. Levenson		Pro. Patrol.	\$17,243/Yr.	Eff: 7/27/85
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There being no further business to be brought before the Board at this time, President Willner declared the meeting adjourned at 3:30 p.m.

PRESENT: COUNTY COMMISSIONERS

Robert L. Willner
Richard J. Borries
Shirley Jean Cox

COUNTY AUDITOR

Alice McBride

COUNTY ATTORNEY

David V. Miller

COUNTY HIGHWAY

Bill Bethel

COUNTY ENGINEER

Andy Easley

(continued)

COUNTY COMMISSIONERS
August 5, 1985

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SHERIFF

Clarence Shepard

OTHERBob Guillich (SIGECO)
News MediaSECRETARY: Joanne A. Matthews

Richard J. Borries
Richard J. Borries
Shirley Jean Cox 8/12/85

MINUTES
COUNTY COMMISSIONERS' MEETING
AUGUST 12, 1985

<u>Subject</u>	<u>Page No.</u>
AGREEMENTS/CONTRACTS	
Amendment to General Liability Insurance/Deductible Increased-----Approved-----	1
Armored Car Service Agreement.....Commissioners to review proposal from Brink prior to taking action on signing agreement w/Loomis, which reflects substantial increase----Deferred to 8/19/85-----	1
APPOINTMENTS	
City-County Building Authority/William Needler (4 Yr. Term Eff. 8/16/85-8/15/89) -----Approved -----	10
APPROVAL OF MINUTES -----August 5, 1985 -----	1
BIDS	
Attorney Authorized to Open Bids Received on Millersburg Rd. & County Line Rd. Bridge Projects -----	1
Bids on Millersburg Rd.....Deig Bros. (\$203,762.20) & Rig-Mar Contracting, Inc. (\$204,285.50)-----Awarded to Deig Bros. for \$203,762.20-----	4 & 9
Bids on County Line Rd. Bridge.....Rig-Mar (\$118,843.00); Deig Bros. (\$102,433.40); Key Construction (\$96,783.40) & Castle Contracting (\$111,866.60)-----All Bids Rejected/Exceed Engineer's Estimate-----	5, 9 & 10
Notice to Bidders on "Hot Asphalt Paving of Various Designated Bridges & Culverts ----Approved; To be Advertised 8/16 and 8/23, with Bid Opening Scheduled for 9/3/85----(Mill Rd., Schaefer Rd. & Baseline Rd.)-----	6
CLAIMS -----	13
Bowers, Harrison, Kent & Miller----Litigation-----\$3,727.30---Approved -----	
COUNTY ATTORNEY - DAVID L. JONES	
Amended Agreement between Vanderburgh County & Warrick County on County Line Rd. Bridge-----Duration of Agreement changed from 15 to 5 yrs.--App'd.---	6
Proposed Amendment to Joint City-County Agreement re Legal Aid ----To be reviewed by Commissioners for recommended changes, etc.--Deferred to 8/19	6-7
Proposed Agreement re Economic Development Commission - City & County Attorneys to draft Agreement for presentation to Commissioners ----Approved -----	7-8
Statute re Roads & Streets Fund----cannot be used for removal of chemicals at the County Garage site-----	12
COUNTY ENGINEER (ABSENT)	
Approval of Street Construction Plans for Brookview Subdivision---Approved ----	8-9
Approval of Street Construction Plans for Whispering Hills Subdivision, Section "C"-----Approved ----	8-9
COUNTY HIGHWAY DEPARTMENT - BILL BETHEL	
Weekly Absentee Report, Work Report & Work Schedule -----	3-4
Request for Transfer of Funds from R&S to cover removal of chemicals at the County Garage----Deffered (1) Week; Willner & Bethel to review budget-----	4
COUNTY SURVEYOR	
Inspection of County Bridges---J. Lindenschmidt to contact F. Burroughs; R. Brenner to provide Commissioners w/letter on bridges to be added/deleted on the Inspection List -----	5, 8 & 10
Weekly Bridge & Guardrail Repair Report -----	5-6
Notice to Bidders on Paving of Bridges & Culverts---see "BIDS" above-----	6
Preparation of Bid Specs on Bridges on Mill, Schaefer & Baseline Rds. -----	6
EMPLOYMENT CHANGES -----	13
LEGAL MATTERS-----Referred to County Attorney -----	12 & 13
SCHEDULED MEETINGS -----	13
Budget Hearings begin on Monday, August 19th-----Commissioners @ 3:15 p.m.	
SHERIFF'S DEPARTMENT	
Transfer of (5) Vehicles to Surplus (3 to Surveyor & 2 to County Highway)-----	1
Request to go before Council re Funds for Needed Equipment----Approved -----	11

COUNTY COMMISSIONERS

<u>Subject</u>	<u>Page No.</u>
TELEPHONE SYSTEM	
Savings Report-----	11
Request to Install (3) Additional Incoming Trunks & (1) Additional Outbound Trunk -----Approved -----	11- 12
TRAVEL REQUEST/ROBERT MATTHEWS, CIRCUIT COURT -----Approved -----	10
VANDEBURGH AUDITORIUM	
Utilities Report -----	2
Request to Go Before Council in September for \$45,000 Appropriation for Utilities Account -----Approved -----	2-3

MINUTES
COUNTY COMMISSIONERS' MEETING
AUGUST 12, 1985

The Vanderburgh County Board of Commissioners met in session on Monday, August 12, 1985, in the Commissioners' Hearing Room, with President Robert Willner presiding.

The meeting was called to order by President Willner at 2:40 p.m., and the Chair subsequently entertained a motion concerning approval of the minutes of the previous meeting. Motion was made by Commissioner Borries that the minutes of the meeting held on Monday, August 5th, be approved as engrossed by the County Auditor and the reading of same be waived. A second to the motion was provided by Commissioner Cox. So ordered.

RE: OPENING OF BIDS RECEIVED ON MILLERSBURG ROAD BRIDGE & COUNTY LINE ROAD BRIDGE

President Willner entertained a motion that County Attorney Jones be authorized to open the bids received on the Millersburg Road Bridge and County Line Road Bridge projects. A motion to this effect was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: VEHICLES FROM SHERIFF'S DEPARTMENT DECLARED AS SURPLUS

The meeting proceeded with Sheriff Shepard reading the following letter:

August 12, 1985

Mr. Robert L. Willner, President
Vanderburgh County Commissioners
315 Civic Center Complex
Evansville, IN 47708

Dear Commissioner,

Please be informed that the following vehicles from the Sheriff's Department fleet are no longer usable by this department, and are therefore surplus equipment. The vehicles have been moved to the county highway garage, except the vehicle with License #31135, which will be at the garage in about ten days.

<u>Year & Make</u>	<u>License Number</u>	<u>Vehicle Identification Number</u>
1978 Chevrolet Sedan	31134	1L69U85321824
1978 " "	31135	1L69U85321811
1978 " "	31136	1L69U85321774
1978 " "	82A9879	1L69U85279188
1974 Ford Sedan	No License Plate	OV64H167039

These vehicles were replaced with 1985 Ford Sedans, purchased through the Indiana State Police bids.

If you have any questions about these vehicles, please contact me.

Sincerely,

Clarence C. Shepard
Sheriff of Vanderburgh County

Shepard Shepard said his maintenance man is on vacation. He will return and service vehicle #31135 and have it at the county highway garage in about ten (10) days. Sheriff Shepard said he has four (4) of the five (5) titles, which he would like to turn over to the County Auditor at this time, relieving him of the responsibility of those vehicles.

Commissioner Willner entertained questions from the Board. He said he thinks the County Highway Department has put in some bids for these vehicles, as well as the County Surveyor. In response to query from Commissioner Willner, Bill Bethel said that the County Surveyor has picked up three (3) of the vehicles and the County Garage will retain two (2). Jim Lindenschmidt said that the Surveyor and the County Garage should notify Bookkeeping as to which vehicles they have so they can handle the necessary transfers insofar as insurance, license transfers, etc., are concerned. County Auditor Alice McBride said that the Sheriff has given her this information.

(continued)

RE: VANDERBURGH AUDITORIUM

Parking Lot: Mr. Bitz said that on Thursday of this week (August 15th) the representative from Stanley Corporation is coming in to meet with him to finalize the diagramming and the layout for the new conduit which they have to put in for the new equipment. This weekend they will begin busting up the entrance to the drive and putting in the conduit and pouring the new concrete pads. By next Tuesday the equipment should be in Evansville and, hopefully, the schedule at this point is to have the equipment completely installed by Friday of next week (August 23rd).....at which point they will begin paving on Monday (August 26th).....actually tearing out the old posts, etc., and the paving will begin the following week. They are trying to wrap up everything before the M.D.A. Telethon comes in so that the parking lot is available for the month of September.

Striping of Parking Lot: Arrangements have been made with John Vezzozo of the Board of Public Works for the striping of the parking lot. They are going to do that at no cost to the County -- and Mr. Bitz said he wants to thank Mr. Vezzozo publically for doing that.

Mr. Bitz said he requests that the Commissioners ask that the Surveyor's Office do the final striping layout diagram for the lot, so that it is available as soon as the parking lot is paved in order to do the striping --and get everything in operation so we can begin to see a little revenue come in off the lot.

Chairman Willner entertained questions; there were none.

Utility Charges: Mr. Bitz presented the following report on Utility Charges for the Auditorium, going back to 1982:

<u>Year</u>	<u>Expended</u>	<u>Cost</u>	<u>\$ Amount Carried Over</u>
1982	\$ 68,000	\$ 90,000	\$ 90,000
1983	133,000	128,000	128,000
1984	107,000	112,000	112,000
1985			

It was noted by Mr. Bitz that in 1982, they carried over \$18,000 in utility bills from 1981. That, added to the cost of the utilities for that year minus what we spent on utilities in 1982 carried over a total of \$40,000 worth of utility bills into 1983. That has pretty much held through this year -- we've been carrying approximately \$40,000 over each year. Mr. Bitz said there was some confusion in the local newspapers re Advisory Board meeting where this was discussed. We do not owe any back bills in utilities. We are paid up at this point. What we're seeking now are funds to continue the balance of the year and straighten out the utility account so that 1986 can start out fresh and we no longer carry this large deficit over each year. This way we can begin to get a true picture of the financial records on the Auditorium beginning with 1986. We carried over \$40,000 into this year and he is asking for an additional \$5,000, making a total of \$45,000. Due to the extreme cold winter, the gas useage was higher than anticipated. It is the desire of the Auditorium Advisory Board that an appropriation of \$45,000 be granted the Auditorium in full, in order that the facility can start with a clean slate in the utility account in 1986. The Auditorium will never have a true picture of the yearly deficit as long as we continue to carry over past bills of this magnitude.

Request to Go on Council Call for \$45,000 Appropriation: Mr. Bitz read the following request letter:

Alice McBride
Vanderburgh County Auditor
Room 208, Civic Center Complex
Evansville, IN 47708

Dear Mrs. McBride:

Please put me on the next County Council Agenda to allow for appropriation of funds in the following account at the Auditorium:

144-320	Utilities	\$45,000.00
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Thank you.

(continued)

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President Willner entertained a motion. Motion was made by Commissioner Borries that Mr. Bitz be authorized to go before Council to request appropriation of \$45,000.00 for Account #144-320 (utilities) -- at the September Council meeting. A second to the motion was provided by Commissioner Cox. So ordered.

Mr. Bitz asked the Board if the Board approves the Surveyor's Office doing the final striping layout diagram for the parking lot? Should he get with Mr. Brenner on this? Commissioner Willner responded, "Sure!"

RE: JOHN HODGE, COUNTY AGENT-OF-RECORD/HELFRICH INSURANCE AGENCY

Mr. Hodge stated that, due to a deteriorating problem in the international insurance and re-insurance market, the County will be affected -- according to a letter received. On the General Liability Insurance for the remainder of the policy year (which is the remainder of this year) the Home Insurance Company has insisted that a deductible be applied to the general liability per loss occurring between now and the end of the year. Effective January 1, 1986, they hope they will have a good alternative to this type of arrangement. But this is not an unusual arrangement due to the severe type market -- it is best for municipal business, not just in Vanderburgh County or in Indiana or in the United States -- but it is an international problem. An alternate to not accepting this deductible is loss of all the liability insurance for the county; a lot of counties in Indiana have lost their liability insurance this year. The claims will be handled just as in the past; the County will be responsible for the deductible portion of any settlement made. Their office will help monitor the claim handling by the Home Insurance Company claims office. And, based on past experience with the County over the past two (2) years, the deductible will result in a payment of the County somewhere between now and the end of the year of somewhere between \$500 and \$2,000. It could be a lot worse than that -- or it could be zero. As stated, the alternate program will be available January 1, 1986. The addition of this deductible requires the approval of the Board of Commissioners, because it was not in the original contract.

Commissioner Willner entertained questions.

Commissioner Cox queried Mr. Hodge concerning the amount of the deductible. Mr. Hodge responded that it is \$10,000. The insurance picks up \$5,990,000 above that.

Commissioner Willner entertained further questions. There being none, a motion was entertained.

Commissioner Borries moved that the endorsement be approved. A second to the motion was provided by Commissioner Cox. So ordered.

Mr. Hodge advised that the three (3) copies of the Endorsement have to be forwarded to Indianapolis for signatures. He will subsequently provide the County with a completely signed copy.

RE: COUNTY HIGHWAY DEPARTMENT - BILL BETHEL

Weekly Absentee Report: Mr. Bethel submitted copies of the Weekly Absentee Report for employees at the County Garage for period August 5 - August 9, 1985.....report received and filed.

Weekly Work Report & Work Schedule: Also submitted for the same period was the Weekly Work Report for Employees at the County Garage.....report received and filed. Attached to the report was the following Work Schedule:

Gradall: Schraeder Rd. and Barton Rd.

Chip & Seal: Pleasant Rd.

Paved: Schraeder Rd. (not finished).

Rock & Grade: Barton Rd. and Volkman Rd.

(continued)

Patch: Twickingham (Mt. Pleasant-Darmstadt), Mt. Pleasant and Larch Lane, Inglefield Rd., Seib Rd., Old Princeton Rd., Schlensker, Browning Rd., Oak Hill Rd., Greenbriar, Rosenberger Ave., Outer Lincoln, Vienna Rd., and Green River Rd.

Mower: Fischer Rd., Orchard Rd., Kleitz, Meier Rd., Ridgewood, Nurrenbern, Selzer, Seib, Pollack, Lynn, and Boonville-New Harmony.

Request To Go Before Council re Transfer of Funds for Removal of Chemicals: Mr. Bethel read the following letter:

August 12, 1985

Mr. Robert L. Willner, President
Vanderburgh County Board of Commissioners

Dear Mr. Willner:

The Vanderburgh County Highway Department request permission from the Vanderburgh County Commissioners to go before the County Council at their September meeting with request for money to pay for the removal of chemicals from the Vanderburgh County Highway Department at 5105 St. Joe Avenue.

There was no money appropriated in the County Highway budget for the removal of these chemicals..so there is no money available. Therefore, we request permission to use money from Roads & Streets fund. Presently, the total amount of existing bills is \$7,159.33. However, there is more work to be done relevant to laboratory analysis, etc.

Mr. Bethel said the last page contains the estimated cost involved in getting this job done. Commissioner Willner said that before we're through, the clean-up will cost more than the purchase of the chemicals.

Commissioner Cox said it is her understanding that the barrels are gone; is this correct? Mr. Bethel said she is correct; the barrels are gone. This is just the clean-up the EPA wants done before they will give the garage a clean bill of health.

Commissioner Willner asked if his understanding is also correct in that they are requesting that we pay this bill before clean-up continues? Mr. Bethel said that is correct. They will not continue until this bill is paid.

Commissioner Willner asked if there are further questions from the Board? There being none, a motion was entertained that Mr. Bethel go on Council Call to request the \$7,159.33 transfer from R&S Fund.

Commissioner Cox asked if this is the only fund from which he can get the money? Mr. Bethel said they have no money at all; it has to be from the R&S account.

Commissioner Cox asked County Attorney David Jones if money from the R&S account can be used for this purpose? We're talking about gas tax money and motor vehicle registrations.

Attorney Jones commented that he wanted to look at the Indiana Statute prior to making that determination. He will research the Statute and get back to the Board before the meeting adjourns.

RE: BIDS ON MILLERSBURG ROAD BRIDGE

Attorney Jones said there were two (2) bids received on the Millersburg Road Bridge project, as follows -- with both bids being in order.

Rig-Mar Contracting, Inc.	\$204,285.50
Deig Bros. Lumber & Construction	\$203,762.20

The Engineer's estimate on this project was \$238,100.00.

The Chair entertained a motion that bids be referred to County Surveyor for his expertise and recommendation on awarding of contract.

Commissioner Cox asked if there was any indication on the bids that a discount would be given if the contracts for both bridges were awarded? Attorney Jones said it could be

(continued)

that this information was included somewhere in the bid and he overlooked it. However, he did not see any notation to this effect on any of the attachments to the bids that he reviewed. He said, however, that two of the entities that bid on the Millersburg Rd. Bridge also bid on the County Line Road Bridge project. It is possible that there is an alternate bid which he overlooked at the moment.

Commissioner Willner requested that Attorney Jones continue -- reading the bids received on the County Line Rd. bridge project.

Attorney Jones said there four (4) bids received on the County Line Road Bridge project, as follows -- with all four (4) bids being in order.

Deig Bros. Lumber & Construction	\$102,433.30
Key Construction Co., Inc.	96,783.40
Rig-Mar Contracting, Inc.	118,843.00
Castle Contracting Co., Inc. & Bruce Mortensen (Joint venture)	111,866.60

The Engineer's estimate on this project was \$85,000.00. Thus, all bids are in excess of 5% over the engineer's estimate.

Commissioner Willner entertained a motion to refer all bids to the County Surveyor for his perusal and recommendation, with a request to come back to the Commissioners with his recommendation prior to adjournment of today's meeting. A motion to this effect was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: INSPECTION OF COUNTY BRIDGES/FLOYD BURROUGHS, INC.

County Surveyor Robert Brenner said he has a matter that merits the Board's attention. A copy of a letter from Andy Easley, together with list of County Bridges to be inspected by Floyd Burroughs, Inc. and priority listing, found its way to his desk. He has reviewed the list and notes that there are several bridges which do not belong to the County. Some belong to Posey County, others belong to the Railroads, etc. He'd hate to see the County pay for inspection of these bridges. Some of the bridges listed have been deleted. And there are others which need to be added to the list.

Commissioner Cox asked if the County pays for the inspection on a contract basis or per bridge? Mr. Brenner responded that we pay on a per bridge basis. Mrs. Cox said, "Not on a total contract?" Mr. Brenner said that it is a certain amount per bridge.

Commissioner Willner asked if Mr. Brenner marked the bridges he is talking about -- those belonging to other counties, the railroads, etc.? He said he did not -- he just looked at the list; this is Andy's job, so he'll give it to him.

Commissioner Borries and Commissioner Cox, along with Jim Lindenschmidt, said they thought the contract was for a flat fee. Commissioner Willner said he thought Burroughs gave us a low gross fee. He requested that Jim Lindenschmidt retrieve a copy of the signed contract. Mr. Brenner continued, saying there are at least twenty (20) bridges on the list which do not belong to the County. The Posey County bridges were on the 1979 list, but he doesn't believe they should have been included in that report either. A couple of bridges which have been built should be added to the list.

Commissioner Cox said she believes this is one reason the Board wanted this list referred to the County Surveyor -- because Andy reported that the old list had been given to Burroughs and pointed out that there might be corrections, deletions, additions, etc. Mr. Brenner said that Burroughs had added a couple -- there was an asterisk saying "Bridge was not included in 1979 Inspection". Commissioner Cox said, again, that Mr. Easley had pointed this out last week. Mr. Brenner said the Bender Rd. Bridge and Boonville-New Harmony Rd. Bridge are gone -- they can't inspect those. The little arch on Wimberg, the arches on Mohr Rd., etc. Commissioner Cox asked if they can't inspect those railroad overpasses and make a report that they are demolished and no longer there? Mr. Brenner said he doesn't care what they do with those -- because they're not going to find them.

RE: COUNTY SURVEYOR - BILL JEFFERS, CHIEF DEPUTY

Bridge & Guardrail Repair Report: Mr. Jeffers presented copies of the Bridge & Guardrail Repair report for period of August 5 - August 9, 1985.....report received and filed. Basically, the bridge crew spent most of their time on Schaefer Road -- getting the roadway approaching the pipe that B&B installed ready for paving and widening to the width requested.

(continued)

Since they were in the area, they also installed a 24" culvert on Mohr Rd., close to the intersection at Schaefer.

Notice to Bidders on Bridges on Mill Rd., Schaefer Rd. & Baseline Rd.

Mr. Jeffers said that in reading last week's minutes, he notes on Page 3 that the Surveyor was authorized to prepare specs for bids on Mill Rd. and on Schaefer Rd. This was in response to their request to pave the approaches to those two recent improvements. He now has the specs ready. What they did in this particular case was, since the hot asphalt pavement of those two locations would be very similar in nature and they thought they could advertise at the same time (so we wouldn't have to spend extra money for extra advertisement) -- the Notice to Bidders reads "Hot Asphalt Paving of Various Designated Bridges & Culverts". A set of specs will be produced for each location. Mr. Jeffers said he wonders if, at this time, he might also be allowed to ask that they be permitted to prepare specs for similar repairs to Bridge #44 on Baseline Rd. In other words, they have three (3) projects rather than two (2).

Commissioner Willner asked where Structure #44 is on Baseline? Mr. Jeffers said it is by the Kingsmen's Club at the intersection of Petersburg and Baseline Roads. Commissioner Willner asked if we are holding that road at bay now -- there by the Kingsmen's Club? We had problems holding that road. Mr. Bethel said it is o.k. now, but it needs to be paved. It is holding and we've had no more trouble with it.

Mr. Jeffers said that the repairs designed by Messrs. Bethel and Easley for the east approach did the job. We paved over that last year, with the remaining part of the contract we had with J. H. Rudolph. There is, however, a 130 ft. section on each side of the bridge that was left until this spring to see if it would stop moving. It has. They are going to saw it out, re-compact the rock and prepare it if they get a successful bidder on the project.

Continuing, Mr. Jeffers said he would like to explain this a bit in detail. If the Commissioners sign the Notice to Bidders today, it will be published in the newspaper at the end of this week and one (1) week following, and the bids could be opened on Tuesday, September 3rd (the day following Labor Day). But if the Board does sign this Notice, then he wanted permission ahead of time to add Bridge #44 to the other two -- so the Board would be aware that they were signing for three (3) bridges, rather than two (2).

The Chair entertained questions. There being none, a motion was entertained to prepare the specs for blacktop paving of three (3) bridges (Mill Rd., Schaefer and Baseline). A motion to this effect was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Mr. Jeffers said the Notice to Bidders will be advertised on Friday, August 16 and 23, with bid opening scheduled at 2:30 p.m. on September 3rd.

RE: COUNTY ATTORNEY - DAVID JONES

Agreement Between Vanderburgh County & Warrick County on County Line Rd. Bridge: Attorney Jones said he had received correspondence from Warrick County Commissioners concerning the agreement between Vanderburgh County & Warrick County on the County Line Rd. Bridge. The Warrick County Commissioners declined to sign the agreement and have returned same unsigned, requesting that, upon the recommendation of their County Attorney, they would like to change the duration of the agreement from fifteen (15) years to five (5) years. They ask that the Vanderburgh County Board of Commissioners reevaluate that requested change. The purpose for their desire to reduce the time is that they would like to reevaluate the bridge at the end of five (5) years toward determining whether to keep it open or permanently close it at that time. That appears to be the only requested change.

Commissioner Willner said he has no problem with that. Commissioner Cox echoed his sentiments. Commissioner Willner entertained a motion. Motion was made by Commissioner Borries that the requested change be approved, with a second from Commissioner Cox. So ordered.

Proposed Amendment to the Legal Aid Joint Agreement between the City of Evansville and Vanderburgh County: Attorney Jones said a proposed change has been requested, primarily because of the language contained under the Financing paragraph (Section 4). This basic agreement, other than dropping the use of the term "Joint Department of Legal Services" which he thought was incorrect and is deemed "Joint Department of Legal Aid", which is how that office has been referred to -- the United Fund of Southwestern Indiana, Inc. (a not for profit entity) has been contributing to that office for a number of years. The original agreement executed in the early 1970's under the Lloyd administration had a clause in there that provided that the amounts that were credited by the United Fund would be taken into consideration and credited in reduction of the respective percentages contributed by the City and the County. That has never been able to be put into effect for

(continued)

the reason that governmental budgets are submitted and approved long before the amounts that were contributed by the United Fund ever came into being -- and it would have created a bookkeeping nightmare. So, in effect, that has never happened; it's just that the budgets were set in by the City and the County for their amounts and then whatever the United Way chipped in it was kicked in. The Controller of the City, in wanting to follow our agreements has prompted the drafting of this change in the Joint Agreement and that, essentially is the only change over what is in effect now. In effect, he is asking to modify the agreement to conform to the existing practice.

Commissioner Cox asked if they're wanting the county to fund 50%? That is what the agreement says. We don't have 50% of the population and she doubts that we have 1/10 of 1 percent of the county which uses the facility.

Economic Development Commission:

Attorney Jones said, that without meaning to change topics directly, he might also under the general topic of "Joint Agreements with the City" -- there is also a request that he produce the Joint Agreement for the Economic Development Commission. As has happened about every two or three years, it has been remembered that there is no such agreement and we continue to function without one. However, the amount that we contribute to the City for that department has increased, even though it has been without benefit of an agreement. As he recalls, it used to be around \$10,000 and now it is up to 50% of that department or something to that effect. That is simply an appropriation and that decision is, in effect, made at the time of the budget -- because there is no agreement to otherwise do anything about it. Thus, the Commissioners may want to consider whether the County wants an agreement and, if so, what terms they propose to the City in that department.

Commissioner Willner queried County Auditor Alice McBride as to how much we have budgeted for the Economic Development Commission? Mrs. McBride asked, "This year or next year?" Mrs. McBride responded that she doesn't have her budget book with her. President Willner asked that Mr. Lindenschmidt give Mrs. McBride the Commissioner's copy of the budget. After checking, Mrs. McBride said that on Legal Aid, the County pays the whole and then they bill the City for 50%. The rest of the bills the City pays, then they bill the County.

Commissioner Willner asked how much money was in the budget? Mrs. McBride said that in 1985 it was \$61,106. That is how much was budgeted, but she does not know whether that is exactly what we billed or not.

Commissioner Willner queried the Board concerning their pleasure.

Attorney Jones said that the draft of the revised agreement has not yet been presented to any other entity --simultaneously or anything -- he thinks the Commissioners would want to study it and ascertain if there are any further changes and incorporate those before submitting it. Commissioner Willner asked if the County Council has to sign the agreement?

Commissioner Cox said the agreement says that the Councils shall jointly determine the staffing, supplying and budgetary procedures, etc.

Again, Commissioner Willner asked if the agreement also has to be approved by the County Council? Attorney Jones responded in the affirmative. Any of the Inter-Local Governmental Agreements that contemplate any kind of a mixture of property, expenditures, etc., have to be approved by the Council.

Motion was made by Commissioner Borries that the revised agreement be approved. Commissioner Cox noted that she has not yet read all of it yet.

Attorney Jones said the Commissioners may want to review the agreement thoroughly; it is basically untouched for the last 15 years, other than the financing paragraph language referred to heretofore.

Commissioner Borries withdrew his motion. It was the consensus of the Board that this matter will be discussed next week, after the Board has had an opportunity to thoroughly review the agreement. He will see that it is placed on next week's agenda.

Economic Development Commission: Atty. Jones asked if the Board has any wishes with respect to the Economic Development Commission? This may be all mute with the continued decline of the number of bonds, but it still functions.

(continued)

It was the consensus of the Board that since the County participates something should be worked out on that. In response to query from Commissioner Willner, Mrs. McBride said the County budgeted \$3,200.00 for economic development in 1985.

Attorney Jones asked if there is an understood formula for determining the financing? That is generally the key to all these joint agreements. He said he could put the draft together and more or less anticipate, but he thinks that basically the formula is the difference.

Commissioner Willner said that if his understanding is correct, then some of this has to do with some income, also.

Attorney Jones said he thinks that's the other thing. He thinks that all the fees that have been paid have been retained by the City and the County simply transferred its share over to them. It may be that if we get 50% of the burden then we want 50% of the benefit as well.

Mrs. McBride said her records show that the County pays 26%.

Attorney Jones said this sounds more like one of these population things. We range anywhere from 22% to 26% on population figures.

President Willner asked if the Board wants Attorney Jones to get the City and County Attorneys together to work up an agreement with regard to the Economic Development Commission? Commissioners Borries and Cox responded in the affirmative. President Willner requested that Attorney Jones contact City Counsel and see if the attorneys of the two governmental bodies can work up an agreement.

RE: COUNTY BRIDGE INSPECTION

President Willner advised that Mr. Lindenschmidt had checked the Bridge Inspection Agreement with Floyd Burroughs, Inc., and the arrangement was a set fee -- not per bridge.

Commissioner Cox asked if the agreement included a designated number of bridges?

Commissioner Willner said the set fee was maximum of \$20,000.00, with number of bridges to be inspected approximately 130. He asked that Mr. Lindenschmidt contact Burroughs and advise them that in some of their correspondence concerning the bridges that would be inspected first, there were a number of bridges not owned by the county; they are owned by other counties, the railroads, etc. Two (2) have been dismantled. Mr. Lindenschmidt agreed to contact Burroughs.

RE: COUNTY ENGINEER - ANDY EASLEY

President Willner said he has a letter from Andy Easley, whom he understands is on vacation this week. The letter reads, as follows:

August 9, 1985

Robert L. Willner, President
Vanderburgh County Board of Commissioners
305 Civic Center Complex
Evansville, IN 47708

Dear Mr. Willner:

I have checked the street construction plans for Brookview Subdivision and recommend that they be approved by the County Commissioners. Sam Biggerstaff may request that they be approved at the meeting on Monday, August 12, 1985.

I have also checked the street and drainage plans for Whispering Hills Subdivision, Section "C" and recommend that they be approved by the County Commissioners. Bill Nicholson may be at the meeting on Monday, August 12, 1985, requesting that they be approved.

Sincerely,

R. Andrew Easley, Jr., P.E.

(continued)

Whispering Hills Subdivision, Section "C"

President Willner recognized Mr. Bill Nicholson, who was seated in the audience, and asked if he is present only with respect to Whispering Hills Subdivision, Section "C"? Mr. Nicholson responded in the affirmative. Commissioner Willner said he does have a set of street construction plans for Whispering Hills. The Commissioners proceeded to review subject plans.

Commissioner Cox asked if the streets are in the new development yet? Mr. Nicholson said they are currently in the process of doing the grading. Mrs. Cox asked if the streets are in before the development of homes? Mr. Nicholson said there are no homes in yet. All the improvements have to be in before the plat can be recorded.

Commissioner Willner said this is a very short street. Does it have a cul-de-sac? Mr. Nicholson responded in the affirmative. He said these will be concrete streets with rolled curbs and gutters.

Commissioner Borries asked if Mr. Nicholson has any idea when the concrete will be poured? Mr. Nicholson said that as soon as they obtain approval of plans and the grading can be completed. Commissioner Borries asked if Andy Easley will be coming out ...and Mr. Nicholson said that he will to check on special treatment of the inlets, etc.

Mr. Nicholson said he thought the plans were approved about a year ago, but upon checking found out that they hadn't been approved. In response to query from Commissioner Cox, Mr. Nicholson said what he is seeking today is approval of the street construction plans, not approval of the finished streets.

Commissioner Willner queried Mr. Nicholson concerning the road surface. Mr. Nicholson said the width is 29 ft., including the curb. President Willner entertained a motion.

Motion was made by Commissioner Borries that the street construction plans for Whispering Hills Subdivision, Section "C", be approved, as submitted. A second to the motion was provided by Commissioner Cox. So ordered.

Brookview Subdivision:

President Willner proceeded to discuss street construction plans for Brookview Subdivision. These were prepared by Sam Biggerstaff. It was subsequently determined that what, indeed, had been submitted was a plan for sanitary sewers rather than street construction plans.

Commissioner Willner requested that Mr. Lindenschmidt call Mr. Biggerstaff to determine width of streets, whether there will be rolled curbs and gutters and type of street surface.....since Mr. Biggerstaff had indicated he needed approval today.

Mr. Lindenschmidt returned to the meeting and advised that Mr. Biggerstaff's assistant said street construction plans call for the streets to be 29 ft. in width with rolled curbs and gutters; streets will probably be concrete because of the rolled curbs and gutters. Commissioner Willner commented they must meet specs; but could be concrete or asphalt.

A motion was entertained by President Willner. Commissioner Borries moved that street construction plans for Brookview Subdivision be approved, with a second from Commissioner Cox. So ordered.

RE: AWARDING OF CONTRACT FOR MILLERSBURG ROAD BRIDGE

County Surveyor Robert Brenner returned to the meeting and advised that the bids on Millersburg Road Bridge project had been reviewed and they extend out correctly. The Surveyor recommends awarding the contract to the low bidder, Deig Bros. Construction Co., Inc. in the amount of \$203,762.20.

Commissioner Willner entertained questions from the Board. Commissioner Borries said that Commissioner Cox had asked whether or not when the bids were issued if there was any discussion re both projects being jointly bid -- any discount for being awarded both contracts? Mr. Brenner advised that neither of the two (2) bidders gave any discount at all. Commissioner Willner said he just wanted confirmation of this. He then entertained a motion. Motion was made by Commissioner Borries that the contract for Millersburg Road Bridge be awarded to Deig Bros. Construction Co., Inc. in the amount of \$203,762.20. A second to the motion was provided by Commissioner Cox. So ordered.

RE: REJECTION OF BIDS ON COUNTY LINE ROAD BRIDGE AT RUSTON LANE

Mr. Brenner said that he recommends rejection of bids received on County Line Road Bridge

(continued)

at Ruston Lane, as all four (4) bids received exceed the engineer's estimate. None were low enough.

Commissioner Willner asked Mr. Brenner if there is some particular problem in any designated area? Mr. Brenner said, "Not really; they have been through them and know they do not extend out. I'd like to refuse those and try again."

Commissioner Cox asked Mr. Brenner if a motion is needed to reject those bids?

Mr. Brenner said they've already rejected them because they are not even close.

Commissioner Cox asked, "But do we need a motion?" Mr. Brenner responded in the affirmative. Motion was made by Commissioner Cox that the bids received on the County Line Road Bridge at Ruston Lane from Deig Bros. Construction, Key Construction, Rig-Mar Contracting, and Castle Contracting be rejected due to the fact that they were all above the engineer's estimate. A second to the motion was provided by Commissioner Borries. So ordered.

RE: INSPECTION OF COUNTY BRIDGES

President Willner advised Mr. Brenner that upon checking the agreement with Floyd Burroughs, Mr. Lindenschmidt reports that the agreement was for a set fee of \$20,000.00 to inspect approximately 130 bridges. Mr. Brenner said there are a couple that need to be added to the list; he will give the Commissioners a letter to this effect.

RE: TRAVEL REQUEST - ROBERT S. MATTHEWS/CIRCUIT COURT

The meeting proceeded with Commissioner Willner reading the following travel request letter:

August 5, 1985

Commissioners of Vanderburgh County
Evansville, Indiana

RE: Judicial Conference of Indiana

Dear Mrs. Cox, Mr. Willner and Mr. Borries:

Judge Miller has recognized the need for the Circuit Court to be as fully advised as possible regarding the new concept of Comparative Negligence which became effective in Indiana in January of 1985. As Master Commissioner of the Circuit Court, I try roughly one-half of all matters and the majority of non-criminal cases.

The Judicial Conference of Indiana is conducting a one-day session on this subject on September 19, 1985, in Indianapolis. There will be no charge for the session; however, Britt round-trip air fare is \$122.00 and cab fare is not expected to exceed \$10.00.

Judge Miller wanted me to request permission and funds from the Commissioners for this session. Enclosed please find a copy of the program.

Sincerely,

Robert S. Matthews, Sr.
Master Commissioner

Commissioner Cox asked if there are sufficient funds in the budget? Motion was made by Commissioner Cox that the request be granted, subject to the availability of funds, with a second from Commissioner Borries. So ordered. (It was noted by President Willner that there is \$3,100.00 balance in the travel account.)

RE: APPOINTMENT TO CITY-COUNTY BUILDING AUTHORITY

It was noted by Commissioner Willner that an appointment needs to be made to the City-County Building Authority for term of 8/16/85 to 8/15/89 (a 4-year term). Presently, Mr. William Needler holds that position and has consented to serve another 4-year term. Commissioner Willner asked if there are further nominations? There being none, a motion was entertained. Motion was made by Commissioner Borries that Mr. William Needler be re-appointed to serve another 4-year term on the City-County Building Authority, effective 8/16/85 thru 8/12/89, with a second from Commissioner Cox. So ordered.

(continued)

RE: PRIORITY ITEMS NEEDED IN THE JAIL - SHERIFF SHEPARD

Sheriff Shepard said that several weeks ago Commissioner Willner asked that he provide the Commissioners with a priority list of items needed in the Jail. He supplied that list (washing machines, dryers, kitchen equipment and new type serving trays to feed the prisoners, etc.). Sheriff Shepard said he met with the president of the County Council and he requested that the Sheriff come before the Council Finance Committee next month and also the Council to ask for these items. Sheriff Shepard said he respectfully requests that he be allowed to do this, since the funds come from the Commissioners' Budget (which pays bills for the jail). President Willner entertained a motion. Motion was made by Commissioner Borries that Sheriff Shepard be authorized to go before Council in September to request funds for the priority list of items, with a second from Commissioner Cox. So ordered.

RE: ARMORED CAR SERVICE CONTRACT

It was noted by President Willner that the Commissioners had received a request from Loomis Armored, Inc., to execute an amended Service Agreement, which called for an approximate \$30.00 per month increase. The matter was deferred until such time as Mr. Lindenschmidt could check with Brink and/or any other armored service companies available in the area -- toward proposal to provide service to the County Treasurer's office and the County Clerk's office. He believes that we now have a better proposal from Brink's; the proposal should be here on Wednesday (August 14th). The Commissioners need to review the proposal from Brink's prior to taking any action on this matter. It was noted, however, that a 30-day notice must be given to Loomis Armored if we anticipate making a change.

RE: SAVINGS ON NEW TELEPHONE SYSTEM INSTALLED

The Commissioners had received a report showing savings realized on the new telephone system which was installed, as follows:

	<u>1983</u>	<u>1984</u>
March	\$ 7,575.46	\$ 7,555.19
April	7,230.71	7,547.32
May	7,329.12	7,587.46
June	8,332.76	7,206.72
July	7,472.88	7,373.95

President Willner said the Commissioners are proud of the savings realized; basically, it went from about \$7,500.00 per month to \$4,300.00. In March 1985, it was \$4,205.56 as opposed to \$12,416.02 in 1983. Commissioner Willner said that in June, we saved \$8,000.00. There have, however, been some complaints that there are not enough lines. He asked if Mr. Lindenschmidt would like to address this. Mr. Lindenschmidt said the recommendation was that we install four (4) additional trunks. The consultant and others who have been monitoring it said that we should have three (3) incoming trunks and one (1) outbound trunk. Previously, consideration had been given to (2) outbound and (2) inbound. He has a letter on his desk wherein Mr. Gil Ruston recommends three (3) incoming and (1) outgoing. This would increase the county's bill by approximately \$150.00 per month. It was noted by Mr. Lindenschmidt that on the savings -- after this first year -- we will have to pay a service charge which will amount to approximately \$1,200.00 per month. Nonetheless, the savings will still be more than initially projected. Mr. Lindenschmidt said he would appreciate the Commissioners' input as to what should be done with regard to incoming and outgoing lines. Commissioner Willner asked if he had a comparable cost if we have 3 and 1 or 2 and 2? Mr. Lindenschmidt said the cost is the same; it is so much per line and it doesn't matter whether it is incoming or outbound. Commissioner Willner asked what the charge is per line? Mr. Lindenschmidt said it is approximately \$302.00 per month, of which the county's share is 49.7% or \$150.00 per month. The installation charge is about \$356.00, and we'd pay half of that. In response to query from Commissioner Borries, Mr. Lindenschmidt said there are more incoming calls than outbound calls. According to the KLF people, they are having more traffic jams coming into the building than they are having on outbound calls. Commissioner Cox said the Commissioners tried to tell KLF that the existing number of lines weren't enough to begin with.

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Commissioner Willner said that this first year we've been on a trial basis anyway. We've had some bugs which have been worked out. Mr. Lindenschmidt said there are certain periods during the day when the outbound trunks are jammed -- about 45 minutes before quitting time, when the kids are getting home from school. Commissioner Willner queried the Commissioners as to their wishes -- (3) incoming and (1) outgoing? A motion was entertained. Motion was made by Commissioner Borries that the proposed trunk addition of three (3) incoming and one (1) outgoing be approved. A second to the motion was provided by Commissioner Cox. So ordered.

RE: COUNTY ATTORNEY/TRANSFER OF FUNDS FROM R&S ACCOUNT FOR REMOVAL OF CHEMICALS

Attorney Jones advised that he has checked the State Statute with regard to transferring monies from the R&S Account to cover cost of removal of chemicals from the County Highway Garage. He said the money for removal of chemicals could come from other motor vehicle highway tax monies -- but not from that portion that has been set aside for local Roads & Streets. That portion can only be used for: Engineering, Land Acquisition, Construction, Resurfacing, Maintenance, Restoration, Rehabilitation of Roads, and Payment of Principal or Interest on Bonds sold primarily to finance roads or streets and Local Costs required to undertake recreational reservoir road projects.

Commissioner Willner said that Mr. Bethel will need to go back to the drawing board. He said the picture looks bleak. He will get with Mr. Bethel and they will go over the books thoroughly to see if they can find the money somewhere to pay for the removal of the chemicals. He queried Attorney Jones again as to the reasons R&S money can be used?

Attorney Jones said only those items directly on the road itself. But if this stuff were not removed, there would be an order issued by the State to shut the garage down. We are under a Consent Agreement to remove those chemicals under Environmental Protection.

Commissioner Cox asked if the E.P.A. doesn't have any funds? Attorney Jones said none that he is aware of for something like this. Commissioner Cox said that at one time the E.P.A. jurisdiction did extend outside the city limits. But she doesn't understand the re-organization. Pollution doesn't stop at the city limits line and the jurisdiction of the E.P.A. now just goes to the city line. Is that correct? Commissioner Willner said he doesn't think so. Attorney Jones said this was the Federal E.P.A., this was the State of Indiana Board of Environmental Management, etc. Commissioner Cox said what if the Waterworks plant made a chemical spill? Where would the funds come from to clean that up? Would it have to come from the city or the E.P.A.? Attorney Jones said they would have to come from the city, because the facility is the city's responsibility. There's nobody really out there to bale you out. He thinks what has happened is in these situations -- and he doesn't purport to be an expert -- but these are situations where they may not have identified the source of contamination. It has simply showed up in maybe some rural county with 500 people ...and it's twenty years old and they can't identify it. Commissioner Willner said it could be a company that is out of business and they don't have any regress. Attorney Jones said they can't pursue any individual or any company -- and it's left for those kinds of situations.

RE: COUNTY ATTORNEY - LEGAL MATTERS

Notice of Claim/False Arrest: Attorney Jones said there was a Notice of Claim received for false arrest, which should be forwarded to the county's law enforcement liability carrier. The arrest was made by City Police Officers and he doesn't know whether there would be much to do with that.

Claim filed by Colonial Investment in Circuit Court vs. Vanderburgh County to Contest Validity of Tax Deed:

Action filed in U.S. Bankruptcy Court/Southern Indiana/Schnee/Miller Trustee vs. a number of people, including Vanderburgh County, out of the Bankruptcy Court jurisdiction to set aside a sale of property.

Interaction filed by Ralph Young against Vanderburgh County Drainage Board, the County and the County Surveyor for damages to his property when cleaning out a ditch. That had previously been tendered to the insurance company and they responded and said that basically they are reserving their rights to defend the case. They are having counsel appear; but they have also said that they want the county to keep the County Attorney in there because they are not sure they are ultimately going to accept this claim, to the extent that it may be an intentional act of the surveyor or the surveyor's employees, who would not be covered under county insurance and, therefore, they are reserving their rights and re-

(continued)

questing that we mutually defend the case together until they make a decision. He has asked the Surveyor's office to submit their file on this matter.

Commissioner Willner entertained a motion that the Board turn these cases over to the County Attorneys. Motion to this effect was made by Commissioner Borries, with a second from Commissioner Cox. So ordered. Attorney Jones is to keep Board advised.

RE: SCHEDULED MEETINGS

President Willner said the Budget Hearings will begin on Monday, August 19th at 1:00 p.m. The Commissioners' Budget will be heard at 3:15 p.m. The County Clerk's budget will be heard at 1:00 p.m.

RE: CLAIMS

Bowers, Harrison, Kent & Miller: Claim presented in the amount of \$3,727.30 re several litigation matters. Commissioner Willner said he has been through the claim in detail and recommends approval. He entertained a motion. Motion was made by Commissioner Borries that the claim be approved, as presented. A second to the motion was made by Commissioner Cox. So ordered.

Commissioner Willner said the list of litigation matters is growing by the day -- and four (4) more matters were added to the list today. He can well understand the insurance company's situation, because he thinks it goes together. Quite often insurance companies put aside a certain amount of dollars before a case is ever heard or tried -- and he is not certain that this should be discredited to the county, but that is the way it works.

RE: EMPLOYMENT CHANGES - RELEASES

Area Plan Commission

Virginia Wirthwein 6017 Hamilton Drive Sec'y/Bkkpr. \$12,729/Yr. Eff: 8/12/85

RE: EMPLOYMENT CHANGES - APPOINTMENTS

Virginia Wirthwein 6017 Hamilton Drive Sec'y./Bkkpr. \$13,165/Yr. Eff: 8/12/85

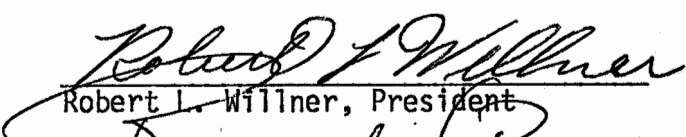
Commissioner Willner said that, in other words, Area Plan is giving Mrs. Wirthwein a raise.

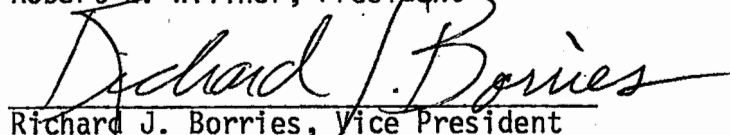
There being no further business to come before the Board at this time, President Willner declared the meeting adjourned at 4:00 p.m.

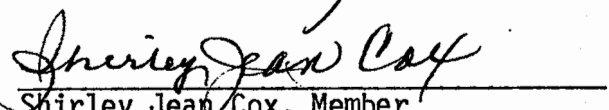
<u>PRESENT:</u>	<u>COUNTY COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	Robert L. Willner Richard J. Borries Shirley Jean Cox	Alice McBride	David L. Jones
	<u>COUNTY SURVEYOR</u>	<u>COUNTY HIGHWAY</u>	<u>AUDITORIUM</u>
	Robert Brenner Bill Jeffers	Bill Bethel	Kim Bitz
	<u>SHERIFF</u>	<u>OTHER</u>	
	Clarence Shepard	Bill Nicholson News Media	
<u>SECRETARY:</u>	Joanne A. Matthews		

COUNTY COMMISSIONERS
August 12, 1985

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Robert L. Willner, President


Richard J. Borries, Vice President


Shirley Jean Cox, Member

Distribution:

Commissioners (3)
Margie Meeks
Jim Lindenschmidt
County Attorney
County Auditor
Deputy Auditor
G. Evans/Bookkeeping
D. Gugin/Payroll
Area Plan Commission
County Highway Garage
County Highway Engineer
County Surveyor
County Sheriff
Vanderburgh Auditorium
Purchasing Dept.
Superior Court/Rosemary Norbury
Circuit Court/Robert Matthews
Harold Elliott/County Council
Mark Owen/County Council
Betty Hermann/County Council
Jean Wilkey/Council Secretary
Dave Fox/Pigeon Assessor's Office
E. Lannert/County Assessor's Office
Bonnie Fehd
Sam Biggerstaff
News Media

MINUTES
COUNTY COMMISSIONERS' MEETING
AUGUST 19, 1985

Subject	Page No.
ACCEPTANCE OF CHECKS	
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AGREEMENTS	
Vanderburgh Co. & Warrick Co. re County Line Rd. Bridge #81-----Approved ---	4
Co. Atty. to forward to Warrick Co. Commissioners; also requires approval by County Council due to change from 15 yrs. to 5 yrs. duration	
Joint Agreement between City/County re Legal Aid ----Action deferred to 8/26; Amended agreement being retyped for review-----	6-8
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Armored Car Services/Co. Treasurer & Co. Clerk: -----	10
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ALEXANDER AMBULANCE SERVICE, INC. ---Monthly Report 7/31/85 -----	11
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AREA PLAN COMMISSION - REZONINGS	
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Request for Drainage Board Meetings on Fourth (4th) Monday---Approved by the Board with Commissioners announcing any departures at weekly mtgs.,-- as required	11
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MINUTES
COUNTY COMMISSIONERS' MEETING
AUGUST 19, 1985

The Vanderburgh County Board of Commissioners met in session on Monday, August 19, 1985, in the Commissioners' Hearing Room, with President Robert Willner presiding.

The President called the meeting to order at 7:35 p.m. and subsequently entertained a motion concerning approval of the minutes of the previous meeting. Motion was made by Commissioner Borries that the minutes of the meeting held on Monday, August 12th, be approved as engrossed by the County Auditor and the reading of same be waived. Commissioner Cox provided a second to the motion, saying that under "County Surveyor" on the index page notation should be made that Mr. Brenner is to provide the Commissioners with a letter indicating those bridges which should be deleted and those to be added to the County Bridge Inspection list. So ordered.

RE: REZONINGS:

VC-12-85; Petitioner, Othmar & Julia Jacobs: President Willner noted that subject property is located at 7517 Division Street. Property is currently zoned as R1 and requested change is to Ro. Current land use is single family residence and proposed land use is residential/office.

Commissioner Cox said she wished to offer a comment concerning rezonings. All four (4) rezonings tonight are 1st Readings. Two (2) of the four (4) are requests for rezonings which are in the center of residential areas and neighborhoods. She does know that it is just a formality to receive them on 1st Reading and pass them on. However, it still is a question to her --why, when we have a comprehensive plan for land use development, we can't discourage people from even spending their money and time to make requests in residential areas. But she guesses this is the U.S. democratic way.

Commissioner Willner said he feels exactly as Mrs. Cox does, but he doesn't think we can keep people from making a request. At one time he started to recommend that the Area Plan Commission start telling people this. On the other hand, he finds it's perfectly illegal to do so.

Motion was made by Commissioner Cox that VC-12-85 be referred to Area Plan Commission. A second to the motion was provided by Commissioner Borries. So ordered.

VC-13-85; Petitioner, Ronald J. Beard: Subject property is located at 5150 Earl Avenue. Property currently zoned as Agricultural and requested change is to M-1. Current land use is residential and vacant. Proposed land use is body shop and truck storage. Property is located 1,000 ft. east of the corner formed by the intersection of Pollack and S. Green River Road (on the south side of Pollack). President Willner noted that there is some commercial property located nearby, and entertained questions from the Board. There being none, motion was made by Commissioner Borries that VC-13-85 be approved on 1st Reading and forwarded to the Area Plan Commission. A second to the motion was provided by Commissioner Cox. So ordered.

VC-14-85; Petitioner, Evansville Toyota, Inc.: Common known address is 5600 Division St. Current land use is Agricultural and requested change is to a C-4 zoning. Present land use -- it was used as a Christian School until June 30, 1985. Proposed land use is commercial facility for the sale of automobiles, parts and accessories. The Chair entertained questions. There being none, a motion was entertained. Motion was made by Commissioner Cox that VC-14-85 be approved on 1st Reading and forwarded to the Area Plan Commission. A second to the motion was provided by Commissioner Borries. So ordered.

VC-15-85; Petitioner, Jerry S. Vaughn: Subject property is located at 5600 Old Boonville Highway. Present zoning is Agricultural with requested change to M-1. Present land use is for single family residence. Proposed land use is facility for paving contractor. There was some question, as the Petition indicates a M-1 or M-4 zoning, but the site plan indicates a C-4 zoning. Markings made it impossible to determine whether M-1 or M-4 was shown on the petition itself. The Board deferred the matter a few minutes, until Mr. Lindenschmidt could get Mrs. Barbara Cunningham of the APC to clarify the matter. Mrs. Cunningham advised that M-1 was the zoning requested. Mrs. Cox said there is nothing wrong with requesting an M-1 zoning, because everything else in there is M-1, etc. Mrs. Cunningham said the M-1 zoning would make the property compatible with the surrounding property. The Chair entertained questions. There being none, a motion was entertained. Motion was made by Commissioner Cox that VC-15-85 be approved on 1st Reading and referred to the Area Plan Commission. A second to the motion was provided by Commissioner Borries. So ordered.

(continued)

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Absentee Report: Mr. Bethel submitted copies of the Weekly Absentee Report for employees at the County Garage for period of August 12 - August 15, 1985.....report received and filed.

Weekly Work Report: Also submitted for the same period were copies of the Weekly Work Report.....report received and filed. Attached to the Work Report was the following Work Schedule:

Gradall: Barton Rd. and Folz Rd.

Chip & Seal: Pleasant Rd. and Bayou Creek

Paved: Schraeder Rd.

Patch: Heather Ct., Old Petersburg Rd., Eichoff, Greenbriar, St. George, Oak Hill, Baseline, Heckel, Mesker Park Dr., Brookdale and Baumgart.

Mower: Mesker Park, Allen Lane, Mill Rd. and Pleasant Rd.

Tree Crew: Mill Rd. , Ditch

Rock: Schmuck Rd. and Long Rd.

In response to Commissioner Willner's query concerning Mr. Bethel's session with the Council, Mr. Bethel said he that so far he has come through o.k. Commissioner Willner said that some of the Council members wanted Mr. Bethel to write notes to them concerning some of the line items. Did they tell him what they wanted? Mr. Bethel acknowledged that they did. The Chair entertained further questions.

Commissioner Cox said that several weeks ago Mr. Bethel came before the Board and asked to go before Council for approval of monies to contract out four (4) roads. Is he preparing the bid specs? Has Council heard that request? Mr. Bethel said they have not yet heard his request as it has not come before them yet. Commissioner Cox said she has a question on St. Joe Avenue. How far was he going from Mill Road? Will he be stopping at Meier Rd.? Mr. Bethel said he is going all the way to Schenk Rd. Mrs. Cox said we have two (2) intersections at Meier and Schenk down for improvement. She does not know how it is going to come out moneywise to do that -- but that is in the tips of the plans. She didn't know if Mr. Bethel wanted to stop it before those areas or what. Mr. Bethel said he believes it really needs it up to those areas. Mrs. Cox said it does need it. But she didn't want us to waste the money and then have to go back in, because we have designated some right-of-way along those areas, she believes. He might want to take a second look at that. Mr. Bethel said that he will do this.

RE: COUNTY SURVEYOR (ABSENT)

President Willner said that the County Surveyor is not present this evening, but he had submitted a Weekly Bridge & Guardrail Repair Report for period August 12 thru August 16, 1985.....report received and filed.

Bridge Washout: Commissioner Willner said he had a report during the week concerning a washout on a bridge on a county road; at the moment, he can't recall where it was....so comments on this will be tabled for the moment.

RE: BURDETTE PARK - MARK TULEY

Water Slide: Mr. Tuley said that he has been informed by the County Attorney that we have a Mechanic's Lien filed against Burdette Park by Staub Bros. They have not yet received their money. The main contractor (Albertsson-Hunter) hired some local contractors. Albertsson-Hunter is out of state, and the local contractors are afraid of getting "burned". Thus, they have a tendency to file liens. Usually, before the last part, the retention part of these jobs is sent to these companies. We are retaining \$17,490.00, which will more than cover what has been filed. We also have a 5% bid bond, which the County Attorney recommends that we do not release at this point. The job is not completed to our satisfaction. A representative of Altertsson-Hunter will be in Evansville either a week from today or a week from tomorrow. He will meet with County

(continued)

Engineer Andy Easley, Mr. Tuley, David Miller -- and try to alleviate a few of the problems we have before we can settle up. Mr. Tuley said he thinks most of the problems are just minor details to the job; but the County has a lot of money invested and we just want to make certain that everything is done right. From the telephone conversations he had with Albertsson-Hunter last Friday and today, he believes they want to make certain also that the job is right. He will have a report for the Board probably within two weeks.

In response to query from Mr. Tuley, Attorney Miller said they plan to have Mr. Easley thoroughly inspect the water slide and advise everything he thinks needs to be done to complete the project. Mr. Miller said we will talk to each of the sub-contractors to make sure we know how much they are owed by the general contractor and we will be ready to meet with Alvertsson-Hunter to make certain they know what their responsibilities are. We now have approximately \$26,000.00 of their money -- retainage and bid bond. We know that roughly \$20,000.00 is owed in unpaid bills -- and we're going to recheck all of those to be certain that is right. That gives us \$5,000.00 leeway. If necessary, the \$5,000.00 can be used for finish-up work that this firm hasn't done if they refuse to do it. Thus, currently he doesn't see any major risk to the county. It's just like any other construction job. There are punch lists and technical problems that the contractor has. Sometimes the owner has to be careful when he makes his final payments. We're not going to release this final money until after the inspection -- and that's what we're going to tell him when he comes in here. When he's finished he gets paid. Until he is finished, he doesn't get paid.

Mr. Tuley said we're probably at 90% completion. One thing we need to make clear here is that Andy Easley feels (and Mr. Tuley agrees with him) that safety speaking there are no problems with the slide; he thinks that structurally the slide is fine. Basically, he's addressing the ground preparation, finish grading, etc. There are a couple of areas there which they just walked off and left. We'd like to see that straightened out. That was part of that which we paid for. Again, structurally speaking, we are in good shape. In the event of a hard winter, some of the problems that we think could present a problem if they are not addressed now may, during next spring's thaw, pose problems. In any event, a more completely detailed report will be available in a couple of weeks.

Financial Statement: Looking on the bright side, Mr. Tuley said the Commissioners were present at today's session with the Council at which time he advised Council regarding his latest financial statement. In brief, the park is doing well financially. As of yesterday, their income has exceeded that of the entire year of 1984. That is a very positive note for the park. Through August 18th, income totaled approximately \$183,000.00. Income during calendar year of 1984 was \$180,000.00. Thus, at mid-season, they are approximately \$3,000.00 over income for entire year of 1984. The following report was submitted by Mr. Tuley:

1985 STARTING BUDGET

1985 Budgeted	\$ 485,881.00
1984 Encumbered by P.O.	6,319.43
1984 Encumbered by Contract	14,445.01
1985 Additional Appropriation	223,400.00
Total 1985 Budget	\$ 730,045.44
Repealed back to Council	- 10,000.00
Remaining 1985 Budget	\$ 720,008.22

EXPENDITURES & BALANCE 1/1/85 to 7/31/85

Total Expenditures	\$ 479,950.76
Total Balance	\$ 240,057.46

INCOME 1/1/85 to 7/31/85

Pool	\$ 65,125.48
Rink	22,916.28
Rentals	43,452.42
Misc.	21,731.43
Totals	\$ 153,226.61
Waterslide Income	(\$ 15,567.50)

(continued)

7/31/85

Total Expenditures	\$ 479,950.76
Total Income	153,225.61
Total Deficit	\$ 326,725.15

RE: COUNTY ATTORNEY - DAVID V. MILLER

Action Against Lessees of Vanderburgh Auditorium: Several weeks ago, the County Attorney was authorized to initiate actions against several Lessees of the Vanderburgh Auditorium & Convention Center. They did so. Two (2) of these actions are at a standstill, because certified mail notice directed to the out-of-state businesses that used the facility (Stereo Liquidators & Fashions Unlimited) -- Stereo Liquidators being an Albany, N.Y. concern and Fashions Unlimited being a Louisville, KY concern -- did not sign for their certified mail notices. That necessitates the expenditure of share of service fees in the counties where these firms are located. Mr. Miller said he needs the Board's authorization to spend approximately \$30.00 in each case. Stereo Liquidators owes the county \$1,692.00 and Fashions Unlimited owes \$515.25. Until we get service of process on them, we cannot obtain a judgment. We have a bad check from Stereo Liquidators and we have a balance due owed by the Fashions Unlimited people. After we get judgments, we can have them certified by the Clerk and sent to the locations where these people do business and try to seek a garnishment of their assets. But until we get service we can't do anything.

Commissioner Cox said did they refuse or they weren't at the location? Mr. Miller said we have business addresses for the firms. They either refused or no one was present, so it was taken back to the Post Office, with notice left to pick up the mail. As far as we know these are valid mailing addresses -- both are street numbers.

The Chair entertained a motion. Motion was made by Commissioner Borries that the County Attorney be authorized to proceed with service of process, etc. A second to the motion was provided by Commissioner Cox. So ordered.

Inter-Local Governmental Agreement Between Warrick County, IN and Vanderburgh County, IN Concerning Vanderburgh Co. Bridge No. 81, County Line Road: Attorney Miller said he now has the Amended Agreement between Warrick & Vanderburgh Counties concerning the bridge on County Line Rd. Attorney Jones has sent this over, requesting the signatures of the Commissioners. Agreement subsequently to be returned to Attorney Jones for transmittal to Warrick County Commissioners for their signatures.

Commissioner Willner said the approval of change of period of duration from 15 years to 5 years, as requested by Warrick County, was granted by Commissioners last week. There is no action to be taken, other than formality of signing the agreement. (It was noted that the Amended Agreement will also require County Council signatures.)

Joseph & Marilyn Schnee Bankruptcy: Attorney Miller said he believes the Commissioners have received a letter from him re the Joseph & Marilyn Schnee Bankruptcy action. Fred Miller, the Trustee, has filed a suit to avoid a tax sale of certain real estate in the county -- which, according to allegations, occurred after the Petition in Bankruptcy was filed. It came to our attention that the Debtors in this case (the Schnees) are represented by Mr. Paul Black of Bowers, Harrison, Kent & Miller. This lawsuit was not filed by Mr. Black or his clients; it was filed by the Trustee in Bankruptcy, Mr. Fred J. Miller, who is represented by Mr. William C. Welborn, and at the point of the filing of the action on August 12, 1985, of which they received notice August 14th, Mr. Miller said he wrote the Commissioners a letter indicating that, because of the obvious conflict in interest between the County and the Debtors, BHK&M should not represent the county in this lawsuit. It appears to Mr. Miller to be a relatively straightforward question and should not be an expensive piece of litigation. Nevertheless, the county needs to be represented by someone and the aforementioned letter asks that this be referred to independent, non-interested counsel for representation.

Commissioner Willner said he had just today learned of this..and he thinks the hearing is scheduled on August 20th at 11:30 a.m. (tomorrow). Mr. Miller said he believes this has been taken care by virtue of the conflict. In the interim, if it has not already been postponed, he can take care of that. Commissioner Willner said he did call Curt John and asked if he'd take this case at the same amount of remuneration paid the County Attorney and he agreed -- even on this short notice. If it pleases the Commissioners, the matter will be referred to Mr. John. Motion was made by Commissioner Borries that the action re Joseph & Marilyn Schnee, Debtors, and Fred Miller, Trustee-vs.-Suresh Sakaria,

(continued)

Alvin E. Montgomery, Treasurer of Vanderburgh County, Indiana, Auditor of Vanderburgh County, Indiana, Vanderburgh County, etc., Defendants, be referred to Mr. Curt John for defense. A second to the motion was provided by Commissioner Cox. So ordered. Commissioner Willner asked if Attorney Miller will converse with Mr. John, as he is certain Mr. John thinks he has to appear at the pre-trial hearing tomorrow at 11:30 a.m. Mr. Miller said that if he can be there, then there is no reason to delay. Commissioner Willner advised that Mr. John can be there. Attorney Miller said this doesn't require any extreme preparation, it is just a preliminary hearing...a pre-trial conference.

RE: COUNTY ENGINEER - ANDY EASLEY

Change Order re Slopes on Burkhardt Road:

Mr. Easley said that under the matter of Old Business, he was requested to contact property owners on the west side of Burkhardt Road -- who had a problem with the slope. He went out there with Mr. Morley's Field Engineer and talked to Messrs. Holder, Heerdink, Tom Hirsch, William Hirsch, etc., and they said that they would prefer 4-1 slopes. Thus, Mr. Easley is in the process of preparing a Change Order across the homeowners' properties to have 4-1 slopes. Mr. Lucas concurs with the desirability of that. They are going to give us a right-of-entry so to speak to flatten out the slopes and they are very happy with that. This will increase the quantity of the sod a bit, but not by any significant amount.

Requested Vacation of Portion of West Vernon Drive: Mr. Easley read the following letter from Mr. Dwight Patterson, which was directed to the Commissioners:

August 12, 1985

County Commissioners
Vanderburgh County, Indiana
Room 305
City-County Bldg.
Evansville, IN 47718

Dear Sirs:

We, the undersigned, recently purchased Section B of Vernonwood Place Subdivision (partly described as Part of the West half of the Northwest Quarter of the Southeast Quarter of Section 29, Township 6 South, Range 11 West in Vanderburgh County, Indiana). Since we, the owners of the above property, have been granted easement to the property using West Vernon Drive, we request that the following portion of West Vernon Drive be vacated to us since no other house will be built in Section B; if all of the five hundred two and one tenths (502.1) feet of West Vernon Drive cannot be vacated to us, we request that 400 feet beginning at the southeast section of our property be vacated to us which runs along the south side of our property.

Enclosed is a copy of Vernonwood Place Subdivision (which we own Section B) and highlighted is the land in which we are requesting that the county vacate to us.

Please advise us as to our next step.

If we can supply further information, please let us know. We can be reached at 838-7963 (Dwight) or 838-7975 (Pat) between 8:00 a.m. - 5:00 p.m. daily. We are eagerly awaiting your response.

Sincerely,

Dwight J. Patterson

Mr. Easley pointed out that this is not a formal petition; rather, the Pattersons have asked for comments concerning their request. He has seen this property, but he needs to go out and look at it again. He is not one to give a quick recommendation on a street vacation. Unless the adjacent owner also would join in a petition, he is of the opinion that perhaps it ought to be left. He will check this out and get back to the Commissioners with a report and a recommendation. Mr. Easley said that Mr. Patterson had called him and inquired about the procedure to accomplish a vacation. He advised that without having to go through getting an attorney, etc., he could write to the Commissioners and ask for their comments, etc. Commissioner Willner asked that Mr. Easley provide the Board with a plot map, so they can look at all the properties, etc.

(continued)

Storm Sewers on N. Green River Rd.: Mr. Easley said that on May 20, 1985, we received bids for storm sewers on N. Green River. Bids were received from Deig. Bros. and B.M.B.

The following letter was received from Paul Neville:

August 19, 1985

Board of Commissioners
Vanderburgh County
Room 305 - City/County Bldg.
Evansville, IN 47708

Gentlemen:

This is to advise you that InterProp Fund III, Ltd., an Indiana Limited Partnership agrees to pay to the County of Vanderburgh the sum of Thirteen Thousand One Hundred Twenty One Dollars (\$13,121.00) toward the cost of construction of the 48" diameter storm sewer on North Green River Rd. This sum is to be paid with the understanding that the Sugar Mill Town Home Project will connect to an existing 18" diameter storm sewer which is located at the northwest corner of the property which we are developing. This is also the point at which the city plans to install a manhole for the sewer project.

The \$13,121.00 will be paid the 10th of the month following completion of construction and receipt of the invoice for this amount before the 25th of the previous month.

Cordially,

Paul K. Neville
General Partner
InterProp Fund III, Ltd.

The County purchased the pipe. It is now time to award the bid to lay this pipe. B.M.B. was the low bidder and it is Mr. Easley's recommendation that they be requested to submit a performance bond --and he asked Attorney Miller if this is correct? We do need a performance bond on a \$19,000 contract? Attorney Miller responded in the affirmative. Mr. Easley said it is his recommendation that B.M.B. be awarded the contract in the amount of \$19,381.00 for installation of 475 ft. of 48" and other pipe, as specified. The Chair entertained a motion. Motion was made by Commissioner Borries that B.M.B. be awarded the bid for installation of storm sewer across N. Green River Road in the sum of \$19,381.00. A second to the motion was provided by Commissioner Cox, with the understanding that the contractor agrees to provide prescribed performance bond. Mrs. Cox noted that she was checking bid to see if there was a time limit on the bid price, but she can find nothing that specifies 30 days, 60 days, or anything. Mr. Easley said they will get that in the contract. Mrs. Cox said she meant she was checking to see if the bid price quoted was good for a specified period of time. The bid was tendered in May.

Commissioner Willner asked if there are enough dollars in the project account to cover the county's share? Mr. Easley responded in the affirmative. So ordered.

RE: INTER-LOCAL GOVERNMENTAL AGREEMENT BETWEEN VANDERBURGH COUNTY AND THE CITY OF EVANSVILLE CONCERNING JOINT DEPARTMENT OF LEGAL AID

President Willner proceeded with discussion concerning the subject matter saying it had been amended. Commissioner Cox said it wasn't amended -- it was just given to the Commissioners and no one had had time to read it.

Commissioner Borries said there is still a question on this. Sam Humphrey, Chief Deputy Auditor, raised a question and Commissioner Borries said he is not certain he can answer same. Under "Financing" it says, "The City of Evansville shall contribute 50% of the budget of the Department. The County of Vanderburgh shall contribute 50% of the budget. The United Way may continue to contribute to the operation of this Department as it has in the past."

Mr. Humphrey said the question came up when Leslie Blenner, City Controller, came to him when she signed the bill -- and wanted to have the contribution by United Way removed from the portion. A budget is a budget. If the City and County each pay 50%, then what is the United Way contribution for? What does it go toward?

(continued)

Commissioner Cox said she thinks what they have done in the past is to get an idea of an allocation from United Way and then they decide what other monies they need -- and then it was on a share basis. Mr. Humphrey said the agreement doesn't read that way. Commissioner Willner said the old agreement said that we would agree to pay 50% of the portion of the budget left after the United Way contribution. Mr. Humphrey said it doesn't say that.

Commissioner Cox that last week she questioned why Vanderburgh County has to pay 50% when the majority of the people who use these services -- in fact, the vast majority, are City residents.

Mrs. Cox said that we have a "Legal Services" organization in Evansville that is federally funded. It was noted that that is different. Mrs. Cox said she understands that. But she understands that this is a "Precise" organization and there is supposed to be a committee of six (6) appointed persons to serve as executive head of the Department: (3) by the County Commissioners and (3) by the Mayor. In the Commissioners appointment book, Margie Meeks has Legal Services (not Legal Aid) and the Commissioners have appointed The Reverend Saunders and Allen Jones. Is that this committee?

Attorney Jones pointed out that this has been changed; Legal Services was the former designation. The change to "Legal Aid" was part of the change in the agreement.

Mr. Lindenschmidt had retrieved a copy of the old agreement and quoted the verbiage under "Financing" as follows:

"The City of Evansville shall contribute fifty percent (50%) of the budget of the Department. The County of Vanderburgh shall contribute fifty percent (50%) of the budget. The United Way Fund may continue to contribute to the operation of this Department as it has in the past and the respective parties to this agreement shall receive credit for the amount contributed by the United Way and that percentage that the party contributes to the operation of this Department.

Commissioner Willner said, "Then that has been changed".

Mr. Humphrey said it has been changed ..but he can still see where she can say that she wants her half of that credit. The point he is making is that if the County and the City each pay 50% of the budget, then what does the money contributed by the United Way go for?

Attorney Miller said as he understands what was just read by Mr. Lindenschmidt, it should pro rata diminish the contributions of the County and the City.

Commissioner Cox asked what if United Way gives nothing? This agreement says that we pay 50% of the budget period.

Attorney Miller said the City and the County each pay 50%. And it says the United Way may continue to contribute as it has in the past ...and the respective parties in this agreement (the City and the County) shall receive credit for the amount contributed by the United Way. Mr. Humphrey said that is in the old agreement -- it doesn't say that in the new agreement and that is what they wanted to change. Attorney Miller asked, "Who wanted to change?" Mr. Humphrey said, "Ms. Blenner"; there was a budget of \$100,000 per se. Each governmental unit contributed \$40,000 toward that budget as one-half of our budget and United Way contributed \$20,000. Ms. Blenner was saying that if we pay 50% and United Way contributed 20%, then the City wanted credit for \$10,000. And that is the way that contract read. If United Way paid \$20,000, then she wanted credit for half that amount. Attorney Miller said that Ms. Blenner did not pay her half of the \$20,000 to begin with, so how could she receive credit for the \$10,000. Mr. Humphrey said he understands what Mr. Miller is saying -- and it has always operated that way because everybody understood it.

Following further brief comments pro and con re the agreement, President Willner asked that Joanne Matthews re-type the agreement, with Paragraph #4 "Financing" reading as follows:

(continued)

"4. Financing: The Joint Department of Legal Aid shall be financed as follows: The City of Evansville shall contribute fifty percent (50%) of the budget of the Department. The County of Vanderburgh shall contribute fifty percent (50%) of the budget. The United Way may continue to contribute to the operation of this Department as it has in the past and such contributions shall not cause any reduction upon the amounts theretofore budgeted by the City and the County. The budget for this Department shall be submitted to both the Common Council of the City of Evansville and, through the County Commissioners, the County Council of Vanderburgh County. The City and County Councils, or a committee of said Councils, may meet in concert or separately for the consideration of the budget of this Department or an amendment thereto. The Councils shall jointly determine staffing, supplying and budgetary procedure of this Joint Department."

It was the consensus of the Board that any further action on the agreement will be deferred until such time as the Board reviews the amended agreement in its entirety. The review of the amended agreement will be placed on next week's meeting agenda.

RE: AGREEMENT FOR SPECIFIC USE AND MAINTENANCE OF SLATE ROAD AND VIENNA ROAD IN VANDERBURGH COUNTY

President Willner said that in response to request from Barnes & Sons, Inc. Trucking Company, the County Attorney, at the request of the Commissioners, has drawn up an agreement to be entered into concerning the use of Slate and Vienna Roads and said agreement is ready for approval and signatures of the Commissioners.

Attorney Miller advised that the Commissioners may wish to first determine whether they want to require a bond, since the company is relatively unknown. It was noted by the Commissioners that in the limited number of cases heretofore they did not require a bond -- but that was not to say that this would not be considered in the future in similar cases....and it could well be that a decision might be made to require a bond in future cases. Attorney Miller pointed out that the Commissioners can always feel free to ask any individual or firm for a bond.

Following brief discussion, it was the consensus of the Board that the Agreement should be executed and a bond not required, but that the agreement be signed, subject to stipulations outlined. The agreement read as follows:

WHEREAS, by the Acts of the General Assembly of Indiana, Vanderburgh County, by and through its Board of County Commissioners ("County"), is specifically authorized and responsible to operate, maintain and repair county roadways under its jurisdiction; and

WHEREAS, the Acts of the General Assembly of Indiana further provide that Vanderburgh County may limit or prohibit the operation of trucks or other commercial vehicles on county highways; and

WHEREAS, Barnes & Sons, Inc. Trucking Company, of Vanderburgh County, Indiana ("Barnes") has requested special permission of the Board of Commissioners of Vanderburgh County to use Slate Road and Vienna Road in Vanderburgh County for the operation of five (5) tractor-dump trailer commercial trucks in connection with its contracts with or through the Indiana Department of Highways for the project to improve State Road 66, Division Street, also located in Vanderburgh County, Indiana; and

WHEREAS, both parties hereto have determined it to be in their mutual best interests to enter an agreement for use, maintenance and repair of Slate Road and/or Vienna Road in Vanderburgh County, Indiana.

NOW, THEREFORE, IT IS HEREBY MUTUALLY AGREED TO by and between the Board of Commissioners of Vanderburgh County and Barnes & Sons, Inc. Trucking Company as follows:

1. On or before August 15, 1985, the County shall cause Slate Road and Vienna Road, each within the routes proposed to be used by Barnes, to be put into a good and satisfactory condition of maintenance and repair.

(continued)

2. Representatives of the County and Barnes shall cooperate to take photographs of Slate Road and Vienna Road, each within the routes proposed to be used by Barnes, which photographs shall be kept and maintained to depict the present state of condition of Slate Road and Vienna Road before use by Barnes in connection with its contracts with or through the Indiana Department of Highways. These photographs will be dated, initialed by a representative of each party and maintained by representatives of the County for the future use and reference of both parties.

3. When Barnes has completed its contract responsibilities which require its proposed use of Slate Road and/or Vienna Road in Vanderburgh County, Indiana, a representative of Barnes shall notify the Board of Commissioners of Vanderburgh County, Indiana, in writing, of the conclusion of its responsibilities under the said contract or contracts and its intention to terminate this Agreement.

4. Upon receiving such written notice from Barnes, the County shall cause its representative to cooperate with a representative of Barnes to assess any damage which may have been caused by Barnes, its employees, agents or representatives to Slate or Vienna Roads as a result of its use thereof.

5. Barnes hereby covenants and agrees to be responsible for and pay for any charges, expenses and/or costs of maintenance and repair of Slate Road and/or Vienna Road incurred by the County or Barnes or any agent, employee or representative of either of them in connection with Barnes use of Slate Road and/or Vienna Road.

6. Barnes further agrees to indemnify and hold harmless Vanderburgh County and any and all agents, representatives and employees from claims by any third party for personal injury or property damage connected with or in any way related to its use of Slate Road and/or Vienna Road under and pursuant to this Agreement.

IN WITNESS WHEREOF, the parties hereto place their hands and seals this 19th day of August, 1985.

BARNES & SONS, INC.
TRUCKING COMPANY

Secretary

ATTEST:

President

BOARD OF COMMISSIONERS OF VANDERBURGH COUNTY,
INDIANA

THIS agreement signed by the Board of Commissioners with stipulation that Barnes is to be responsible for dust control, control of spillage, and erosion control. If complaints are received from property owners with regard to spillage, dust, running onto people's property, etc., then Commissioners reserve the right to revoke said Agreement.

Motion to execute agreement, including stipulations, was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: ACCEPTANCE OF CHECK FROM EVANSVILLE CABLE TV, INC.

The meeting resumed with President Willner reading the following letter from Evansville Cable TV., Inc., in which was enclosed a check in the amount of \$8,383.61:

(continued)

546.

COUNTY COMMISSIONERS
August 19, 1985

Page 10

August 12, 1985

Mr. Robert Willner, President
Board of Commissioners of Vanderburgh County
305 Administration Bldg./Civic Center Complex
Evansville, Indiana 47708

Dear Commissioners:

Enclosed you will find our check in the amount of \$8,383.61 for the second quarter of 1985. This amount represents an increase over the second quarter of 1984, which was \$7,931.52. It does put us a small amount ahead, for which we are thankful.

At the present time, we are constructing the Millersburg, Green River Road, Heckel Road area. We are hopeful in the future of doing Old State Rd. to Baseline Rd. from Busler's on 41 North, and the Hornet's Nest area. We are also seriously looking at the area west of town from St. Joseph to St. Wendel.

We at Evansville Cable would, again, like to thank the County Commissioners for giving Evansville Cable the pleasure of serving residents in the county with Cable TV service. If the Commissioners have any questions, please feel free to call me at any time.

Thank you, and

Best regards,

Robert D. Ossenberg
Vice President and General Manager

Motion to accept check for endorsement and deposit into the County's general fund was made by Commissioner Borries, with a second from Commissioner Cox. So ordered. President Willner asked that an acknowledgment letter be sent to Mr. Ossenberg.

RE: ARMORED CAR SERVICE FOR COUNTY TREASURER & COUNTY CLERK

The Chair reminded the Board of the letter received from Loomis Armored, Inc. requesting contract amendment reflecting rate increase effective September 1st for service rendered to County Treasurer and County Clerk. Under the initial contract we were paying \$198.00 per month per office or a total of \$397.00 per month for both offices. The rate increase was to \$228.00 per month per office or a total of \$456.00 per month for both offices. The Board deferred action concerning the request until Mr. Lindenschmidt could obtain proposals from Brink's and/or any other similar services available.

Brink's has submitted a formal proposal for armored car services to the two locations on a 5-day per week basis at a cost of \$160.00 per month per location, or a total of \$320.00 per month for the two locations. The Chair entertained questions. There being none, a motion was entertained. Motion was made by Commissioner Borries that we terminate our agreement with Loomis Armored, Inc. at the end of the 30th day of September 1985 and enter into agreement with Brink's Incorporated effective October 1, 1985, in accordance with the proposal tendered. A second to the motion was made by Commissioner Cox. So ordered.

President Willner requested that the secretary make certain that the following are done:

- a) Certified/Registered Letter sent to Loomis Armored, Inc. notifying them of the termination of the contract between them and the County.
- b) A letter sent to Brink's Incorporated requesting that they forward an agreement for approval and signatures.
- c) Notification to offices of the County Treasurer and County Clerk concerning change in service effective October 1, 1985.

RE: CERTIFICATE OF INSURANCE

It was noted by Commissioner Willner that a Certificate of Insurance has been received from The Liberty Corp. & Subs. for the Jerry Lewis Telethon at Vanderburgh Auditorium on September 1-2, 1985.....certificate received and filed.

(continued)

RE: ALEXANDER AMBULANCE SERVICE, INC. - MONTHLY REPORT

President Willner submitted monthly report from Alexander Ambulance Service for period ending July 31, 1985report 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 period ending July 21, 1985report received and filed.

RE: SCHEDULED MEETINGS

Commissioner Willner announced that 1986 budget hearings began today and will continue for the next three (3) weeks.

Additionally, he had a note from Chief Deputy Surveyor Bill Jeffers concerning request to set Drainage Board meetings for the fourth (4th) Monday of each month. This would eliminate confusion. It was the consensus of the Board that Mr. Jeffers' suggestion certainly has merit and Drainage Board Meetings will then be held on the fourth (4th) Monday of each month, unless it is deemed that a meeting is not required or it is deemed that a meeting is required on another specific date -- for one reason or another. In all cases, any announcements concerning Drainage Board Meetings will be made during Commissioners' Meeting.

RE: CLAIMS

The following claims were presented for approval:

Kahn, Dees, Donovan & Kahn: Claim in the amount of \$270.00 for services thru July 31, 1985 in connection with Complete Lumber Co. legal matter. Motion to approve claim for payment was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Mel-Kay Electric Co.: Claim submitted in the amount of \$80.00 for refund on Bldg. Permit #189V. Motion to approve claim for payment was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: EMPLOYMENT CHANGES - RELEASES

Circuit Court

Mark Sebree	325 Ridgeway	Bail Bond	\$6,600/Yr.	Eff: 8/9/85
Karen S. Miller	926 Fairlawn Circle	Intern	\$3.35/Hr.	Eff: 8/8/85

Superior Court

Susan Metz		Prob. Off.	\$18,178/Yr.	Eff: 8/9/85
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Pigeon Township Assessor

Mary Joan Payne	629 S. Harlan	Ext. Help	\$30.00/Day	Eff: 8/12/85
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Surveyor

Daniel Gossman	27 W. Oregon	Rodman	\$15,192/Yr.	Eff: 8/12/85
Robert Mangold	714 Concord Blvd.	Br. Insp.	\$15,192/Yr.	Eff: 8/12/85
James Baldi	945 Varsity Drive	Laborer	\$7.27/Hr.	Eff: 8/12/85

RE: EMPLOYMENT CHANGES - APPOINTMENTS

Cooperative Extension Service

Betty Meadors	Wadesville, IN	P.T. Asst.	\$32.50/Day	Eff: 7/22/85
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548.

Circuit Court

Daniel J. Tuley	305 N. Kelsey	\$548/Pay	Law Clk.	Eff: 8/5/85
Gregory L. Blair	Lynnville, IN	\$3.35/Hr.	Intern	Eff: 8/9/85
Terry L. Brown	1909 Pueblo Pass	\$3.35/Hr.	PT BLF	Eff: 8/2/85
Karen S. Miller	926 Fairlawn Circle	\$4.00/Hr.	Intern	Eff: 8/12/85

Knight Township Assessor

Lucille Fowler	1715 Kenmore	Deputy	\$35.00/Day	Eff: 7/15/85
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Pigeon Township Assessor

Mary Joan Payne	629 S. Harlan	Deputy	\$11,760/Yr.	Eff: 8/12/85
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Surveyor

Robert Mangold	714 Concord Blvd.	Rodman	\$15,192/Yr.	Eff: 8/12/85
Daniel Gossman	27 W. Oregon	Laborer	\$7.27/Hr.	Eff: 8/12/85

Burdette Park

Holly Hall	4409 S. 10th	Ext. Gd.	\$3.35/Hr.	Eff: 8/2/85
Michael J. O'Daniel	429 S. St. James	Ext. Gd.	\$3.35/Hr.	Eff: 8/8/85

County Highway

Richard W. Sebree	212 E. Riverside	Laborer	\$7.20/Hr.	Eff: 8/15/85
Terry K. Calkin	700 N. Bell Ave.	Laborer	\$7.20/Hr.	Eff: 8/15/85

There being no further business to come before the Board at this time, President Willner declared the meeting adjourned at 9:05 p.m.

PRESENT:

COMMISSIONERS

Robert L. Willner
Richard J. Borries
Shirley Jean Cox

COUNTY AUDITOR

Sam Humphrey,
Chief Deputy

COUNTY ATTORNEY

David V. Miller

COUNTY HIGHWAY

Bill Bethel

COUNTY ENGINEER

Andy Easley

BURDETTE PARK

Mark Tuley

OTHER

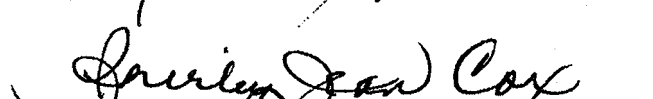
News Media

SECRETARY:

Joanne A. Matthews


Robert L. Willner, President


Richard J. Borries, Vice President


Shirley Jean Cox, Member

MINUTES
COUNTY COMMISSIONERS' MINUTES
AUGUST 26, 1985

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550.

MINUTES
COUNTY COMMISSIONERS' MEETING
AUGUST 26, 1985

The Vanderburgh County Board of Commissioners met in session on Monday, August 26, 1985, at 2:30 p.m. in the Commissioners' Hearing Room, with President Willner presiding.

The meeting was called to order by President Willner, who subsequently entertained a motion concerning approval of the minutes of the previous meeting. Motion was made by Commissioner Borries that the minutes of the meeting held on August 19th be approved as engrossed by the County Auditor and the reading of same be waived. A second to the motion was provided by Commissioner Cox. So ordered.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Absentee Report: Mr. Bethel submitted copies of the Weekly Absentee Report for employees at the County Garagereport received and filed.

Weekly Work Report: Also submitted was the Weekly Work Report for period August 19-23, 1985, for employees at the County Garage.....report received and filed. Attached to the report was the following Work Schedule:

Gradall: Ridgeview Drive, Barton Rd. and Volkman Rd.

Chip & Seal: Duesner Rd.

Paved: Schraeder Rd. (Finished) and Volkman Rd.

Patched: Old Boonville Hwy. (Dips), Mill Rd., Henze Rd., Neu Rd., Baumgart Rd., Mt. Pleasant Rd., Volkman Rd., Mesker Park Dr., Old Hwy. 460, New Harmony Rd., Bender Rd. (First Avenue Bridge) and Sheridan Rd., Mill Rd., Upper Mt. Vernon, St. Joe Rd., Baseline Rd., Old State Rd., Schmitt Rd., and Stacer Rd.

Mower: Streuh-Hendricks, Old Lower Mt. Vernon, Smith Diamond, West Franklin, Eichoff, Hogue, Elm, Hillsdale, Park, Old Henderson, Bayou Creek and Nurrenbern Rd.

Paving of Schutte Rd.: Commissioner Cox said she just wanted to report that the State is paving Schutte Rd. off of Highway 62 and that will save the County a lot of telephone calls. Residents of the county thought this area was the county's responsibility and she has told them it is not.

RE: SPECIFICATIONS ON OFFICE EQUIPMENT FOR THE COUNTY

President Willner passed copies of specs on office equipment for the County to the Board members and questioned whether anyone from the Purchasing Department is present at today's meeting. Commissioner Cox asked if the equipment list is the County Council list of equipment needed by the county? She said she wonders if the Council took into consideration the study done about 2½ years ago by the firm that came in and looked at all the copy machines, etc.? Nothing was done at the time because the County did not have the money to spend on new equipment. But she does wonder if they took advantage of the report. It was said that the report contained some excellent points.

Commissioner Borries said he doesn't know. His question is that as we move more toward computerization -- and he is not sure this is the year to do it -- he is certain there is outdated equipment in many county offices. But he wonders if we need to look more at word processors and that sort of thing? There are so many offices today that really are almost completely devoting time now to word processors. He has some concerns whether we are going to buy equipment that is going to be used for some period of time or is it going to be cost effective? They did ask all the officeholders and various groups what needs they had. But, again, he is not sure they have looked at word processors. He says that openended, because he does think that there are going to be some places in particular, such as the Auditor's office, which might need same. There has also been some talk about assessments being put into some sort of program. Maybe we need to look more at word processors. He is sure there would be some expense there and it has not been determined what that would be.

Commissioner Cox questioned who prepared the specifications?

Commissioner Willner said they were prepared by the Purchasing Department, based on a survey of what officeholders felt their needs were now.

(continued)

Commissioner Borries said the Council had requested that as budgets were prepared, that the officeholders list their equipment needs. There were a lot of offices that responded with this equipment and that equipment. He said that when he questioned Council members, they said they didn't think that this would have anything to do with word processing.

County Attorney Jones asked if Commissioner Borries said this was to be purchased by County Council? If so, there is a problem with that. They can't purchase it unless they intend to purchase it themselves and distribute it among the offices. Only the County Commissioners can do that.

County Auditor Alice McBride said she had her hearing on Wednesday. Mr. Eads said he would just send it on up to the State and see what happens. If they approve it, we will be o.k. But if they don't approve it, then we have problems.

Commissioner Borries asked Mrs. McBride that, in looking at her budget --and he is sure there were questions by Council concerning office equipment, etc. -- were there any questions asked about word processing? Or was just replacement of equipment now in the office discussed?

Mrs. McBride said only replacement of equipment was discussed. She said she is wanting a word processor -- she will check.

Commissioner Borries said we're talking constantly about how tight the budgets are. Do we want to look at this, again, without looking at some type of survey or study about where word processing is needed in some of these offices. I am sure Joanne could use that type of thing inasmuch as she does the minutes, etc.

Commissioner Cox reviewed the list and questioned that they are going to buy nine (9) copiers? Mr. Lindenschmidt said that from what he understood, some of those were for the courts.

Mrs. Cox said she doesn't see anything on the list about word processors.

Commissioner Borries said that today when computers were being discussed, Council left in the main-frame contract. He's constantly told Harold Elliott about this. He says they come back and want to put in \$28,000 for software development, which is all great, but unless you then have some ability to purchase additional hardware to complement/ implement the software, you're not going to do any good anyway. So we're talking about \$28,000 and he doesn't know whether that is adequate or whether we could use that for word processors or what.

Mrs. McBride said she did not have a word processor on the list at first, but she did go back and put it in.

Commissioner Borries said he is certainly for efficient work. But he is questioning out loud here whether we.....

Mrs. Cox said the list indicates we need 19 calculators, electronic typewriters (without memory - 31) and electronic typewriters with memory - 18), copiers (3 that go 2,000-4,000 copies per month and 3 that run 5,000 - 7,000 copies per month and 3 that do 20,000-25,000 copies per month). She does not see why the county needs to purchase three (3) additional copiers, especially if you're only going to need it for 2,000 copies per month. It looks like they could come to the Auditor's office, unless it would be an off-site office. Are these copiers replacement copiers? Mr. Borries said these would be replacing existing equipment. Mrs. Cox asked, "No new equipment?" Commissioners Willner said he believes some of it is new equipment.

Commissioner Borries said it looks like we're upgrading with some memory units insofar as the typewriters are concerned. He's sure some of it is needed. He was talking with the County Attorney and he is certain there are forms, etc., where a memory typewriter would be useful.

Commissioner Cox cited how much use the surveyor's office has gotten out of the computer put in for the County Engineer. She asked Mr. Jeffers if they use that all the time?

Mr. Jeffers said the unit belongs to the surveyor's office. Mrs. Cox said it was put in at the request of the County Engineer.

(continued)

Mr. Jeffers said the unit came from general fund monies and when Mr. South (then County Engineer) left, the unit was put into the Surveyor's office. If we go with a word processor, he would suggest an IBM PC and Printer -- so Mrs. Matthews could make letter form minutes. Getting back to the computer in the Surveyor's office, when Mr. South left, the computer room came and took the unit away and said it was their's. But it was subsequently determined that it was not their unit. Mrs. Cox said she thinks Mr. South got the unit when he was working on intersections. Mr. Jeffers said he thought the question was whether it belonged to the highway department or the surveyor's office. The answer to that is that it belongs to the Surveyor's department. Mr. Lindenschmidt said it was purchased out of the Commissioners' budget and after David South left the unit was taken back by Bob Fortune (computer room) and then we got it back from there and put it in the surveyor's office.

Commissioner Cox said she agrees with Commissioner Borries in that the Board really should look at some word processors. This might eliminate some copiers and perhaps some memory typewriters. She would like for consideration to be given to the study that was done (she doesn't guess Council was privy to that recommendation on equipment).

Commissioner Willner retrieved the equipment specs from the Board members and said he will hold these for the time being. Proceeding, President Willner requested that Commissioner Borries work with the Council to come up with a word processor and see if he can eliminate the Commissioners' fears by next week.

Commissioner Borries asked that Commissioners Willner and Cox look their records to see if either has a copy of the equipment study to which Mrs. Cox referred and he will do likewise. Commissioner Willner said he will ask Margie Meeks to search her files, also. Commissioner Borries said that, again, his question is that if there are areas where we are able to look at word processors, he is not sure that has been taken care of here.

Commissioner Willner asked that Commissioner Borries relay to Council (he has already talked to Mark Owen) that the State Law says the money has to be available in the budget before a contract is let. Thus, see if he can resolve this.

RE: COUNTY ATTORNEY - DAVID L. JONES

Attorney Jones commented that Item #5 "Inter-Local Governmental Agreement/Joint Department of Legal Aid" should be scratched from today's agenda. With regard to subject agreement, there is no resemblance to what's been in existence the past two years. He handed that to one of his partners who, he thought, sat on the Board (addressed in the agreement) and he said it was the most astounding document that he's seen. He assumed at first that the individual was giving a compliment; but when he looked at him again, he realized that that was not what he meant. Apparently what we've been doing is, in effect, contracting with the Legal Aid Society and they have a Board which is then the overseer of the operation of that office -- to provide legal services to the indigent in Vanderburgh County.

What the Joint Agreement which was signed back in Mayor Lloyd's administration contemplates is that this joint office is created with appointments by the County Commissioners and the Mayor and then they oversee it and then the money is transferred to the County, who then pays for it. But that is not what is happening -- that's not what is going on. So, we need tohe's not had an opportunity to discuss the matter with anyone in the city except the controller and he's advised her of the situation. This is his first opportunity to let the Commissioners know what he has discovered. We need to find out whether we want to change the agreement to reflect what we are really doing? Or, do we want to change what we're really doing to reflect what we have in writing? He would think that we ought to bring the Legal Aid Society in, as well.

Commissioner Willner interjected that the Board did discuss whether the Commissioners have two (2) or three (3) appointments; the Commissioners have three (3) and they have made them, as follows: Robert L. Saunders, Allen E. Jones and Jane Beckman. Thus, the Commissioners have appointed the required number of people to that board. Whether they are operating under that auspices or not, he doesn't know.

Commissioner Cox asked when Jane Beckman was appointed? Commissioner Willner said he would obtain a copy of the appointments list toward answering that question. He confirmed subsequently that the members should have been re-appointed in March, 1985. He subsequently questioned Attorney Jones as to what he needs from the Commissioners? Mr. Jones said he needs a meeting with someone from the County, someone from the City and the Legal Aid people themselves and the Legal Aid Society, which has an active hand in what is going

(continued)

on over there and determine where the differences are. He would then propose that we draw up a new agreement to reflect the way it is really operating rather than ...

Commissioner Willner requested that Attorney Jones set up the subject meeting and notify the Commissioners concerning the date. All, or at least one, will attend the subject meeting.

Joint Agreement/Economic Development Commission: Attorney Jones said the effort on the joint agreement for an Economic Development Commission is also on hold, because he was advised by a member of the city that the Mayor may wish to do something totally different.

Commissioner Willner confirmed that this is correct.

RE: COUNTY SURVEYOR - BILL JEFFERS, CHIEF DEPUTY

Mr. Jeffers said that with regard to Commissioner Borries' suggestion about the word processor, just as a comment from a department that has one, he doesn't see how Mrs. Matthews produces the volume and quality of typewritten information that she does every week without one. She must be a fantastic typist--because they use their's day after day, producing specs, etc., not only for their own department, but they produced specs for the paving of the auditorium lot, etc. It makes it so much easier. Mrs. Matthews would also have a disc with the information on it which could be stored in a location away from the auditor's office in case something happened to the books. This would offer backup documents that, if stored in the proper place, would be less likely to be destroyed through one means or another. Thus, he thinks Commissioner Borries is on the right track; especially in her case. He doesn't see how she does without one. The two ladies in the surveyor's office would be happy to show her how to use the one they have -- if she gets one of her own.

Bridge & Guardrail Repair Report: Mr. Jeffers submitted copies of the Weekly Bridge & Guardrail Repair Report for period August 19 thru August 23, 1985.....report received and filed. He said they replaced several pieces of damaged guardrail and cut grass around guardrails on Monday. On Tuesday, they installed a new culvert. The balance of the week they patched several culvert cuts that had generated numerous complaints on high traffic roads. They also picked up the guardrail from the Burkhardt Road project; it is now stored out at the County Highway Department. This is the old guardrail that was taken down as a result of the Burkhardt Road project.

Commissioner Willner asked if this guardrail can be re-used? Mr. Jeffers said it can and they intend to use it unless the Commissioners have a use for it. The County Highway Department may want to use some to replace some of their guardrail or add some where needed. He and Andy Easley are trying to devise a method whereby they can use some of it on the Mann Road ditch -- as baffle walls filled with concrete to cause the water to fall into Big Creek without washing out at that point, rather than spending money on what he has been calling gabions. They think they might be able to build some out of old guardrail.

Commissioner Willner said he always thought "gabions" were people who talked too much! More humor was injected as Mr. Jeffers said, "People like me, who generate all her typewritten information?" Mrs. Cox said, "You mean a walking word processor!"

Travel Request: Mr. Jeffers asked if a department has to be on the agenda to request travel next week? Commissioner Willner asked if Mr. Jeffers has the request now? He responded that he does. Commissioner Willner requested that he proceed, since he is already on the agenda.

Mr. Jeffers said there is a Seminar on the Operation, Maintenance & Safety of Dams and Owner Liability. This is a one-day Seminar sponsored by the Indiana Department of Natural Resources and other departments. The Surveyor's office is requesting permission to travel, use of a county car and whatever the cost. The seminar will be held in four (4) locations --in case someone else is interested: Sites are Turkey Run, Montgomery, IN, Brown County State Park and Madison, IN. Dates are September 16, 26, 25 and 27, respectively. The surveyor will be attending the closest session; he believes this would be Montgomery, which is up near Washington, IN.

Commissioner Cox asked if these are construction dams? Mr. Jeffers said the seminar is on maintenance of earthen dams which, through the Drainage Board, they are interested in. Mrs. Cox asked how many individuals will be attending? Mr. Jeffers said that he and Mr.

(continued)

Brenner plan to attend.

Commissioner Willner asked if there is money in the travel account? Mr. Jeffers said the seminar is \$5.00 per person and they may charge for the meal; he isn't sure. Motion was made by Commissioner Borries that, subject to availability of funds, the request be granted. A second to the motion was provided by Commissioner Cox. So ordered.

Deterioration of Columbia Street Overpass: Commissioner Willner said he received a telephone call indicating that there is deterioration of the Columbia Street Overpass which requires immediate attention. Mr. Jeffers said he received a call to this effect from the Superintendent of the City Garage. Messrs. John Vezzozo and Bob Brenner went out this morning to look at the area. It was mainly the west approach and there are some spots where steel is showing. Those will have to be sawed out and patched. Commissioner Willner said that if Mr. Jeffers wants cold mix to call Mr. Bethel. If not, go ahead with the hot mix. Mr. Jeffers said they may take some temporary measures and then saw it out and patch it. That has to be patched in 65° Mean temperature.

Bids for Resurfacing of Bridge Decks: Commissioner Cox queried Mr. Jeffers as to how we are coming along with the bids on the resurfacing of the bridge decks? Mr. Jeffers said those will be opened on Tuesday after Labor Day (September 3rd). This will include Mill, Schaefer and Baseline. Mrs. Cox asked if these are the only bridge decks they will be resurfacing? Mr. Jeffers said, "Yes, with this group." Mrs. Cox said there is one on Red Bank Rd. between Hogue and Upper Mt. Vernon; the railroad track is right there by it. The wooden bridge is bad. Mr. Jeffers said they have notified the County Engineer re what is causing the problem. Briefly, the abutment walls are made out of wooden planks and the rock is seeping thru the wooden planks, falling into the creek. That was a design not approved by the Surveyor's department when it was put in. Mrs. Cox said she knows all that; she knows the background. What she means is that is very rough; there are holes in it; it is pitted and looks as though it needs some attention. Mr. Jeffers said that Mr. Bethel has repeatedly resurfaced that bridge and it continues to sink. The only thing to do is to dig out behind the bridge and seal.....Mrs. Cox said she thought there were going to be 15-20 different sites all over Vanderburgh County -- like we did last year to upgrade the bridge approaches and decks. Mr. Jeffers said the companies wanted substantially more than they did last year and they have dropped it for the time being. Mrs. Cox asked if Mr. Jeffers will have someone look at the bridge deck on Red Bank? Mr. Jeffers said that he would. If Mrs. Cox has any others on the list, he will be glad to look at all of them. Mrs. Cox said she doesn't have a list; but she does think that the bridge on Red Bank definitely needs something done. Mr. Jeffers said that he will look at it. But he does know that it needs more than just a resurfacing job, because Mr. Bethel has resurfaced that at least once a year. Mrs. Cox said that what makes matters worse is that the railroad came along and fixed their nice crossing approaches which are smooth; and this deck is really bad.

RE: COUNTY ENGINEER - ANDY EASLEY (ABSENT)

President Willner said that County Engineer is out at Burdette Park, meeting with officials of Albertsson-Hunter, the County Attorney and Mark Tuley re the waterslide. Thus, he will not be present at today's meeting.

RE: TRAVEL REQUEST - CIRCUIT COURT CLERK

It was noted by President Willner that the following letter had been received from Helen Kuebler:

TO: County Commissioners

DATE: August 20, 1985

IN RE: Conference of Clerks of the Circuit Courts

I, Helen Kuebler, Clerk of the Circuit & Superior Courts, do hereby request permission to attend the State Board of Accounts Clerk's meeting. This meeting will be held in Jasper, September 16 and 17, 1985.

Your permission will be appreciated.

(continued)

Motion was made by Commissioner Borries that the request be granted, with a second from Commissioner Cox. So ordered.

RE: BUILDING COMMISSION - MONTHLY REPORT

The monthly report from the Building Commission for period July, 1985, was submitted.... report received and filed.

RE: CLOSING OF COUNTY OFFICES FOR LABOR DAY HOLIDAY

President Willner announced that all County Offices will be closed on Monday, September 2, 1985, for the Labor Day holiday. County offices will re-open on Tuesday, September 3rd.

RE: SCHEDULED MEETINGS

Tuesday - September 3rd - Commissioners' Meeting at 2:30 p.m.

County Council Budget Hearings will be held daily the remainder of the week, beginning at 5:00 p.m. The Budget Hearings started at 10:00 a.m. this morning, because City Council needed the Chambers tonight. In response to query, Mrs. McBride said she believes that budget hearings will be held beginning at 5:00 p.m. on Tuesday and Thursday.

RE: CERTIFICATE OF INSURANCE

Liberty Mutual: Muscular Dystrophy Association, Inc., for the Supershow Dance & Fun Events to be held on the canopied walkway in front of Vanderburgh Auditorium on Monday, September 2nd.

Frank B. Hall & Co. of New York, Inc.: Mead Johnson & Co. (Bristol-Meyers) Costume Dance to be held on October 19, 1985 at the Vanderburgh Auditorium.

RE: CLAIMS

Nenneker Electric Service: Claim in the amount of \$51.50 for refund of duplicate permit #787 was presented. Motion to approve claim for payment was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: APPOINTEES TO LEGAL AID BOARD

Commissioner Willner said that Mr. Lindenschmidt has just advised that the Commissioners appointee to the Legal Aid Board should have been re-appointed in March, 1985; however, no record of same can be found. The Legal Aid Department assumed that she had been re-appointed (speaking of Jane Beckman) but can find no record of same. Commissioner Willner this would have been for a 3-year term.

Mrs. Cox said the agreement she has said the appointees are appointed for a 1-year term. Commissioner Willner said the information he has says a 3-year term. He suggested that the Board wait until a new agreement is drawn up and then proceed to handle the paperwork for appointee.

RE: OLD BUSINESS

President Willner entertained questions concerning any old business. There were none.

RE: EMPLOYMENT CHANGES - RELEASES

Convention & Visitor's Center

Yolanda F. Bowling	118 A.S. Weinbach	S&M Mgr.	\$20,000/Yr.	Eff: 8/26/85
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RE: EMPLOYMENT CHANGES - APPOINTMENTS

Convention & Visitor's Center

Yolanda F. Bowling	118 A.S. Weinbach	S&M Mgr.	\$21,000/Yr.	Eff: 8/26/85
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Cooperative Extension Service

Joseph B. Symons 620 National Rd., West \$30.00/Day P.T. Ass't. Eff: 8/26/85

There being no further business to come before the Board at this time, President Willner declared the meeting adjourned at 3:15 p.m., with the announcement that a Drainage Board Meeting will be held immediately subsequent to the Commissioners' Meeting.

PRESENT:

COMMISSIONERS

Robert L. Willner
Richard J. Borries
Shirley Jean Cox

COUNTY AUDITOR

Alice McBride

COUNTY ATTORNEY

David L. Jones

COUNTY HIGHWAY

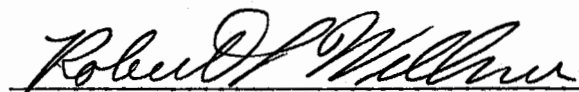
Bill Bethel

COUNTY SURVEYOR

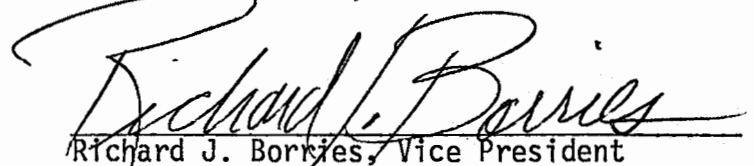
Bill Jeffers, Chief
Deputy

SECRETARY:

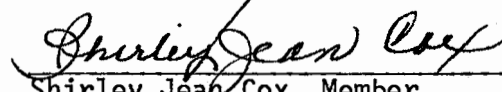
Joanne A. Matthews



Robert L. Willner, President



Richard J. Borries, Vice President



Shirley Jean Cox, Member

MINUTES
COUNTY COMMISSIONERS' MEETING
SEPTEMBER 3, 1985

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MINUTES
COUNTY COMMISSIONERS' MEETING
SEPTEMBER 3, 1985

The Vanderburgh County Board of Commissioners met in session on Monday, September 3, 1985, in the Commissioners' Hearing Room with President Robert Willner presiding.

The meeting was called to order at 2:40 p.m. by Sheriff Clarence Shepard, and President Willner subsequently entertained a motion concerning approval of the minutes of the previous meeting. Motion was made by Commissioner Borries that the minutes of the meeting held on August 26, 1985, be approved as engrossed by the County Auditor and the reading of same be waived.

RE: KNIGHT TOWNSHIP TRUSTEE - RON SAULMAN

Mr. Saulman presented copies of the new Poor Relief Assistance Eligibility Standards & Procedures for Knight Township to members of the Board. He said the subject standards have been approved by Knight Township Advisory Board and by him. He would like to have the Commissioners' signatures on the back page, indicating they have received a copy. The new standards and procedures will be displayed in the waiting room of the Knight Township Trustee's office.

Commissioner Willner asked if the Township's attorney has reviewed the new standards? Mr. Saulman responded in the affirmative.

President Willner entertained a motion to sign copy of the new guidelines for the Knight Township Trustee. Motion to this effect was made by Commissioner Borries, with a second from Commissioner Cox. So ordered. President Willner subsequently requested that the Secretary make copies for each of the Commissioners and the County Auditor's file.

RE: OPENING OF BIDS ON BRIDGES & CULVERTS

A motion was entertained by President Willner that the County Attorney be authorized to open the bids received on bridges and culverts. A motion to this effect was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: WELFARE DEPARTMENT/REQUEST FOR APPROVAL OF LOAN

The Chair recognized Mr. John M. Schroder, Assistant Director of the Vanderburgh County Department of Public Welfare, who was present for purposes of requesting approval of a loan.

Mr. Schroder said that it is again necessary for the Department of Welfare to request a loan from the Commissioners/Vanderburgh County to cover hospital commitment bills pending that, without the loan, the department will not have sufficient monies to cover an additional appropriation. They have submitted an additional appropriation request to the Council and they have received approval from the State Welfare Department to seek the loan. The money from the loan will be used to back payments for hospital care for the indigent for the remainder of the year. The amount of the loan requested is \$388,000.00. This, together with the working balance they have left at the end of the year, should be enough to cover the additional appropriation requested in the amount of \$437,000.00.

Commissioner Willner addressed County Auditor Alice McBride and said he believes this has been discussed with her. Can she give the Board her estimate of revenue and advise whether we are going to get this money back in 1986?

Mrs. McBride said the County will get the money back, because she has already included this in the tax rate. She has also put the amount of money owed from last year along with the \$388,000.00, and there will be an 11¢ tax rate -- thus, we should get the money back next year. She has this in the financial sheet for the Council. She has to show how much we're going to spend from July 1 thru December 31, and the \$388,000.00 is included. She also has it in as revenue.

Mr. Schroder said he believes the only reason the County is not getting the money back this year from last year is because a rate wasn't put in, is that correct? Mrs. McBride said that is correct. The State sent it down too late to be included in the tax rate.

Commissioner Willner asked if Mr. Schroder did say that the State has approved the loan request? Mr. Schroder responded in the affirmative, saying that documentation from the State to this effect is attached to his request letter.

Commissioner Borries asked Mr. Schroder if there was any legislation introduced in the General Assembly regarding the health care of the indigent? He knows that Vanderburgh

(continued)

COUNTY COMMISSIONERS
September 3, 1985

Page 2

County is not the only county faced with this situation. It is a statewide problem.

Mr. Schroder said that a bill passed last year to retroactively increase certain awards back from last year and the year before. This is one of the reasons for this tremendous financial burden. This year they did have to pay that off to the tune of a little over \$700,000 plus dollars. They had to include that in this year's budget and they did. They are, of course, still up against a frozen levy and that is where they have the problem of seeking a loan. Although there is still a frozen levy, these are still mandatory programs and they have no option but to pay those claims which are eligible.

Commissioner Borries asked if the programs are mandatory under State Statute? Mr. Schroder said that is correct.

The Chair entertained further questions.

Commissioner Borries queried Mr. Schroder concerning the legislation introduced in the General Assembly. Did they have any solution?

Mr. Schroder said there were several bills introduced; there were two introduced, one not specifically dealing with hospital care for the indigent. One did and it was to attempt to restrict H.C.I. payments to psychological confinements of no greater than so many days. At the end of that period, it was the idea of the legislation that these people should go on to State-supported kinds of facilities, such as a State hospital or something like that. He said he believes that is the only one that received any serious consideration -- but he regrets that he cannot report re the outcome of that. The other bill that would deal in some respects with the H.C.I. program was the legislation to incorporate the County Welfare Departments into the State Welfare System -- into a totally State-administered and supervised system as opposed to the way it is currently. Although, in that bill there would still be an H.C.I. burden to the County and the type of funding -- how that would affect the total amount the County pays, he has no idea. They have several formulas for that -- and the last one was defeated, it did not go through. But it would also have allowed a lot of the County expenses which now exist -- probably most of them -- to be billed to the County. The only thing, they would not have their budget through the County's budget as it is now. It would not go through for approval by the State. It would just present the County with the bill.

Commissioner Borries asked Mr. Schroder that when they are billed, are they billed directly from the hospital and they, in turn, reimburse the hospitals directly? Mr. Schroder responded in the affirmative. As those come in, they are given applications on patients that the hospitals feel may be eligible for the program. They then determine if the individuals are eligible, depending upon a means test -- whether they have income adequate to pay the bills or would possibly have means in the future to pay the bill. If they are determined to be eligible -- and many of those are in contention; many times they don't feel they should be. They deny these and they, in turn, appeal to the State Welfare Department and they subsequently determine whether they are eligible. Then the actual medical bills are submitted by the hospitals and medical providers in the area and then the County Welfare Department has to then reimburse them for same. At this point in time he is holding over \$600,000.00 in bills that have accumulated since the end of April 1985. They've had one additional appropriation for funds which they had available and this additional appropriation plus the loan to back it up should get them pretty close to the end of the year.

Commissioner Borries asked what he estimates those payments will be for calendar year 1985? Mr. Schroder said that including the retroactive amount they had to pay both on a Court Judgment and on Senate Enrolled Bill #31 or #37 (he can't recall the exact number) it will come approximately to \$2.2 million. That is a rough guess off the top of his head; but having just gone over the figures, he believes this is a pretty accurate estimate.

The Chair entertained further questions. There being none, a motion was entertained to approve the request for a loan in the amount of \$388,000.00 for the remainder of 1985. A motion to this effect was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: AGREEMENT - ADULT PROTECTIVE SERVICE LAW/ROBERT PIGMAN

President Willner said that County Prosecutor Robert Pigman is present today concerning an agreement re the Adult Protective Service Law.

(continued)

Mr. Pigman said that the contract he submitted to the Commissioners needs to be signed and mailed as soon as possible. Effective Saturday, September 1st, the Legislature passed a statute that provides for a statewide system of a program for the investigation and prosecution -- as well as other things -- concerning abused elderly and handicapped individuals. Subject legislation creates some new authority for prosecutors and the courts involved in helping people who are handicapped to take care of themselves. The State has been divided into regions/districts to which investigators have been assigned. Vanderburgh County is in a region with Posey, Gibson, Warrick and Spencer counties. The five (5) prosecutors in these counties have already agreed on an individual and hired an investigator who started to work today. The money for this will come from the State; there isn't any money coming out of Vanderburgh County. As soon as the State receives the contract, they will forward the first half of the money. The next half of the money will follow within 90 days or so. Mr. Pigman said he thinks this is a good thing; and it is something that we have the option of participating in or not participating in. We chose to do it and think it is important. He believes that Attorney David Jones has reviewed the agreement and does have one stipulation to be included on the final page.

Commissioner Willner said that Attorney Jones said the motion needs to be made that no financial obligation is to be imposed on Vanderburgh County with the approval of this document. Also, in the document itself; that Vanderburgh County is not financially liable otherwise for this program. This stipulation should be included in the document itself and on the back page. The Chair then entertained further questions. President Willner asked Mr. Pigman if he has reviewed the agreement and concurs with its contents? Mr. Pigman responded in the affirmative.

Commissioner Borries moved that with the stipulation, which has been entered into the record, that the agreement re Adult Protective Services Law between the Department on Aging and Community Services (hereinafter referred to as "State") and the Vanderburgh County Prosecuting Attorney's Office be approved. A second to the motion was provided by Commissioner Cox. So ordered.

In response to query from President Willner, Mr. Pigman said he only has one (1) copy of the agreement, which is to be executed and forwarded to the State. He will provide a copy to Joanne Matthews, secretary.

The stipulation with regard to financial responsibility read as follows:

"The Board of County Commissioners of Vanderburgh County hereby approves the acceptance of this agreement by the Vanderburgh County Prosecutor and agrees to provide copies within the existing county offices for said program on the condition that Vanderburgh County is not otherwise financially liable for this program."

RE: REQUEST RE ACQUISITION AND INSTALLATION OF NEW TELEPHONE SERVICE IN ROOM 201 - SUPERIOR COURT/MISDEMEANOR PROBATION DEPARTMENT

Michelle A. Link, Court Administratrix, was recognized by the Chair. Ms. Link said that Superior Court is requesting the installation of a telephone in the Misdemeanor Probation Department. They have moved one of the Probation Officers from the Juvenile Division to the upstairs area and he needs a telephone. It is their understanding that the cost of said service would be a \$155.00 one-time installation charge plus \$2.25 per month continuing service charge.....starting the first of the year.

President Willner asked Ms. Link if they have any money in their budget for subject cost? Ms. Link said they do not have a line item for telephones in their budget. Commissioner Willner asked Mr. Lindenschmidt if the Commissioners have any monies in their budget to cover the cost of this telephone installation, etc.? Mr. Lindenschmidt responded in the affirmative. The Chair entertained a motion. Motion was made by Commissioner Borries that the request be granted, with a second from Commissioner Cox. So ordered.

RE: REQUEST THAT SHERIFF'S PATROL BOAT "S-22" BE RENAMED IN FOND MEMORY OF DEPUTY SHERIFF CLARENCE COTTON

City Clerk Betty Lou Jarboe was recognized by the Chair. She said that City Councilman Betty Knight Smith wanted to be present at today's meeting. Unfortunately, she is confined to her home due to illness. Mrs. Jarboe said she agreed to speak to the Commissioners in her place. Deputy Sheriff Clarence Cotton died a few weeks ago. He

(continued)

spent twenty-one (21) years of his life on the river patrol....longer than anyone else. The people in the Outboard Boating Club of Evansville and fellow boaters on the Ohio River would like to see the boat named after Clarence Cotton because of his dedication to boating in Evansville. Mrs. Jarboe said she has a petition to this effect signed by over three hundred (300) individuals.

Commissioner Willner said the Commissioners counted the signatures on the petition before today's meeting and there are three hundred eighty-nine (389) signatures. The Chair entertained further comments on the subject.

Sheriff Shepard was recognized by the Chair. He said he is glad that someone recognizes the importance of the river patrol boat. There are those who would like to have had it done away with over the past year. But the river patrol boat has been one of the most beneficial things for the county. A number of lives have been saved this year -- from boating accidents, near drownings, etc. They patrol the river on weekends and also on holidays/holiday weekends, whatever. The official boating season is over now; but the boat will be kept in the water until cold weather. At that time, they will put it on a trailer. They're going to put a new engine in it. The block is just about worn out (this is the original block).

Continuing, Mr. Shepard said that he and Clarence Cotton came on the department the same day in January 1959; Sheriff Shepard went to the City Department and Mr. Cotton went to the County Department. By having the same common first name of "Clarence", they kidded each other a great deal and became close personal friends over the years. He knew Mr. Cotton on the river, from the City and County departments, and during the last few years he was quite ill but worked in Civil process. The last year of his life they had to take him off the river; he had "things" in his arm and could not do anything where he might encounter contamination, etc. The river patrol boat was his first love -- and he did a good job out there. Sheriff Shepard said that he himself is a boater and he recognizes the importance of having a patrol boat on the river. He has no problems whatsoever with renaming the boat. What he would like to suggest is that we get a plaque or brass plate to attach to the boat -- which would be lasting -- rather than using paint. In this plaque, he would like to include Mr. Cotton's dates of service and why the boat was dedicated thusly. He said that, hopefully, the boat will be good for many more years. Commissioner Willner interjected that the plaque can always be transferred. He then entertained a motion.

Motion was made by Commissioner Borries that the request to rename the Sheriff's river patrol boat be approved, with a second from Commissioner Cox. So ordered.

RE: BIDS ON PROJECTS ON MILL ROAD, SCHAEFFER ROAD AND BASELINE ROAD

Attorney Miller indicated that he is ready to proceed via reading the bids received on the Mill Road, Schaeffer Road and Baseline Road projects. He said that all of the bids on all three (3) projects were submitted on a per unit basis -- a per ton base, sealer, or final coat of asphalt. The estimates of the amount of tonnage are consistent. Bids received were as follows:

#1 - MILL ROAD - Engineer's Estimate: \$9,625.00

J. H. Rudolph & Co. (Evansville) (Bid Bond included)	\$8,690.00	(\$79.00/Ton for Base #5 & 9 and Surface #11) 110 Tons Total
Rogers Group, Inc. (Bloomington) (Bid Bond included)	\$5,488.05	(\$51.42/Ton for Base #5 \$45.39/Ton for Base #9 \$55.23/Ton for Surface #11 110 Tons Total

#2 - SCHAEFFER ROAD - Engineer's Estimate: \$2,300.00

J. H. Rudolph & Co. (Evansville) (Bid Bond included)	\$2,014.80	(\$87.60/Ton for Base #5 \$87.60/Ton for Surface #11 23 Tons Total
Rogers Group, Inc. (Bloomington) (Bid Bond included)	\$1,261.57	(\$51.71/Ton for Base #5 \$60.74/Ton for Surface #11 23 Tons Total

(continued)

#3 BASELINE ROAD - Engineer's Estimate: \$11,375.00

J. H. Rudolph & Co. (Evansville) (Bid Bond included)	\$10,322.00	\$79.40/Ton for Base #5 \$79.40/Ton for Base #9 \$79.40/Ton for Surface #11 130 Tons Total
Rogers Group, Inc. (Bloomington) (Bid Bond included)	\$ 6,055.20	\$42.33/Ton for Base #5 \$47.02/Ton for Base #9 \$53.42/Ton for Surface #11 130 Tons Total

Attorney Miller said all of the bids are in order and are accompanied by the necessary Bid Bonds and statements of financial position and are ready for the Board's consideration.

President Willner asked if the Surveyor's office is prepared to make a recommendation? Mr. Bill Jeffers, Chief Deputy, said the Surveyor's office would like to review the bids submitted in their entirety and make their recommendation later on in today's meeting, when they present their weekly report, etc. President Willner asked that the record show that the bids were referred to the Surveyor's office for their recommendation.

Attorney Miller pointed out that while both contractors were bidding on the same total tonnage, the J. H. Rudolph firm bid the same tonnage price on the three substances-- with the quoted price differing in each bid, while the Rogers Group bid different tonnage price for each substance, which also varied on the three projects. Again, however, the two contractors were bidding on the same total tonnage in each instance. Rogers did not charge the same price for the base layers as they did the top layer. To the contrary, the Rudolph firm bid the same price on each project, whether the tonnage was base layer or surface substance. ~~He is sure they averaged it out; it is just that the two contractors bid in different manners.~~

RE: WATERSLIDE - BURDETTE PARK

Attorney Miller said a meeting was held last week with representatives of Albertsson-Hunter, who are responsible for the construction of the waterslide at Burdette Park. That matter is in process. If Mr. Tuley has heard anything since that time.... Mr. Tuley interjected that he should have a full report for the Board next week. The contractor is willing to come back in within the next couple of weeks and finish the project according to our wishes.

Attorney Miller continued by stating that we are holding approximately \$26,000.00, which is made up of a contract balance of \$17,000 plus and a bid bond check of in excess of \$8,000.00. During the meeting, the contractor was told that we would not release any of those funds until we are satisfied that the project is complete. We asked that the contractor provide us with a list of all unpaid sub-contractors which, he believes, he did during the meeting. However, we wanted to verify that list with the various local sub-contractors. The other part of the process is to have the County Engineer do a complete inspection which, he believes, has occurred (again, on that day) and to obtain the comments of the County Engineer concerning everything that needs to be done in order to complete the project to his satisfaction. After those two things are done, we will have two components of cost to add up. First, we will have the total of all the sub-contractors who are unpaid at this time who have anything in the nature of lien rights. The second component will be to add together the cost of all of those things that need to be done to complete the project. When these are added together, we will see how much of the money that we hold is needed to assure completion of the project; or if, in fact, we will have enough. The initial feeling of the County Engineer, however, was that the structure is sound from a safety standpoint and that what we are discussing here is finish-up work in the area of solidifying the landscape and there was some erosion that needs to be addressed. From a safety standpoint, we have preliminary assurance that the structure is sound.

RE: VANDEBURGH AUDITORIUM - KIM BITZ

Parking Lot Gates: Mr. Bitz said that he talked with Stanley Magic Door today and they are sending a technician to Evansville tomorrow to begin installation of the new parking lot gates. Barring any major storms, etc., this project should be finished by the weekend and we should start seeing some revenues coming in from this. (The paving,

(continued)

itself, is finished.)

Mr. Bitz continued by presenting the following report for the month of August, 1985:

<u>YEAR TO DATE INCOME</u>	
1985	\$112,318.04
1984	\$101,990.27 (less parking revenues of \$5,300.00 = \$96,690.27)

<u>UTILITIES - YEAR TO DATE</u>		
	<u>Electric</u>	<u>Gas</u>
1985	\$30,315.00	\$43,961.00
1984	\$27,071.00	\$43,950.00

It was noted by Mr. Bitz that the Auditorium has approximately \$16,000.00 jump in income over last year. With regard to utility costs, the increase in electric bill is reflected primarily by the increased bookings in 1985 over 1984. Ironically, they were surprised to see only the \$11.00 difference in the gas bill, with 1985 reflecting the \$11.00 increase. They have been energy-conscious and he thinks this report accurately reflects the conservation methods which they have been trying to employ.

To further update the Board on some of the things it takes to get some projects done at the Auditorium, they cleaned over 800 of the 2,000 seats in the auditorium. It took three (3) employees four (4) days to accomplish this. This roughly works out to six (6) minutes per seat. Currently, they are completing the painting of the Gold Room area and the meeting rooms. The painting of the basement is at the half-way mark. The parts for the broken tables came in and the 32 broken tables have now been repaired. All floors in the upstairs of the Gold Room have been stripped and waxed. Getting back to the matter of cleaning the seats, Mr. Bitz said that hopefully they will finish cleaning the other 1,200 seats during the next couple of months.

Civil Defense/Traffic Control: Mr. Bitz said that he has talked with Fred Hermann of the Civil Defense Department and they have agreed to assist the Auditorium with traffic control--just as they do for Roberts Stadium and Mesker Amphitheater -- after major events at the Auditorium. In exchange for this, Mr. Bitz requests that the Commissioners authorize him to offer Civil Defense a room for their Annual Xmas Party -- no service fees and no rental fees. They will have approximately 85 people at this event. There is plenty of room for them and this will not be an inconvenience for the Auditorium. Mr. Bitz said he thinks this is a small favor to grant in exchange for their free services.

Commissioner Willner said he agrees, as long as they schedule their Xmas Party when nothing else is scheduled for the designated area. He then asked the other Commissioners if this is agreeable to them. Commissioners Borries and Cox responded in the affirmative.

Proceeding, Commissioner Willner asked Mr. Bitz if the parking lot is striped -- and is he putting the concrete markers back? Mr. Bitz said that, through the County Surveyor's office, they drew a striping diagram of angle parking and found they lost a few parking spaces. They are currently doing another diagram, going back to the parallel parking system. They will compare the two insofar as traffic flow and number of spaces. As soon as this project is complete, he will get with Mr. John Vezzoso and the striping will be done immediately and bumper blocks will be placed as time permits during the next couple of weeks.

RE: BURDETTE PARK - MARK TULEY

The following monthly financial report was presented by Mr. Tuley:

<u>1985 STARTING BUDGET</u>	
1985 Budgeted	\$ 485,881.00
1984 Encumbered by P.O.	6,319.43
1984 Encumbered by Contract	14,445.01
1985 Additional Appropriation	223,400.00
Total 1985 Budget	\$ 730,045.44
Repealed back to Council	- \$ 10,037.22
Remaining 1985 Budget	\$ 720,008.22

(continued)

EXPENDITURES & BALANCE 1/1/85 to 8/31/85

Total Expenditures	\$ 561,483.60
Total Balance	\$ 158,524.62

INCOME 1/1/85 to 8/31/85

Pool	\$ 65,716.84
Waterslide	31,267.50
Rink	26,314.73
Rentals	52,122.92
Miscellaneous	27,906.00
Total	\$ 203,327.99

8/31/85

Total Expenditures	\$ 561,483.60
Total Income	203,327.99
Total Deficit	358,155.61
Less Long Term Capital Improvements	- 197,574.91
Total Deficit	\$ 160,580.70

Mr. Tuley said just to give the Board some idea of how Burdette did over the weekend, the total income now is \$210,818.09 and the waterslide income went up to \$34,485.50. With the Board's permission, he would like to keep the FAMILY POOL open on weekends thru September 15th. They've had quite a few requests. He thinks that with the warm weather this would work out well. He would also like to reduce the rates during the next two weekends and the hours would be from 10:00 a.m. to 5:00 p.m.

Commissioner Willner asked Mr. Tuley if, with all the people going back to school/college if there would be sufficient personnel to operate? Mr. Tuley said they have packed house on rentals the next two weekends -- and he believes with all the picnics, etc., this warrants their remaining open. Commissioner Borries commented that there were a lot of kids in school today who would like to have been out at Burdette on the waterslide -- it was really hot today.

Commissioner Willner said that with the current temperatures, there certainly is no problem with keeping the pool open until September 15th. If the warm weather continues, we could go further. But we'll cross that bridge when we come to it.

Commissioner Cox asked Mr. Tuley if there is any problem with adequate supervision, etc.? Mr. Tuley said that some of the lifeguards have gone back to school/college. But they will only be running one of the two pools....the FAMILY POOL.....so they should have more than ample staff.

Commissioner Cox asked if Mr. Tuley has a comparison on how much the pool brought in last year up to this time? What she is trying to find out here is whether the waterslide increased the pool useage? Mr. Tuley said that it has. He said that basically the swimming pool did \$70,000.00 last summer. However, last summer was a lot dryer. This year he believes we had 10-12 terribly rainy days, when they were completely shut down. He would say that pool attendance is definitely up. The best year they ever had was in 1983 -- when they did \$90,000.00. We ought to go way over that.

Commissioner Borries said he thinks that at this point -- the record year was set in 1983 and that was the first time the park had ever had that kind of revenue. So, as of now, we have \$210,818.09 -- and that's a record..and we still have rentals to go. Mr. Tuley said we're probably looking at income somewhere in the neighborhood of \$230,000.00 to \$240,000.00. That's what they're shooting for. He is looking forward to 1986. It will be interesting to see what having the waterslide in for a full season does for business. Obviously, we can see what it has done in six (6) weeks.

RE: COUNCIL OF GOVERNMENTS/RESIDENTIAL ENERGY MANAGEMENT PROGRAM - MARY BROWN

Ms. Brown said that with the City of Evansville's HUD money that goes to individuals, there has never been anything in the County where they could do things for individual residents. The Department of Commerce, using this same money for which we are qualified for County (not the City) -- have what they call the Residential Energy Management Program. An awful lot of it is simply conservation per se, to tell people how to conserve. The big thing today is caulking. While they will only spend up to \$300.00 on each resident, it would be \$300.00 well spent.

(continued)

The Auditor, which the Commissioners would select (would probably select two because of the number of jobs to be done) would have to be trained by the State of Indiana and tested by the State of Indiana and then contract with the Commissioners to do the audits. They would go through the entire house and recommend to individuals those things which need to be done and the worst \$300.00 worth would be covered by this grant. It's a difficult program to administer. We're all complaining about them, but it's just terrible when you're talking about the income of low-moderate income people. You have a pool of about 10,000 people who could be eligible for this program. If we don't get them all, we could go get it again -- as long as the money is available. Ms. Brown said she would urge that the Commissioners let them apply for the grant. The only thing the County would have to do would be to come up with an energy savings plan of their own in the County buildings, which she knows they are already working on. This is not a competitive thing; it's a matter of first-come, first-served. The new money is out and she wanted to make the Board aware of this. If they want her to start on the grant application, she will do so.

Commissioner Willner said he doesn't think she will have too much trouble with the Board on this. If there are no questions, he will entertain a motion. This is certainly the time of year that we begin to think about utility bills.

Ms. Brown said it takes a while to get these, because they have cut down so to look good. But once it gets in the hopper, we will get it funded. She will bring it back to the Board within month.

Commissioner Willner called for a motion. Motion was made by Commissioner Borries that the grant application be approved, with a second from Commissioner Cox. So ordered.

The communication provided by Ms. Brown read as follows:

RESIDENTIAL ENERGY MANAGEMENT PROGRAM

Vanderburgh County is eligible to apply for \$100,000 for the REMP Grant Program. This program is funded by the Indiana Department of Commerce through the Small Cities Program.

This program is designed to provide funds for installation of low cost energy improvements in owner occupied residential dwellings. Included in these improvements are caulking and weatherstripping of doors and windows, installing door sweeps, replacing broken panes, reglazing windows, repairing cracks in walls and ceilings, installing foam outlet insulators, and wrapping water pipes and hot water heaters. Local contractors, hired by the Board of Commissioners, and approved by the State of Indiana will do the work.

Qualifying householders will receive an energy audit and up to \$300 worth of energy improvements at absolutely NO COST to the homeowner. In order to qualify for the program the family must meet the low/moderate income guidelines.

The \$100,000 program would break out:

255 weatherizations
255 energy audits
program audit by auditor bid in by State administration

All \$100,000 grants are budgeted as follows:

255 weatherizations @ \$300	\$76,500
255 audits @ \$35	8,925
Program Audit	4,400
Administration	10,175

RE: COUNTY HIGHWAY DEPARTMENT - BILL BETHEL

Weekly Absentee Report: Mr. Bethel submitted copies of the Weekly Absentee Report for employees at the County Garage for period of August 26 thru August 30, 1985.....report received and filed.

Weekly Work Report: Also submitted for the same period was the Weekly Work Report for employees at the County Garage.....report received and filed. Attached to the Work Report was the following Work Schedule:

(continued)

Gradall: Volkman, Barton and YardPaved: VolkmanChip & Seal: Duesner, Graff and Bayou CreekPatch: Bridge Crew, Schmitt Rd., Old State Rd., Red Bank, Upper Mt. Vernon, LeMay, Middle Mt. Vernon, Oak Terrace, St. Joe, Westmore, Raintree, Marigold, Heppler, Martin Station Rd., 8101 Baumgart, Pine Place Dr., and Hogue Rd.Mower: Baseline, Westchester, St. Joe Avenue, Booker Rd. and Old Petersburg Rd.

Commissioner Willner asked Mr. Bethel what time he goes before County Council this evening? Mr. Bethel said he is scheduled at 6:00 p.m.

RE: SURVEYOR - BILL JEFFERS, CHIEF DEPUTY

Bridge & Guardrail Repair Report: Mr. Jeffers submitted copies of the Weekly Bridge & Guardrail Repair Report for period of August 26 thru August 30, 1985.....report received and filed.

Mr. Jeffers said the report is rather brief; they had a short crew due to vacations and personal time taken last week. They finished blacktopping some culvert cuts on St. Joe Avenue. They closed Millersburg Rd. again. On Tuesday, they closed both bridges again. The next three days were spent cutting grass and painting guardrail ends with a 4-man crew. Mr. Jeffers entertained questions. There were none. Continuing, he said he checked out the bridge on Red Bank Rd., as requested by Commissioner Cox. Basically, the problem is the same as that experienced over a period of time. The ballast rocks are seeping between the boards. We don't have a solid abutment wall; we have more or less a board fence there and it will require that batter boards be placed to span the cracks between the boards and to keep the ballast back in. Then they can pave it again without its sinking. However, Commissioner Cox's assessment of the bridge approach was correct.

Commissioner Cox asked if this would be done in house? Mr. Jeffers responded in the affirmative.

Peck Rd. Bridge Washout: Mr. Willner said he has received a report that the Peck Rd. bridge is washing out. He asked if Mr. Jeffers has looked at that? It needs to be taken care of tomorrow probably. He said that he hasn't had time to look at it. Mr. Jeffers said that he hasn't been up there in about two weeks. Mr. Willner said he is told that one corner is washing out. He's had two calls -- so it's probably pretty serious. Mr. Jeffers said that is a narrow road.

Boonville-New Harmony Rd. & Nesbit Station Rd. Bridges: Commissioner Willner said he had also had calls from people wanting to know if we could replace the bridges on Boonville-New Harmony Rd. west of Highway 65 (which is a one-lane steel constructed bridge) and one on Nesbit Station Rd., which is also a one-lane steel constructed bridge. He doesn't know where these bridges fall in our bridge inspection report. Mr. Jeffers said they have surveyed the bridge on Boonville-New Harmony Rd. to size it for possible replacement. But it hasn't gone to the planning stage as of yet. Commissioner Willner said we either need to paint some of these bridges or advise the Commissioners where they stand on the replacement process list -- so he can tell people what to expect.

Vehicles/Surveyor's Office: Commissioner Willner advised Mr. Jeffers that there have been some problems insofar as Council is concerned with the vehicles assigned to the Surveyor's office. He asked if Commissioner Borries wants to report on this?

Commissioner Borries said there have been complaints regarding one specific vehicle. He thinks the Sheriff has followed procedure. He declared some vehicles surplus. One is parked at times directly in front of the Auditorium. Commissioner Borries asked Mr. Jeffers how many vehicles there are in the surveyor's office at this point from the Sheriff's department? Mr. Jeffers said they recently acquired three (3). Commissioner Borries asked how those were acquired? If his understanding of procedures is correct, those would be declared surplus by the Sheriff, placed at the County Garage and thereafter a request should be given to the Commissioners to request use of those vehicles? He doesn't know whether this has been done. This is his first knowledge that the surveyor's office had three vehicles checked out. Were the Commissioners consulted about this?

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Commissioner Cox said she has it noted on her agenda several meetings ago that three of the vehicles from the Sheriff's department had been requested by the Surveyor's office and they were advised to give those vehicle numbers etc., to the Auditor's office. It might have been while Commissioner Borries was on vacation. Commissioner Borries said that is why he is asking. He can't recall anything on this when he was in attendance. Commissioner Cox asked Mr. Jeffers if he recalls this? Mr. Jeffers said they were advised that the vehicles were located at the County Garage and that the Garage Superintendent had selected one (1) for the use of his inspector and that the other three (3) could be had; first-come, first-served. The surveyor picked up the three (3) vehicles and went through them and found two (2) that were usable immediately and reported the license plate numbers and serial numbers to the Auditor and requested new license plates...and reported the information to our insurance carrier. If there is another procedure --or an addition to that procedure which they should follow, he will be more than happy to add that to their procedure. One vehicle was not worth repairing; or they don't feel at this time that it is worth repairing; but it could be used as spare parts for the vehicle the bridge inspector is currently using or the one used by the road inspector.

Commissioner Borries asked how many vehicles are in the Surveyor's office now? Mr. Jeffers said the Bridge Department has two (2) vans, a back-hoe and a METS bus. The surveyor's office has two (2) sedans on the road and one survey van. The bridge inspecting department has two (2) sedans. There is one that is parked. In other words, they are not utilizing it at all. He thinks it probably should be used as a parts car. Commissioner Willner asked if it is out at the County Highway Department? Mr. Jeffers said it is now. Right now it is just parked off the County Highway's property; they could move it back over there if the Commissioners like. It is currently at the mechanic's. It had an engine knock so they left it over there to be checked out. Commissioner Willner said that we should probably get that to the Highway Department. Mr. Jeffers said that it is drivable and they can put it there tomorrow.

Commissioner Borries asked how many vehicles in the surveyor's office are take-home vehicles Mr. Jeffers said that four (4) are. Commissioner Willner asked who takes those home? Mr. Jeffers said the Surveyor, the Deputy Surveyor, Party Chief, and the Superintendent of the Bridge Crew. Commissioner Willner asked if they are on call 24 hours a day? Mr. Jeffers said that three (3) are. Commissioner Willner asked if there has ever been an instance where they were called out at night time? Mr. Jeffers responded in the affirmative. Commissioner Willner asked, "Where was that?" Mr. Jeffers said that without consulting the records he could not advise Commissioner Willner of exact times or dates. Commissioner Cox said she can cite one. It was out on Marx Rd. when the bridge washed out. She was out there herself. This was after hours. She does not, however, know about the other times.

Commissioner Borries reported that the minutes of the Commissioners Meeting held on August 12th indicate that Commissioner Willner said he thinks the County Highway Department has put in some bids for these vehicles as well as the County Surveyor. He said he guesses what he would request on this --and he thinks part of the Board's question is -- first of all, whoever is driving the car that has been parking in front of the Auditorium take it to the County Garage so it can be serviced and any markings that would indicate that it is still a Sheriff's car could be removed. It looks like there is a star or something there and it is somewhat misleading as to whose car it is. Also, if those vehicles have been requested by the Surveyor's office -- it should be put in writing. He is not aware that the Board has received anything in writing in relation to those vehicles being requested by the Surveyor's department..and he thinks we need to have that on record in relation to our liability so that the Sheriff's Department, for one, will not be charged with any kind of accidents, etc., in relation to our liability insurance. Further he is not sure that we need to park a county vehicle in front of the auditorium. He has concerns about this. He appreciates that whoever is driving that particular car --that that car be parked in an appropriate spot and not in front of the Auditorium.

Millersburg Rd. Project: Mr. Jeffers reported that the contractor has begun clearing the right-of-way on Millersburg Rd. and parks his rig across the road to block the road. There was no other way to do it. He will begin demolishing the bridge later in the week. The next time someone crosses the creek in that location it will be on a new bridge or by boat.

RE: AWARDING OF BIDS ON MILL ROAD, SCHAEFFER ROAD & BASELINE ROAD PROJECTS

Mr. Jeffers said that upon the advice of Attorney Miller, who stated that all bids received on the Mill. Schaeffer and Baseline Road projects were in order and bid bonds,

(continued)

etc., were enclosed, it is the recommendation of the Surveyor's office that the three (3) contracts be awarded to Rogers Group, Inc., as follows:

#1 - Mill Road Project	\$ 5,488.05
#2 - Schaeffer Road Project	\$ 1,261.57
#3 - Baseline Road Project	\$ 6,055.20

Commissioner Willner asked if Mr. Jeffers has any idea why there is such a big spread in all three projects? Is there any visible reason? Mr. Jeffers responded in the negative.

Commissioner Borries said that his question was that there were other figures that Rogers gave. Why have they broken it out in that particular fashion? In other words, does this base bid include just one item. Or, in other words, did Rudolph combine all three? He still doesn't understand the difference.

Mr. Jeffers said that from a brief observation, he would say that J. H. Rudolph bid the total tonnage; on Baseline Road, for instance, they combined the 65 tons of base and 35 tons of binder and 35 tons of top coat for a total of 130 tons. They bid it all at the same price. Rogers Group, Inc. broke their bid down and submitted a bid showing that they wanted so much per ton for base, so much for the binder and so much per ton for the top coat.

Commissioner Borries said he heard all of that. What he is saying is, does that break-out per ton -- is that included all in that same price? Mr. Jeffers said, "Oh, yes sir, they gave a total price." Rudolph's bid was something like \$87.50 per ton -- and when you Commissioner Borries said that is really a big difference. Commissioner Cox said that is a very big difference. Commissioner Willner said that one contractor probably needs the work and the other doesn't; that's probably what it amounts to. Mr. Jeffers said the County has purchased asphalt from Rudolph for \$24.90 per ton (and he isn't saying anything about either group). But the Board does know that there is labor involved in transporting, as well as expense in installation, and evidently one company found a way to cut those expenses more than the other company. Because this does include installation. Some of it will have to be hand applied. The base on Mill Road will have to be applied by hand. That may be the reason why Rogers bid a different amount for hand application than they did for machine application.

Commissioner Cox asked if Mr. Jeffers can recall what the other bids were that came in on projects? Mr. Jeffers said they ranged from \$55.00 to \$67.00 per ton -- somewhere in that area. He would have to look at the records; but it seems to him that the low bid was around \$54.00 and the high bid was around \$68.00.

President Willner entertained a motion. Motion was made by Commissioner Borries that the bids on projects on Mill Rd., Schaeffer Rd. and Baseline Rd. be awarded to Rogers Group, Inc., the low bidder. A second to the motion was provided by Commissioner Cox. So ordered.

Mr. Jeffers said that to better explain, the more asphalt you can put down in one project the lower the price. For example, you see the prices here from Rudolph on small projects. But they bid approximately \$32.00 per ton on what they did for the State on Indiana 65 between the Old Mill and Boonville-New Harmony Rd. But this was a huge amount of tons from start to finish on one project. He thinks it all boils down to transportation and labor costs.

RE: COUNTY ENGINEER - ANDY EASLEY

Fifth Avenue Bridge: Mr. Easley reported that he had received the Final Edition of the Bridge Inspection Report for the 5th Avenue Bridge and it has a sufficiency rating of 42. He said he went over the criteria and subsequently had a discussion re what is major maintenance and what is minor renovation. They were arguing about major maintenance and Mr. Easley told him he considered "major maintenance" things such as sandblasting, etc. The inspector checked with the Senior Bridge Engineer and he agreed with Mr. Easley. Mr. Easley said he thinks this is a correct evaluation.

Burkhardt Rd. Project: Mr. Easley presented copies of a letter from Gohmann Asphalt Construction, Inc. to Mr. Lee McClellan (project engineer/Morley & Associates) to the Board. The letter read as follows:

(continued)

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August 29, 1985

Mr. Lee A. McClellan, P.E.
Project Engineer
Morley & Associates, Inc.
605 S.E. Seventh Street
Evansville, IN 47713

Re: Project R-15023/Extension of Time/Burkhardt Road

Dear Lee,

With reference to my letter of 5/9/85 (copy attached) we are requesting a time extension on the referenced project to July 25, 1986. This date coincides with the delays incurred by us prior to the ditch change order (C.O. #4) being resolved.

During the 116 calendar days, from April 1, 1985 to July 25, 1986, we purchased borrow dirt in order to maintain a work area on the west side of the project. This was extremely costly. We feel we made every effort to keep the job moving forward and do not wish to be shackled with the cost of damages on top of the delay costs already incurred.

Your prompt consideration of this matter would be appreciated.

Sincerely,

J. M. Gohmann
President

cc: Jim Morley
Andy Easley

The letter attached (dated May 9, 1985) read as follows:

May 9, 1985

Mr. Lee A. McClellan, P.E.
Project Engineer
Morley & Associates, Inc.
Evansville, IN 47713

Re: Change Order for Ditch Redesign on Burkhardt Rd. Contract R-15023

Dear Lee,

We are requesting that the contract time be stopped on the referenced project. In view of the delays in designing and processing the ditch redesign change order our construction schedule has been severely altered. Since there is a calendar day completion now set at January 21, 1986, we feel that work days should be added to the job starting April 1, 1986 for every day the change order remains unresolved retroactive to April 1, 1985.

The most important consideration in this controversey is Gohmann Asphalt's added costs in labor, material and equipment which will inevitably result if the job is allowed to carry past its original completion time (November 15, 1985). We are therefore requesting compensation for these losses if a resolution is not reached soon.

It has been and still is our intention to complete this project on time and to cooperate fully with all involved entities. An immediate solution to this problem is imperative. We stand ready to assist this end in any manner we can.

Sincerely,

J. M. Gohmann
President

cc: Dale Lucas
Andy Easley
Jim Morley

(continued)

Mr. Easley said that Gohmann makes statements re delays which they've encountered and we will, no doubt, receive a recommendation from our Construction Engineer, Jim Morley.

Attorney Miller asked who Gohmann claims is responsible for the delay?

Mr. Easley said they mention the change order for the lowering of the ditch and he would have to check the diary. He thinks there was a fair amount of rain in June. They are not making a claim for extra compensation, as such -- he doesn't read that in the letter. But he does think they are trying to avoid any liquidated damages.

Attorney Miller asked if they were not told to figure into their estimate of the completion date the non-working days that they would encounter as a result of inclement weather?

Mr. Easley said they would normally do that. He has not discussed the matter with them yet, as he just received his copy of the letter.

Commissioner Borries said he would like to suggest that we receive some written correspondence from Mr. Morley, our Construction Engineer.....

Commissioner Willner indicated he has that.

Commissioner Borries asked if Mr. Morley's letter indicates what Andy's letter points out in regards to no extra compensation?

Commissioner Willner said it does not. Morley is asking for a 16-19% addition in dollars and goes on to discuss the manpower situation, etc. The letter read as follows:

August 27, 1985

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

Re: Burkhardt Road Improvements

Dear Board Members:

We would like to inform the Board that we are estimating that the fee for construction engineering services with Morley and Associates, Inc. will overrun the contract amount by approximately 16 to 19 percent. Very early into the construction we had a feeling that we would not be able to stay on our manpower estimate and reviewed this situation with Mr. Dale Lucas, our IDOH Area Engineer. We have been checking the actual manhours expended per month against the project manpower estimate for several months and have now substantiated this position. As of August 15, 1985, the Contractor was 50.2% complete with the project.

The overrun of manhours is due to items which are completely out of our control since our workday is dictated by the Contractor and/or his subcontractors. The Contractor is working five days a week (and only two Saturdays so far) for 10 or more hours per day. The prime contractor has had subcontractors on the job working on days that the prime contractor was not working, yet we still had to provide inspection services. We have had numerous cases where the subcontractors have worked until almost dark, thus resulting in 12 or 13 hour days for our inspectors. With these situations, we have had no choice but to hold a man over in the evening and pay overtime.

Our manhour estimate included some overtime because we know that usually in late fall the contractors tend to work a lot of overtime to get as much done before bad weather sets in, but we certainly did not anticipate or estimate that the contractors would be working this amount of overtime so early into the construction season. We have done everything within our power to control the manhours expended by keeping only one inspector on the job site when the subcontractors work beyond the prime contractor's normal 10 hour days; by laying off our testing personnel when the weather has prevented the contractor from working; by assigning one inspector to cover two or more construction activities at the same time; and by letting our paperwork build up to be done on wet, rainy days rather than pay the overtime in the evening after the inspectors come in from a 10 hour day in the field.

Mr. Dale Lucas has instructed us to have at least one representative from Morley and Associates, Inc. on the job site whenever there is construction activity being per-

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formed, either by the prime contractor or his subcontractors.

Our staking crew will probably overrun the staking portion of the contract by an anticipated 12 to 15 percent due to restaking. Many of the drainage structures have been staked two times and many grade stakes two and three times. Slope stakes have been set twice for changes in design of the Crawford-Brandeis Ditch, associated with the County's request to lower the elevations in the legal drains.

We want you to be aware of this overrun potential and that we are trying everything we can think of to bring this contract in at the budgeted amount. We would like to have your assistance and comments concerning this matter.

Sincerely yours,

Lee A. McClellan, P.E.
Project Engineer

James Q. Morley, P.E., L.S.
President

cc: Paul Owen/I.D.O.H.
Andy Easley/County Engineer

In response to queries concerning periods when subcontractors were working when the prime contractor was not, Mr. Easley said that more than likely that was when the subcontractor was working on the underground drainage structures and Morley had to provide services. Commissioner Willner said Morley stated there were numerous cases where the subcontractor had to work until dark, thus resulting in a 12-13 hour day for them and their inspectors....and Mr. Willner continued quoting Mr. McClellan's letter. With regard to the lowering of the elevations in the legal drain, Commissioner Willner said this was "his" request of the Drainage Board, not the request of the Commissioners.

Commissioner Cox noted that the letter from Morley & Associates has nothing to do with the letter from Gohman Asphalt. Commissioner Willner said both letters concern the same project. Commissioner Cox pointed out the letter from Gohmann dated May 9th in which they refer to the change order on the lowering the ditch, etc. in which they requested that the contract time be stopped on the reference project -- because they had a completion date set at January 21, 1986. With the redesign of the lowering of this ditch and the installation of the culvert, this was holding them back on their schedule. What they are simply asking is that the County give them an extension on the completion date of January 21, 1986. She said she has no problem with that.

Attorney Miller said, "Not as long as you clarify that there is no additional money involved.

Commissioner Cox said she doesn't know, we may very well have a penalty clause in the contract.....it's not their fault that there was a redesign. She has no problem with documenting the number of days it took.....and they recommend that the contract time be stopped on reference date when we started the redesign.

Attorney Miller said that Mrs. Cox is probably right; but he thinks we need to get Mr. Morley's input before...

Commissioner Cox said that in order to eliminate some of the questions and problems and everything that we went through on Lynch Road, we need some documentation from Mr. Morley about his inspector's hours spent on the job.

Commissioner Willner said he doesn't mind giving somebody a raise if there are things that are out of his control, as he says. Working the inspectors when the subcontractors work is not out of the ordinary by any means.

Mr. Easley said that on this type of project, if it rained hard and it is too wet to move dirt, someone can put in an underground pipe. They get a backhoe out there; he can sit his outriggers in the mud and dig the ground out 3-4 ft. deep and lay pipe -- it's dry down below....and he can keep working. That is probably what he is talking about and that is not unusual. Commissioner Cox said she thinks it speaks well of the contractor to see that the subcontractor keeps on working when possible.

Commissioner Willner said he thinks that Mr. Easley needs to contact Mr. Morley and set

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up a meeting on Monday, September 9th at 10:30 a.m., with the County Commissioners, the County Attorney and Mr. Easley. The Commissioners' Meeting will be at 2:30 p.m. At 2:00 p.m., the Commissioners have a meeting scheduled with Messrs. Hamilton and Elvis Douglas re Four Rivers. Since the meeting with Morley will probably require more than an hour, the 10:30 a.m. time slot seems to be the best alternative. Mr. Willner said he doesn't know whether the County Attorney really needs to be present? Mr. Easley said he doesn't think it will be necessary.

Change Order #7/Burkhardt Road Project/Prime Coat: Mr. Easley said he has a request from Morley & Associates re Change Order to increase the quantity of Bituminous Material for Prime Coat due to original plan quantity being in error by 25 tons. Mr. McClellan said that he has reviewed this with Mr. Dale Lucas, I.D.O.H. Area Engineer, and he concurs that the additional prime coat is necessary for proper construction of the shoulders.

Commissioner Cox said she thinks she could have built a superhighway from here to Hovey Lake for the amount of money we're spending on Burkhardt Rd.

Mr. Easley said the Change Order will result in an increased cost of \$7,750.00 and the county's responsibility is 25% of that amount.

Commissioner Willner queried Mr. Easley re his recommendation? Mr. Easley said it is his recommendation that the Change Order be approved.

Commissioner Cox said we sure have had a lot of errors on this project. Commissioner Willner said that at first we had too much asphalt. The bids were wrong three (3) times. Then we found out that the asphalt was estimated at too great a quantity. Now it is too little. Mr. Easley said that as both Messrs. Willner and Bethel would know, asphalt prime is put down at 1/4 gallon per square yard. That's quite a volume. There are 7½ gallons in a cubic foot (that is an international standard) and oil doesn't weigh as much as water.

Commissioner Willner queried Mr. Easley as to why we need an "additional" prime coat? That is the question. Everyone knows that we need a "prime coat"; now, why do we need an "additional prime coat"? Mr. Easley said he doesn't think this is what he means. Commissioner Cox said she believes they just didn't figure enough on Item #17. Mr. Easley said that either they have shot it too heavy (spraying it too heavy) or they had an error in the quantity in their initial calculations.

Commissioner Willner said he believes this matter needs to be addressed at the same time we address other matters in the meeting scheduled with Mr. Morley for next Monday.

Claim/Morley & Associates/Construction Engineering-July: Claim presented in the amount of \$21,938.20 for construction engineering for July period on the Burkhardt Road project. Mr. Easley said it is his recommendation that the claim be approved for payment. The Chair entertained a motion. Commissioner Cox said she would like to see documentation. Mr. Easley said there is documentation; Morley & Associates has time cards and that is what the billing was based upon.

Commissioner Willner asked if Morley & Associates is now billing us for overtime? Mr. Easley said that overtime is included for employees McClellan, Niehaus and Mayes. Commissioner Willner asked if there was an overtime clause in the contract? Mr. Easley said that, as he recalls, there is..but he will check on this.

It was subsequently determined that the matter of this claim will also be discussed at the meeting with Mr. Morley on Monday, September 9th.

Commissioner Cox asked if we have a limit on the hourly rate amount? Mr. Easley replied in the affirmative, saying that this is in the contract. There is a multiplier. They take their hourly rate times the overhead rate. Mrs. Cox asked if the \$24.10 per hour falls within our hourly rate? And the \$29.07 per hour falls within our hourly rate? She remembers that on another project the State only allowed something like \$18.00 per hour and they had billed it.....

Commissioner Willner again reiterated that the claim submitted will be discussed at the meeting with Mr. Morley next Monday, prior to any action by the Board re same.

(continued)

Modification of Box Culvert/Division: Mr. Easley said that when there was discussion on design of structural modifications for the concrete box culvert under Division at Burkhardt Rd., as part of the Burkhardt Rd. Improvement Project, he had his design idea reviewed by Jerry Brand of Wilkie Structural Engineering, Inc. He spent a half hour with him and he charged \$22.50. He is submitting claim in the amount of \$22.50 today, with recommendation that the claim be approved for payment. Commissioner Willner entertained questions. In response to query from Commissioner Cox, Mr. Easley said that, getting technical, how to bond the steel, etc., and he took the design to Mr. Wilke's office, who said it was proper. Motion to approve claim for payment was made by Mrs. Cox, with a second from Commissioner Borries. So ordered.

Claims/Creasey Company Project: Mr. Easley said he has several claims to present for approval in conjunction with the Creasey Company Railroad Car Door Modification project on the Lynch Road widening project. The claims are as follows:

Wilkie Structural Engineering, Inc.: Claim re consulting on design of structural connection for Creasey Co. Bldg. railroad car door modifications/joist extension. Amount is \$22.50.

Overhead Door Co. Evansville: Claim in the amount of \$2,820.00 for Overhead Door and Electric Opener.

Geiselman's Welding, Inc.: Claim in the amount of \$585.33 for plates, bolts and welding work done for Creasey Co. door modifications.

Con Steel & Tube: Claim in the amount of \$146.27 for Plate & Burning Charge in connection with Creasey Co. door modifications.

Pinkerton's, Inc.: Claim in the amount of \$1,352.00 for security officers in conjunction with Creasey Co. door modification project. (The Commissioners approved this expenditure at a previous meeting.)

The Chair entertained a motion. Motion was made by Commissioner Cox that all of the foregoing claims be approved for payment, with a second from Commissioner Borries. So ordered.

With regard to the claim from Overhead Door Co., Mr. Easley pointed out that this claim covers only the overhead door and the electric opener. They will bill labor charges at a later date. They have approximately another \$2,200.00 coming.

Performance Bond/Green River Road/B.M.B.: Mr. Easley advised that he has received a labor/material bond and performance bond from B.M.B. on the contract on the Green River Road Storm Sewer Project. In response to query from Mr. Easley, Attorney Miller advised that we should have a written contract -- that is the normal practice. In response to request from Mr. Easley, Attorney Miller indicated he will have a draft of a contract between B.M.B. and the County prepared for submission to B.M.B. for their approval, etc. Mr. Easley said this should be done as quickly as possible, because we need to get started on this project. Commissioner Cox had asked that we put a time limit on the project..and this has been in the mill since late May.

RE: COUNTY OFFICE EQUIPMENT - MARK OWEN

The Chair recognized Councilman Mark Owen, who was present for purposes of discussing purchase of County office equipment. Councilman Owen said they started doing a Capital Improvement Survey approximately 1½ years ago. All of the County offices responded to the survey and indicated their various office equipment needs, etc. over a period of five (5) years. Based on that five year trend, the Council did a detailed survey about three (3) months ago of just the typewriters, calculators and copiers that would be required. Based on that survey (which was compared to the Capital Improvement Plan) they developed a list of the Capital Improvement immediate needs. They went thru number of vendors, trying to put together reasonable specifications for the various needs to match the request. That is how the Specifications List was developed.

As the bid indicates, the County would not be obligated to purchase any specified number-- they are only saying that for bidding purposes we would be looking at 31 typewriters with no memory, 18 typewriters with 5K memory minimum, 19 calculators and 9 copiers. With regard to questions that came up concerning the copy machines, he can go down the list and advise the office locations.

(continued)

Commissioner Willner interrupted Councilman Owen by asking if all copiers are in addition to those we now have? Or, are we trading in some units?

Mr. Owen said that, for the most part, they would be trade-in machines. The only exception he can think of at the moment would be the Co-Operative Extension Office, which currently uses a mimeograph machine. The copier would replace the existing mimeograph machine. The other exception would be in the "Assessor's Row". They run into quite a problem running copies on a limited basis for people who come in, because they apparently go to the Auditor's office and there is a line and they can't get in. This machine would be a very low quantity for that type of use -- on anything other than 50-100 copies, they would still utilize the machine in the Auditor's office. The new machine would be put in the center of "Assessor's Row" with an auditron; all assessors would have use of the machine and their useage would be registered. They would work out the billing as they currently do on the machine in the Auditor's office. Actually, most of the copiers are for off-site locations: Burdette Park, Drug & Alcohol Referral, Prosecutor IV-D. The rest would be the Clerk/Superior Court, Co-Op Extension Service, etc. They talked with officeholders concerning their monthly useage and that is how the figures were derived showing the average monthly useage, etc. There was much dialogue and many letters before the Council actually came up with this list.

With regard to the Commissioners' questions concerning funds, Mr. Owen said he talked with County Auditor Alice McBride and the State Board of Tax Commissioners. Council is going to transfer those funds (either at a special meeting or at the October meeting) to the Commissioners' account. They wanted to make certain that by the time this bid is awarded that those funds are in the Commissioners' account. They have allotted \$70,000.00. The only thing that might cause us to go over that amount would be the Service Agreements. They left this as an option; we could either take them or not take them, based upon what the Commissioners want to do. Most of the officeholders had Service Agreements in their own budgets -- so they did not want to award one (1) service agreement on typewriters and have each officeholder pay for it.

Commissioner Borries said he had met with Councilman Owen and his concern was, and still is, that in relation to our budget for this year -- and we have received some figures from Pulse that would be very high -- but he is wondering if we wanted to look at some kind of professional study to see if, since we're going to bid these items, we're doing the right thing in looking at what is needed for the future. He doesn't know how old some of this equipment is. He hopes that if we want to look at a professional study -- again, we might want to incorporate some type of word processing or look at some kind of fashionable word processing pool; we might not need it in every office. This is a rapidly changing field. It's changing as rapidly as computers and everything else -- and it's something that is not static. What is currently needed in some of these officeshis question with Mark was, "Are we bidding this status quo?", which he confirmed that we were. We are then talking in terms of approximately \$70,000.00. This is considerable expense and this is why he was wondering whether we need to look at some type of study. Perhaps have a consultant. The problem you get into when you talk about a study is that we'll end up with someone who wants to sell something to the County. He doesn't want to go this route. He would think there would be a consultant in the field (maybe one of the University Business Departments) who would be willing to come in and see what we're doing here. The question is whether we are moving in the right direction as to what is needed? Is this the most efficient way to use our dollars? He can't answer that, because he didn't know anything about the study done at that time. He believes that the study was done in good faith as to what each officeholder felt he/she needed at that time and he supposes that is as sincere as we can get. But he wonders if we need to go a little further and look at the future and what we want to do insofar as it is a very technical field...what is needed in some of these offices to improve services. Some equipment is probably worn out. Do we need to keep the exact same type of equipment or do we need to go to something more expensive? Maybe a consultant can help us look at that. Again, we need someone who is not in the field of selling equipment, but would certainly be in the field of teaching it or serving as a consultant.

Councilman Borries said that Council, at preliminary hearing, said that it would be \$25,000 less than budgeted before for Data Processing. On the mainframe contract, the central processing unit has gone down some. Commissioner Willner said he was aware of this. Councilman Owen said the Courts have some concern. There is one Judge who says he doesn't have the equipment that the other Judges have and he wants new features. Commissioner Borries said that if they want those things, either it needs to be put into the Court's budget somewhere or in the Commissioners' budget. Commissioner Willner said that it is his understanding that Council is going to have some money to spend for this. But the Judges might not want to spend the money for this -- so he is in a quandry re

(continued)

computer costs for the Judges.

Councilman Owen said that the Judges have complained to them about computer costs. But they have never given Council any prices, any facts or figures -- so he is completely in the dark as to what is going on. He talked to Judge Lensing over the weekend about transferring some money for some probation-related services. He indicated to Mr. Owen that all the money that he had available to transfer was going to be used for computer costs. He said that every bit of it was going into computer cost. Thus, he doesn't know what the Court is doing. He doesn't know whether they have talked with the Commissioners concerning their plan. Mr. Owen said he doesn't even know what computer Judge Lensing was talking about.

Commissioner Cox said that if anyone could use some data processing it would be Juvenile Court. But they haven't sent a letter to the Commissioners to request to go onto this one, but she can see where it definitely might be needed.

Councilman Owen said that at one point a couple of months ago, they told the Council that they might well go out and buy their own computer system. He asked County Auditor Alice McBride if she recalls something like that? This was about 3-4 months ago and they said they were thinking about buying their own computer system.

Commissioner Cox asked Mr. Owen where the Court is going to get the money to do that? Councilman Owen said it would be out of their Special User Fees. Commissioner Cox said that Council then has given them too much

Councilman Owen said he is talking about the Special User Fee --the Probation User Fee, where they charge the probationers a fee and collect same in a special fund.

Councilman Owen said that with regard to word processing, he looked back on the survey and they asked the officeholders what type of memory they needed. For the most part, most indicated they needed none or very limited. The new typewriters were requested by for County Assessor, County Clerk, Coroner, Center Assessor.....Commissioner Cox asked, "The Coroner needs a typewriter with a memory?" Councilman Owen said, "No, no memory." Commissioner Cox said, "The Coroner's office needs a new typewriter? Mr. Owen said they went down and looked and they don't have a new typewriter. They have an oldCommissioner Cox said they had an Adler or Olivetti....probably not over 7-8 years old. Councilman Owen said the one he saw was very, very old. Commissioner Cox said that he did not see the one that belongs there then. She has been down there and typed birth certificates, etc., and helped "Earl" get caught up -- and there was a nice typewriter down there. The Auditor would have a serial number for the typewriter. Councilman Owen said that approximately \$30,000-\$33,000 of the \$70,000 is for typewriters and the balance is for copiers and calculators.

Continuing, Councilman Owen said the reason Council is pushing for an answer on this is that since they are in the middle of the budget process, they have delayed all capital expenditures and had, in fact, indicated to the officeholders that they would try to do this now so they would have it done by the first of the year -- so they'd have these requests granted. That is why they are pushing for a speedy resolution.

Commissioner Willner asked if specs are already made up? Councilman Owen said they are.

Commissioner Cox indicated she had additional questions. She talked briefly with Mark yesterday and thinks it needs to be on record that she does know from past experience that oftentimes it is cheaper -- especially if you're going to buy a copier (one that magnifies, etc.) if you do it on a lease-purchase agreement, as opposed to the monthly rental. In the specs she didn't notice any that were set up on a lease-purchase agreement arrangement. Secondly, none of the calculators, typewriters or copiers that we're talking about are currently on a lease-purchase agreement that hasn't been paid off completely? As she recalls, the study done by Modern Office Methods pointed out that if you do break your lease-purchase contract, then you have to pay a penalty -- and she thinks this needs to be considered. Mr. Owen has indicated that none of these is involved under a lease-purchase, is that correct? Mr. Owen said that most of these are owned outright. Another thing is that the copier in the probation department is not suitable for their 20,000/mo. useage -- but it will probably be transferred to an office where the useage would be suitable. So that is another thing to be considered before the bid is awarded.

Commissioner Willner asked Mr. Borries whether he'd like to go ahead and advertise and prior to awarding bid, get the expertise of someone at U.E. or.....

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Commissioner Borries said that is what he is asking the rest of the Board. The specs submitted address some concerns; but, are we looking at what is needed in the future? Where are we headed? This is really a complicated subject and he can see the need of some technical skills to help us improve what we do -- but it is a rapidly changing field and he is certain that Council has those concerns. He understands that some offices have been looking at equipment which is not even on the specs --

Councilman Owen said he has a list of all the capital improvement needs -- and anything other than a typewriter, calculator or copier would not be on this list. Council has said that at this point.....there is no funding.

Commissioner Borries asked how capital improvement needs are determined? Does each officeholder decide what he/she wants and then provide Council with a list? Mr. Owen said this equipment is included in the 5-year plan -- and it has generally proved reliable year after year.

Commissioner Borries said he knows that Council has to watch the dollars -- but we're going to have less dollars in data processing. But he thinks we need a study somewhere; he doesn't think we are addressing what we need to look at for the future.

Commissioner Cox said that it has been so long since most of these offices have been updated that maybe four years ago they wanted a memory typewriter. They really needed it then and had a use for it. But some other type of equipment might better suit their needs now. She thinks Commissioner Borries' point is well taken. Councilman Owen said he thinks that most officeholders are fairly current about office equipment.

Commissioner Willner asked Commissioner Borries whom he thinks would be capable of such a study? Commissioner Borries said that, again, it should be someone in the word processing field. It could be someone at one of the Universities. Commissioner Cox asked what about Ivy-Tech or Lockyears -- they're technical people. Ivy-Tech is very much into business fields.

Commissioner Borries asked Councilman Owen if he feels there will be room in the budget for any requests along that line? What are his feelings concerning this?

Councilman Owen asked, "Toward paying a consultant? I probably won't support it -- but the rest of the Council might.

Commissioner Willner asked, "Why wouldn't you do that?"

Councilman Owen said he thinks they have looked at it sufficiently and arrived at what the basic needs are and he feels we need to proceed; many offices have equipment which is on its last leg and ready to die.

Commissioner Borries asked if Councilman Owen agrees that we do need to plan ahead for capital improvement needs over a 5-year plan? But where will we be in 1991? He thinks that is what he's trying to get at here.

Councilman Owen said that by making a purchase we'd be far ahead of where we are now.

Commissioner Cox said we're not buying any "new" equipment -- we're buying replacement equipment for equipment currently being used, which has been used some 5-10 years without any upgrading. But maybe there is something available now which would better serve the officeholders' needs other than that which was initially requested. She thinks this is what Commissioner Borries is saying.

Commissioner Willner queried the Board re their pleasure?

Commissioner Borries said he would just like for Council to consider his concerns in this area. He has no problem with looking for bids if the money is there. But he is not sure we have looked at future needs here...and he doesn't know how we're going to do that.

Commissioner Willner asked what if the Board approves specifications and asks for bids in 2, 3 or 4 weeks, and in the interim the Board will see if they can get one of the colleges or whoever to come in and make a study.

Councilman Owen said that perhaps he should clarify somewhat his remark. He is not opposed to the study; but he would not want to pay to have it done.

Commissioner Borries pointed out that we're talking about spending \$70,000, and he is not an expert in the field.

Commissioner Willner entertained a motion to approve the specs, as submitted, and advertise for bids, with bid opening scheduled September 30th.

In response to queries, Attorney Miller said that the Commissioners can do anything but actually award the bids before the money transfer takes place. It's just that the bid cannot actually be awarded until the monies are in the fund.

With regard to study expertise, Commissioner Willner said he is not too certain that the County couldn't obtain such expertise from a corporation such as Whirlpool or Mead Johnson. He believes the Commissioners can find someone who will come in and offer the county their opinion at no cost. Commissioner Borries said the Chamber of Commerce may also have a suggestion. Chairman Willner entertained a motion.

Motion was made by Commissioner Borries that the specs be advertised for bids, with bid opening scheduled four (4) weeks from today (September 30th).

RE: AGREEMENT WITH BRINK'S INCORPORATED/ARMORED CAR SERVICE

President Willner advised that a notice has been sent to Loomis notifying them of cancellation of their contract with the County for armored car service for the offices of the County Clerk and the Treasurer, effective September 30, 1985.

Brink's Incorporated has forwarded a contract for approval by the Commissioners.

Commissioner Cox asked if both the Treasurer and County Clerk have been notified of the change in service? Commissioner Willner responded in the affirmative.

The contract becomes effective October 1, 1985, and shall continue for a period of fifteen (15) months and thereafter from year to year until cancelled by either party, on thirty (30) days written notice prior to any anniversary date hereof. Contract calls for two (2) pick-ups five designated days each week (one in Room #210 and one in Room #216, Treasurer's and Clerk's offices, respectively. Subsequent to review of the contract by County Attorney Miller, Chairman Willner entertained a motion.

Motion was made by Commissioner Borries that the contract be approved, with a second from Commissioner Cox. So ordered.

RE: REQUEST TO GO ON OCTOBER COUNCIL CALL/COUNTY COMMISSIONERS

President Willner advised that the Commissioners need to go on October Council Call to request appropriation of funds as follows:

Acct. #130-306	Soldiers' Burial	\$ 5,000.00
Acct. #130-361	Legal Services	\$15,000.00

A motion was entertained. Motion was made by Commissioner Borries that Commissioners go before Council in October to request aforesaid appropriation, with a second from Commissioner Cox. So ordered.

RE: TRAVEL REQUESTS

County Auditor: Letter of request seeking permission for County Auditor Alice McBride and First Deputy Peggy Powless to attend State Auditor's Annual Meeting in Indianapolis on September 17, 18 and 19.

County Treasurer: Letter of request seeking permission for Treasurer to travel to Indianapolis to attend the annual Treasurer's meeting; requesting lodging, per diem and travel. (In the event Mr. Tuley can make arrangements to ride with Mrs. McBride, travel will not be needed.)

President Willner entertained a motion. Motion was made by Commissioner Cox that both travel requests be approved, with a second from Commissioner Borries. So ordered.

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RE: TREASURER'S MONTHLY REPORT

The County Treasurer's Monthly Report dated September 3, 1985 was submitted.....report received and filed. The report was as follows:

Reassessment (249)--Invested \$1,000,000.00 Jan. 7, 1985, at 8.8%. Estimated income at maturity is \$86,288.89. Maturity date is Dec. 26, 1985.

Local Roads & Streets (216)--Invested \$1,500,000.00 Aug. 7, 1985, at 7.60%. Estimated income at maturity is \$45,916.67. Maturity date is Dec. 30, 1985.

Monies on Deposit--Invested \$500,000.00 (\$100,000.00 with each of the 5 Savings & Loans) Jul. 5, 1985, at 7.125%. Estimated income at maturity is \$17,317.71. Maturity date is Dec. 27, 1985.

Monies on Deposit--Invested \$2,000,000.00 Jul. 5, 1985, at 7.15%. Estimated income at maturity is \$70,705.56. Maturity date is Dec. 30, 1985.

Monies on Deposit--Invested \$3,000,000.00 Jul. 19, 1985 at 7.25%. Estimated income at maturity is \$31,416.67. Maturity date is Sep. 9, 1985.

Monies on Deposit--Invested \$1,500,000.00 Aug. 7, 1985, at 7.60%. Estimated income at maturity is \$45,916.67. Maturity date is Dec. 30, 1985.

Monies on Deposit--Invested \$2,500,000.00 Aug. 22, 1985, at 7.30%. Estimated income at maturity is \$14,701.39. Maturity date is Sep. 20, 1985.

Actual Interest receipted to Date:	County Revenue	\$426,687.05
	Local R & S	45,526.00
	Revenue Sharing	9,834.16
	Cumulative Bridge	84,500.00
	Total	\$566,547.21

Projected Revenue: Interest to be receipted when current investments mature.

County Revenue	\$180,058.00
Local R & S	45,916.67
Reassessment	86,288.89
Total	\$312,263.56

RE: SCHEDULED MEETINGS

Monday 9/3	5:00 p.m.	County Council Budget Hearings
Thurs. 9/5	2:00 p.m.	Mtg. re City-County Legal Aid Joint Agreement
Monday 9/9	10:30 a.m.	Mtg. re Burkhardt Road Project
Monday 9/9	2:00 p.m.	Mtg. re Four Rivers

RE: CLAIMS

Farris Reporting: Claim submitted in the amount of \$554.20 for services rendered in connection with the following lawsuit: Jo Ann Reed vs. Clarence Shepard, et al. for Deposition of Jo Ann Reed, U.S. District Court for Southern District of Indiana. Motion to approve claim was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: EMPLOYMENT CHANGES - RELEASES

Superior Court

Patricia Fischer	Prob. Off.	\$18,178/Yr.	Eff: 8/26/85
Randall T. Shepard	Judge	\$16,045/Yr.	Eff: 9/5/85

Circuit Court

Michael Seger	1530 Brentwood	Intern	\$4.00/Hr.	Eff: 8/16/85
Jeffrey Howerton	1418 N. Villa Dr.	Intern	\$4.00/Hr.	Eff: 8/23/85

(continued)

COUNTY COMMISSIONERS
September 3, 1985

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Thomas Montgomery	1274 Woodbine Lane	C.S. Intern	\$6.50/Hr.	Eff: 8/9/85
Glenn A. Deig	4024 Rose Avenue	Intern	\$4.00/Hr.	Eff: 8/23/85
Mark A. Aiton	2210 E. Iowa St.	Intern	\$4.00/Hr.	Eff: 8/23/85
Donald R. Vowels	511 N. Sherman	Intern	\$4.00/Hr.	Eff: 8/23/85
Louise Devoy	4915 Rolling Ridge	P/T Bailiff	\$5.50/Hr.	Eff: 8/23/85
Christopher Carl	10140 S.E. Browning	Law Clerk	\$180/Wk.	Eff: 8/16/85
Michael Danks		Law Librarian	\$13,500/Yr.	Eff: 8/23/85
John C. Brock		P/T Bail Bond	\$4.50/Hr.	Eff: 8/23/85
Robert J. Dodson	Kansas Road	Intern	\$4.00/Hr.	Eff: 8/23/85
Robert Rafferty		Intern	\$4.00/Hr.	Eff: 8/23/85

Burdette Park

Clifford Harth	1409 Brookdale Dr.	Ext. Guard	\$3.35/Hr.	Eff: 8/18/85
Jodi Schisler	3100 Mackey Ferry Rd.	Ext. Guard	\$3.35/Hr.	Eff: 8/19/85
Carol Owens	2852 W. Pennsylvania	Ext. Guard	\$3.35/Hr.	Eff: 8/20/85

Clerk/Circuit & Superior Courts

Deborah Hunter	2558 E. Riverside	Dep. Clk.	\$450.57/Pay	Eff: 9/2/85
(Leave of Absence - Illness)				
*Commissioner Willner requests that Helen Kuebler provide letter				

RE: EMPLOYMENT CHANGES - APPOINTMENTS

Superior Court

Patricia Fischer	(Acct. 137.144)	Prob. Off.	\$18,178/Yr.	Eff: 8/26/85
Jill L. Hendricks	(Return from Maternity leave)	Prob. Off.	\$18,178/Yr.	Eff: 9/2/85

Circuit Court

Helen Reed	2205 E. Franklin	Law Librarian	\$13,500/Yr.	Eff: 8/26/85
Michael Seger	1530 Brentwood	Intern	\$ 3.35/Hr.	Eff: 8/19/85
Thomas Montgomery	1274 Woodbine Lane	C.S. Intern	\$ 4.00/Hr.	Eff: 8/12/85

Burdette Park

Matthew Caton	5911 New Harmony Rd.	Ext. Guard	\$3.35/Hr.	Eff: 8/14/85
Lori Ann Bulla	R.R.#1, Box 330	"	\$3.35/Hr.	Eff: 8/14/85
Kevin Seidehamel	619 Biddle Ct.	"	\$3.35/Hr.	Eff: 8/26/85
Melissa Ann Martin	3128 Arlington Ave.	"	\$3.35/Hr.	Eff: 8/14/85

Clerk/Circuit & Superior Courts

Cecilia Galle	10221 Upper Mt. Vernon	Dep. Clk.	\$450.57/Pay	Eff: 9/2/85
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There being no further business to come before the Board at this time, the meeting was declared adjourned at 5:15 p.m. by President Willner.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	Robert L. Willner	Alice McBride	David V. Miller
	Richard J. Borries		
	Shirley Jean Cox		
	<u>COUNTY ENGINEER</u>	<u>COUNTY HIGHWAY</u>	<u>COUNTY SURVEYOR</u>
	Andy Easley	Bill Bethel	Bill Jeffers, Chief Deputy
	<u>AUDITORIUM</u>	<u>BURDETTE PARK</u>	<u>WELFARE DEPARTMENT</u>
	Kim Bitz	Mark Tuley	John Schroder

(continued)

PROSECUTOR

Robert Pigman

KNIGHT TRUSTEE

Ron Saulman

SHERIFF

Clarence Shepard

SUPERIOR COURT

Michelle A. Link
Joe Lutz

CITY CLERK

Betty Lou Jarboe

COUNCIL OF GOVERNMENTS

Mary Brown

COUNTY COUNCIL

Mark Owen

PURCHASING

Kim Schepman

OTHER:

J. H. Rudolph/Representative
News Media

SECRETARY:

Joanne A. Matthews

MINUTES
COUNTY COMMISSIONERS MEETING
SEPTEMBER 9, 1985

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MINUTES
COUNTY COMMISSIONERS' MEETING
SEPTEMBER 9, 1985

The Vanderburgh County Board of Commissioners met in session on Monday, September 9, 1985, at 2:30 p.m.

President Willner called the meeting to order and subsequently entertained a motion concerning approval of the minutes of the previous meeting. Motion was made by Commissioner Borries that the minutes of the meeting held on September 3, 1985, be approved as engrossed by the County Auditor and the reading of same be waived. A second to the motion was provided by Commissioner Cox. So ordered.

RE: BURDETTE PARK - REQUEST TO GO ON OCTOBER COUNCIL CALL RE APPROPRIATION

Mark Tuley, Manager/Burdette Park, was recognized by the Chair. Mr. Tuley said that what he had just handed to the Commissioners was a request to be placed on the County Council agenda for October to request an appropriation of \$13,000.00 to help cover expenses for the remainder of the year in the following accounts:

145-118 Other Employees	\$10,000.00
145-354 Pool Repairs	<u>3,000.00</u>
Total	\$13,000.00

Once the pool is closed down next weekend, Mr. Tuley said he would hope that there will be time to re-evaluate their future needs. It may be that they could transfer monies from some accounts where it is anticipated that the money in the account is not needed and it could be that he would not have to ask for the \$10,000.00. He will do everything in his power to do that. But just in case there is no money which can be transferred, he would like to be placed on Council Call.

Commissioner Willner said they tell him that the woolie worms haven't a heavy coat, so it's going to be a warm fall. Burdette might be open another 15-20 days! Mr. Tuley said the revenue was good this past weekend; on Saturday and Sunday the waterslide did approximately \$2,700.00 worth of business....despite the reduced admission fee.

President Willner said the Commissioners will place Mr. Tuley on Council Call for the requested amount. If he can go over his other accounts before Council Call and do any cutting, they will. If this is agreeable with the other Commissioners, a motion is entertained. Motion to this effect was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Mechanic's Lien/Waterslide: Attorney Miller interjected that in connection with Mr. Tuley's presence, a notice of Mechanic's Lien from David Guillaum Construction (growing out of the non-payment by Albertsson-Hunter for work on waterslide contract) has been received. Mr. Guillaum said he didn't really want to do this because of his relationship with the County, but the time limitation left him no choice. Attorney Miller said this means that we now have two (2) liens filed. He understands we are waiting for a report from County Engineer Andy Easley....

Mr. Tuley interrupted, saying that this is correct. He talked to Mr. Easley today. He was out at Burdette over the weekend. He is approximately half way through on the cost estimates to correct the current situation. Basically, Albertsson-Hunter has told Mr. Easley to go ahead and figure out what it will cost and they will go ahead and make the corrections. They have even agreed on six (6) items to be corrected. He believes that Attorney Miller explained to Albertsson-Hunter that until those items are corrected that the County cannot release any of their money. Attorney Miller said that we have the money to cover the two liens filed -- at this point. Mr. Tuley said he needs to do a follow-up, but he talked with another vendor today and he indicated they have not yet received their money -- so this one needs to be added to the list. As soon as all the facts are together, along with Mr. Easley's report, he will get back to Atty. Miller.

RE: COUNTY ATTORNEY - DAVID MILLER

Attorney Miller apologized for having arrived at the meeting a couple of minutes late. However, he said he did not realize that he had to be present today since David Jones is preparing for a trial. He said the only thing he had to report today concerned the

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mechanic's lien filed (mentioned heretofore).

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Absentee Report: Mr. Bethel submitted copies of the Weekly Absentee Report for employees at the County Garage for period September 2 thru September 6, 1985.....report received and filed.

Weekly Work Report: Also submitted for the same period was the Weekly Work Report for employees at the County Garage.....report received and filed. Attached to the work report was the following Work Schedule:

Gradall: Barton Rd., Bromm d., Old State Rd., and Greenbriar

Chip & Seal: Schutte Rd. and Peerless Rd.

Grader: County Line East, Heckel, Bayou Creek and Schutte Rds.

Paved: Volkman Rd.

Rocked: Kansas, Heckel and County Line East Rds.

Patch: Hogue, Old Henderson, Ridgeview, Martin Station, Burkhardt, Grove, Church, Arla Jane, Maple Lane, Cherry Lane, Olmstead and Petersburg.

Mower: Pollack, Indian Mounds, Spry, Allen Lane and Darmstadt Rd.

Commissioner Cox said she appreciates Mr. Bethel getting out on Schutte and the area of Highway 62. However, she questions why chip and seal was used rather than a hot-mix. That area carries a lot of traffic and also gets a lot of water that comes across that low area. When Bob asked her to give a list of roads that needed attention, she put Schutte Rd. down because of the traffic. It has increased. A lot of people from the University come up Clark Lane and use Schutte Rd., rather than going straight on out the University Drive and coming onto Highway 62, and it does carry a lot of traffic.... with the the dormitories, fraternity houses, campus apartments, etc.

Mr. Bethel said it was so bad that he wanted to do something. If we can, he would like to go back and put hot-mix down. If not, we could do it next year. But at least we have it where it would be passable for a year. He would certainly like to see hot-mix put down on Schutte and Upper Mt. Vernon. But he was trying to hold Schutte Rd. as much as he could.

Commissioner Cox said she was comparing Schutte Rd. to Volkman Rd., which we have paved-- and the traffic is a lot heavier on Schutte Rd. than it is on Volkman -- and she didn't understand why the decision was made to pave Volkman and put chip and seal on Schutte. Mr. Bethel said that Schutte Rd. work is not a complete job -- he'd like to really fix it.

Railroad Crossing/Oak Hill Rd.: Commissioner Borries queried Messrs. Bethel and Easley concerning the railroad crossing on Oak Hill Road (just east of 57).....asking if this is completed? Mr. Easley said they have the first layer of asphalt down. They did take out the asphalt, because he passed word by way of Lee Stuckey to take something and get it out of there because we did not want it any higher -- and they did this. It now looks as though when they put down the final topping that it ought to be much better. It is very coarse aggregate/binder which has been put down.

Commissioner Willner said that Lee Stuckey has been staying on this and has been in touch with Conrail daily, but he doesn't think we're getting a lot of cooperation. In response to query concerning number of crossings to be repaired, Commissioner Willner said there's Kansas Rd., Green River, Oak Hill, Ruston and County Line.....a total of five crossings. He said all we can do is to continue to twist arms. Even some of the people who use the crossings are starting to call the railroad companies.

Mr. Easley asked if Commissioner Willner knows who is putting the asphalt down? Mr. Willner said they indicated they had a contract and something happened to it and they had to start over again. Mr. Easley said he told Lee Stuckey to tell them that the one they repaired a year ago, he subsequently found out that they hauled the asphalt from Washington, Indiana; they had no roller and they compacted it with a dump truck and it was the bumpiest mess we've had....and he relayed word that he expected them to correct it. It took them a year.

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RE: COUNTY SURVEYOR (Absent)

Bridge & Guardrail Repair Report: Commissioner Willner said that the Surveyor cannot be here for today's meeting. However, he has submitted his weekly bridge and guardrail repair report for period of September 2 thru September 6, 1985.....report received and filed.

Request for Vehicle Transfer: The Surveyor's office also submitted a letter requesting transfer of vehicles from the Vanderburgh County Sheriff's Department to the Surveyor's office, as follows:

September 9, 1985

Board of County Commissioners
Vanderburgh County, Indiana

Dear Commissioners:

The Vanderburgh County Surveyor's office respectfully requests your board to transfer the use of two vehicles from the Vanderburgh County Sheriff's department to the surveyor's office.

A 1970 Ford sedan, I.D.#FOU64H167039F, presently is being used by two employees in our county-wide inventory of all culverts; and we propose to continue to use the car as an inspector's vehicle when the inventory is completed.

A 1978 Chevrolet sedan, I.D. #1L69U8S321774, is being used by the deputy surveyor to replace the Chevrolet van which was transferred to the survey crew for use on the many projects on which that crew presently is working. The deputy surveyor requires the sedan for regular job duties between 7:30 a.m. and 5:00 p.m. and for the occasional call-outs after regular working hours.

Sincerely,

Robert W. Brenner

cc: Commissioners
County Auditor

Commissioner Willner indicated that the Board will take Mr. Brenner's request under advisement.

RE: COUNTY ENGINEER - ANDY EASLEY

Mr. Easley said he has so many items for today's meeting that he prepared his own agenda, in an effort to expedite his report.

- 1) Claim/Morley & Associates: Mr. Easley said this claim was held over from last week. In checking the claim for construction engineering costs, he finds that in addition to covering the month of July, it also covers two (2) days of August..and the claim appears to be in order. Thus, he recommends approval. Amount of the invoice is \$21,398.20.

Commissioner Willner stated that Mr. Easley, the Commissioners, Jim Morley and the Inspector met this morning and, with the exception of the beef on overtime, he believes the Board's questions have been answered. They were holding the overtime down to a minimum and he guesses that if they can twist the contractor's arm to work with Morley, that the overtime will be eliminated. A meeting will be set with the contractor (Gohmann). Mr. Easley said he talked with the contractor at 1:30 p.m. today. It was a good conversation and, if the weather will cooperate, he thinks they hope to have the job finished by November 15th. They lost two (2) days last week because of rain. Continuing, Commissioner Willner said that Mr. Morley has completely revamped the 16-19% overrun and it is now down to 5%-6%, and we're going to try to trim that further. This matter will not really be addressed until the end of October, when we see if we have cooperation from all parties concerned on the

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Burkhardt Rd. project. Therefore, he entertains a motion concerning approval of the claim in the amount of \$21,398.20.

Commissioner Borries said he has just one comment to Mr. Easley. He knows that he is not the engineer of record on the Burkhardt Rd. project, but is there any kind of opportunity for Mr. Easley to talk with Mr. Morley on a regular basis? Mr. Easley said that sometimes he and Lee McClellan talk daily and everytime he sees something he raises a question, or if someone brings up a problem (such as Mr. Holder) then he goes out and he and Lee inspect same and these conversations have brought about some changes. Mr. Borries said he respects Mr. Easley's work and if there are problem with either Morley's group or the contractor that with Mr. Easley's input perhaps some of these can be resolved and serious problems might be avoided. He knows they have had difficulty in certain spots along the way. His only concern was that perhaps there was some communications problem of which he had not been aware. Mr. Easley said he doesn't think that there is. He had a meeting last Tuesday with Lee McClellan and Lee Gallivan (I.D.O.H.) and his assistant on Euler's property. Mr. Easley said he thinks we have a pretty good line of communication with all concerned. There have been a lot of change orders fired at the contractor and it did take a long time to get the ditch change order and the pipe change order under Division, because so many people had input into it. Had the State said right off the bat that they didn't want the culvert modified and that they wanted a new pipe installed, we could probably have saved 60 days. They said they didn't really have any objection re the culvert; and after we worked out a way to do it, then they did object. At first he guesses they thought we couldn't work out a way to do it. It's like "leave the Wright Brothers alone, they'll never get off the ground". And after they finally did it, they created the Federal Aviation Administration.

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

- 2) Change Order #7: Mr. Easley said this is for 25 tons of additional prime coat required to construct the project the way the State Highway Dept. wants it to be constructed. The amount is \$7,750.00. It is his recommendation that this change order be approved.

Commissioner Cox asked why this was necessary? Was it underfigured initially? Mr. Easley said that is correct; it was underestimated in the beginning. Commissioner Willner said the letter was in error where it mentioned that another coat needed to be applied. What they meant to say was that there was not enough to do the first coat properly.

Motion to approve Change Order #7 was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Commissioner Cox said that before Mr. Easley proceeds, she wants to apologize for missing the meeting with Mr. Morley this morning. She didn't write it on her calender and thus did not realize that there was a meeting definitely set. But she does have a question concerning the extension of time requested by Gohmann. Was that discussed with Mr. Morley? If so, what was his comment?

Mr. Easley said they did discuss whether or not he thought the work could be completed this fall. Subsequently, Mr. Easley talked with Mr. Gohmann of Gohmann Asphalt, the contractor. They very much want to get the job done and they are shooting to try to get it done by November 15th. Gohmann had written a letter in which they pointed out that there had been some delays because of the change order on the ditch. When he hopes to complete the job by November 15th, he wants to protect himself in case someone wants to put some liquidated damages on him; he thinks he has plenty of justification for asking for a time extension. If it gets very, very cold and they can't do certain work that is controlled by the State Highway specifications for temperature (for instance, you cannot put striping on the centerlines unless you have a certain temperature --it could be that he would get blocked in where he couldn't get it all done). Commissioner Cox asked, "We're not addressing that at this time?" Mr. Easley said that is correct. It is not being addressed.

- 3) Change Orders #8 and #9: These change orders concern removal of concrete box culvert under Division and construction of an 84 inch diameter culvert --metal pipe. A meeting was held Friday morning; Mr. Lindenschmidt was there and Commissioner Willner was appraised of what went on. Mr. Easley said he thinks this would be considered a ratification of the agreement reached on the change order and as

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to whether he thinks the Federal Highway had a representative, Lee Gullivan was at the meeting as well as Dale Lucas. They all concurred that this was a fair price to the contractor and a fair price to the county. Part of it is done by extra work (\$60,000) and another \$16,000 worth of work to be done under items previously bid -- such as asphalt base, white lines, construction signs, flashing arrows, etc. Mr. Easley said he would recommend that it be ratified.

Commissioner Willner asked if they're going to have to take the curb and gutter out? Mr. Easley said not on this. Commissioner Willner said this is the one where they said the box culvert would be o.k.? Then Easley, etc., did some designs to lower the ditch? Then they came back and said they couldn't do it? Mr. Easley said that is correct. This was initiated when the City Engineer's office pointed out that this is an ideal time to address the drainage problems in that area. It will improve drainage for Division Street. It received endorsement from the Federal Highway Administration. Attorney Miller interjected that had we done this at a later date it would have cost much more. Mr. Easley said that is correct.

Motion was made by Commissioner Cox that Change Orders #8 and #9 be approved, with a second from Commissioner Borries. So ordered.

- 4) Change Order #10: Mr. Easley said that Change Order #10 was received today. This change order was reviewed during the meeting at 10:30 a.m. today. It is to remove and realign some segments of some combined curb and gutter on the tapers for these future streets connecting to Burkhardt (such as Virginia, Vogel, etc.). The plans were drawn in accordance with standard State Highway details. They were approved by everybody in Indianapolis and when the concrete got poured -- Lee Gullivan did not like having the curb that close to the travelway and, as the letter from Morley & Associates says, he requested that what was put in be modified and they gave 75% of the cost for tearing it out and putting it back, which leaves the county with 25% of the cost of \$6,200. But, considering that they have been (in Mr. Easley's opinion) very cooperative re the big ditch and culvert under Division, he recommends this change order be approved.

Commissioner Borries asked if they're going to have any kind of change order on the curbs along the west side? What are they going to do about that? The slope?

Mr. Easley said that that is being worked on and that will probably involve Change Order #11 -- to put in a little extra dirt to change the slopes. That was also discussed at the meeting and it was agreed that it may have looked like a 1.5 slope on paper and cross-section, but out in the field they don't have it. Gohmann does have some additional work to do on that. We are going to attempt to put a 3-1 slope in front of the houses, so they can mow with their Snapper-Comets a little easier. We all were agreeable that this was desirable, although he believes there was one hold-out; the State thought that a 2-1 slope would be sufficient, as he recalls. Mr. Easley held out for a 4-1. Messrs. Easley and McClellan held a tape and showed the individual the difference in a 2-1, 3-1 and 4-1, and he said he'd like to have a 4-1 for his lawnmower. In any event, they are going to try to make the slope palatable to the individuals involved. Commissioner Willner entertained a motion concerning Change Order #10. Motion was made by Commissioner Borries that Change Order #10 be approved, with a second from Commissioner Cox. So ordered.

- 5) Lynch Road Improvements/Creasey Co. Modifications: Mr. Easley said he has a claim to Allied Steel Erectors, Inc./Allied Erection & Conveyors, Inc. for the Creasey Co. Warehouse Rail Car Door Modifications in the amount of \$3,000.00. They have yet a few hundred dollars of work to do and we'll probably owe them approximately \$3,000. Thus, he recommends approval of this claim. President Willner entertained a motion. Motion was made by Commissioner Borries that the claim be approved, with a second from Commissioner Cox. So ordered.

Commissioner Willner said that sometimes he thinks we need to hold these blue claims until they all come together at once. When we do one every week, it seems that the project is getting out of hand, and he knows that isn't the case. Mr. Easley said this claim was a straggler; he had several last week -- and he hated to let this one go another week.

- 6) Bridge Inspection Contract Claim: With regard to the Bridge Inspection Contract with Floyd Burroughs, they have completed all the field work on inspecting bridges and they have submitted a claim in the amount of \$4,320.00 as a progress payment on the contract. It is his recommendation that it be approved. However, he does

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have a question for the County Auditor. What percent of this money do we get back on the bridge inspection? Mr. Willner said he believed we get back 80%. The deal was 80% and 20%. Mrs. McBride asked if this money has been appropriated? Mr. Easley said he is not sure that they do. Mrs. McBride said both their money and our money has to be appropriated. In response to further questions, Mrs. McBride said the money would come out of Acct. #203-352, which is where it has been appropriated. In response to query from Commissioner Cox. Mr. Easley reiterated that Burroughs has completed the "field" work; they are now in the process of preparing their sufficiency ratings and their report. It was a \$12,000 contract and Burroughs is requesting 40% of this amount. less 10% retainage. The Chair entertained a motion. Motion was made by Commissioner Borries that the claim be allowed, with a second from Commissioner Cox. So ordered.

7) Corps of Engineers/Filling of Blue Grass Creek: Mr. Easley said the Corps of Engineers had sent a notice that the Department of Highways has requested permission to fill Blue Grass Creek to install a temporary culvert. This is in conjunction with building a new bridge on I-164.

Commissioner Cox asked if the Board has discussed this? Commissioner Willner said they have not talked about it, but he knew it was coming.

Mr. Easley said they are proposing to install nine (9) 36-inch metal pipes in the bottom of the stream and he assumes that the Indiana Department of Highways has consulted their hydraulic engineers and had a conference with the Department of Natural Resources before making such a request. This is one of the few that ever involved anything in this county. If there were a major flood, he doesn't believe it would cause the farmers any problems. If the County has any comments, he believes we can make those.

Commissioner Cox asked if this wasn't discussed, to the point of its being marked as a construction site, with stipulation that only construction vehicles be allowed -- with no public vehicles permitted. Mr. Easley said the public shouldn't have much access to this. Commissioner Willner said there is already a fill there. Trucks are already going across. Mr. Easley interjected, "But not the public". Mrs. Cox said she thought this was already approved. Mr. Easley said the notice from the Corps of Engineers just came in. He only received it about two (2) hours ago and it was dated September 5th. Mr. Willner said he believes this is a different one. This one is around Daylight -- and it is a new one....the Board has never talked about this. Mr. Willner said he didn't know they were going to put a bridge on Kansas Road. Mr. Easley said, "Oh, yes!" They were going to put a bridge over Blue Grass Creek and Pigeon Creek. Blue Grass is quite a deep channel. It has a 5 ft. overflow type fill, so it shouldn't cause any problems. Mr. Willner said that if they can do it on Pigeon Creek, they can do it on Blue Grass. The Chair entertained questions.

RE: CERTIFICATE OF INSURANCE

Welborn Memorial Hospital: A certificate of insurance has been received from Greene & Greene Agency, Inc. for Bert Bacharach Concert on November 1, 1985, in the Gold Room of Vanderburgh Auditorium.

RE: OLD BUSINESS

Chairman Willner asked if there are any matters of Old Business to be discussed? Mrs. Cox asked if President Willner skipped Item #7 on today's agenda (Travel Request from Surveyor's office)? Commissioner Willner responded in the affirmative, saying he hasn't had time to think about it. He didn't receive it until late.

RE: SCHEDULED MEETINGS

Chairman Willner entertained questions/comments concerning scheduled meetings. There being none, he proceeded to discuss claims.

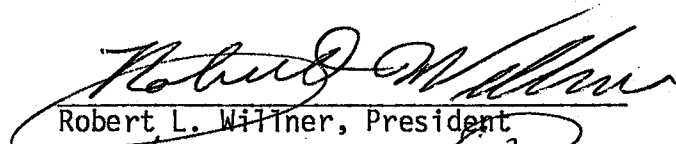
RE: CLAIMS

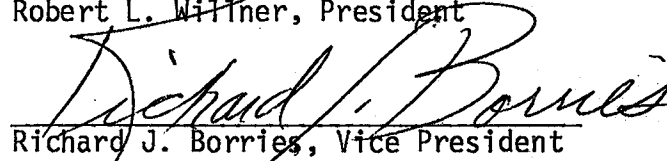
Bowers, Harrison, Kent & Miller: Claim submitted in the amount of \$3,177.69 for litigation matters. Mr. Willner said he has reviewed the claim and everything seems to be in order. Incidentally, the Vanderburgh Co. vs. Adler matter is mentioned -- and he queried Attorney Miller as to whether he has had any other response from the Adler's attorney? Attorney Miller responded that he has received nothing. Commissioner Willner asked if he considers this....? Attorney Miller said he considers it a closed matter. There being no further questions or discussion, a motion was entertained. Motion was made by

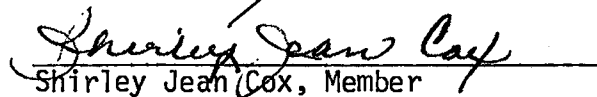
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COUNTY COMMISSIONERS
September 9, 1985

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Robert L. Willner, President


Richard J. Borries, Vice President


Shirley Jean Cox, Member

MINUTES

COUNTY COMMISSIONERS' MEETING
SEPTEMBER 16, 1985

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VC-13-85 (Ronald J. Beard) -----Denied ----- 10-11

VC-14-85 (Evansville Toyota, Inc.)-----Approved ----- 11-23

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MINUTES
COUNTY COMMISSIONERS' MEETING
SEPTEMBER 16, 1985

The Vanderburgh County Board of Commissioners met in session on Monday, September 16, 1985, at 7:30 p.m. in the Commissioners' Hearing Room, with President Robert Willner presiding.

The meeting was called to order by President Willner, who subsequently entertained a motion concerning approval of the minutes of the previous meeting. Motion to approve minutes of meeting held on September 9, 1985, as engrossed by the County Auditor and waive reading of same was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: REZONING PETITIONS

Commissioner Willner announced that the Third Readings of Rezoning Petitions will be first on tonight's agenda.

VC-11-85/Petitioner, Tom Wolf: The Chair recognized Steven Krohn, Attorney, who was present to represent Mr. Wolf and John Epperson, the co-developers of a project which has been called McCutchan Place, which is located approximately in the 100 block of Old McCutchanville. Access to this property is now by way of a private drive to the west of Petersburg Road and the property is zoned Agricultural. Mr. Wolf, as owner of this property, has petitioned to have it rezoned R-1 and R-2. As can be seen from the site plan, the R-1 area is by far the largest. Mr. Krohn said he has some snapshots which depict the area. These were basically taken of the area which they propose to make R-2. There is a wooded area, it is very picturesque; there are a number of rolling hills and it is ideal for residential development. For the most part, this land adjoins land that is in fact used for agricultural purposes, with the exception of some areas adjacent to Petersburg Road where there are a few scattered residences. For the most part, however, there are very few residents that can actually see this project or would be able to see the project except for perhaps during the winter months. The private access road is now in place and will be retained as a private road but, of course, it will be widened and improved. They do not anticipate that any roads will be dedicated to the County and the area will not have any thru roads; basically these are just cul-de-sacs. We have with us tonight Mr. David Savage, a traffic engineer, who will address the traffic issue more specifically -- and he will speak soon. Likewise, should the Commissioners have questions, Mr. Fred Kuester, the engineer who developed the drainage plan for this area, is also present. The drainage plan which has been developed contemplates two (2) retention lakes, which will have the effect of increasing retention time approximately four (4) times more than the run-off will be increased. The current zoning classification (agricultural) allows Use Groups 1, 2, 16, 17 and 18. In addition to that, Section 153.155 of the Code says that duplexes are allowed in an Agricultural zone. However, the Area Plan Commission staff has interpreted an inconsistency in the code as requiring a rezoning under these circumstances and, therefore, they have replied with the request to ask for a rezoning. But, the fact that one section of the Ordinance provides that duplexes are allowed in an agricultural zone tells us that the Legislature at some point determined that that is not an inappropriate use of agricultural land. Certainly, when you consider the fact that agricultural classification allows amusement parks, animal racetracks, premises used for short-term parking of trailers, campers and recreational vehicles, circuses, carnival grounds, drive-in restaurants, drive-in theaters and boarding kennels, as well as all matter of farming operations, and for single-family residences and under one interpretation of the code, duplexes, they believe that their request to change the zone from Agricultural to R-1 and R-2 is, in fact, a request for more restrictive zoning, and especially appropriate for this area. In light of the fact that we have an owner of real estate who intends to develop it, they believe it in the best interest of the public and the county and the owners of surrounding land that the area be developed as proposed, rather than developed for some of the other uses allowed in agricultural zones. We could take the agricultural zone and put in six 6,000 sq. ft. lots with sewers or 1-acre lots without sewers. They submit that what they will show the Commissioners is much preferable to that kind of development.

Mr. Krohn said he thinks some of the problems encountered result from the fact that the word "duplex" is somewhat (inaudible) in nature. When people hear the word "duplex" for some reason they tend to think that these residences are going to be somewhat less desirable, somewhat smaller, crowded, or cramped than single-family residences. They believe that in this case that simply isn't true. They have submitted an amended stipulated site plan that shows that they will develop no more than fifteen (15) duplex buildings (30 residential units) in the R-2 area. This area comprises about eighteen (18) acres and after the retention lake is taken out and some space for roads, etc., there is left almost a half acre per residence, which is about 3.6 times the area required by the zoning

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ordinance for single family in R-1 area. So, in fact, this area will not be developed in a crowded or cramped fashion. With respect to concern that the duplex buildings will be somewhat less attractive than single-family residences, Mr. Krohn said he has some artist's renderings which show what is now contemplated. In each case, although these appear to be single-family residences they are, in fact, duplexes...room for two residents with separate entrances and separate garages.

Commissioner Cox asked that Mr. Krohn turn the easel so that not only can the Commissioners view the material, but that the audience may view it as well. Continuing, Mr. Krohn said the plans indicate that size of single-family unit each duplex will be approximately 2,000 to 2,500 sq. ft. up to 4,000 to 5,000 sq. ft. per unit and then planned in such a way that each of the buildings will vary in appearance and size but will contain at least 5,000 to 6,000 sq. ft. on the low end and no more than 7,000 or so square feet, so that none of the buildings will appear to be out of place. Although this is on the peripheral to the R-2 discussion, they anticipate that the restrictions in the R-1 area call for a square footage of 2,500 sq. ft. and up. In an additional attempt to help the Board understand what the duplexes will look like, Mr. Krohn said he also has an artist's rendering of some landscaping which shows two different layouts. As can be seen, they expect to landscape these areas substantially and retain all the wooded area they can in order to make it fit in with the area and make it appear consistent with the surrounding residential area. By looking at the renderings and landscaping, one can see that these are not going to be cramped or small. This is going to be a very desirable development. In fact, the duplexes will be developed first. There will be no spec houses built in the R-1 area and, therefore, this will be the drawing card. For this to work out from a central economic basis, the developers realize that these 2-unit homes must be very attractive in keeping with the area. Another very important consideration in determining whether or not to approve this type of development is that his clients have estimated the money that would be required to develop this area -- money that would go to local suppliers and local labor force. The estimate pumped into the local labor force is over \$4½ million. The money to purchase materials from suppliers is estimated at over \$7 million, for a total of almost \$12 million. While they do not have a lot of people here tonight to stand behind them and root for this project, Mr. Krohn said he thinks if the people who stand to benefit by the input of this money into the local economy were here, there would be scores and scores of people here to support the petition. At this point, Mr. Krohn said he would ask that David Savage address the Commissioners and audience concerning some of the traffic issues.

Mr. Savage approached the podium and stated that it is a pleasure to be present this evening. Mr. Epperson retained him to look at the possible impact the development might have on Old Petersburg Rd. and surrounding area. Old Petersburg currently has a traffic volume of 1,457 vehicles per day according to EUTS. The current traffic count on Old Petersburg is approximately 1,450 vehicles per day and, based on a report published by the Institute of Transportation Engineers which compares developments in this area with developments across the country based on square footage of houses, square footage of lots, number of lots, etc., he would estimate that the increase in traffic on Old Petersburg would be in the area of 400 to 450 vehicles per day. The peak hour increase, which is a critical thing they look at, should be in the neighborhood of 40-50 vehicles per hour, with an average of one (1) vehicle per minute. Old Petersburg Road has two (2) 9-ft. traffic lanes, with 1-ft. shoulder and the average distance of about 6 ft. to obstructions. Based on that and desiring a flow that is not congested, not continually backed up for stopped vehicles -- we call that a level of Service C in traffic engineering lingo. Based on that volume, Petersburg Road is currently on 50% of its capacity to be handled without causing congestion. With that additional 400-450 vehicles per day, that is still well underneath the capacity of that road. In order to make a comparison, Old Petersburg (between Stringtown and U.S. 41) currently carries 5,650 vehicles per day or over three (3) times the traffic..... that would be carried after development. So it is not being turned into a highly congested road. It does have the available capacity to carry these cars. Mr. Savage said he also looked at accidents on file with the Vanderburgh County Sheriff's Department and found no accidents in this area related to high traffic volume or congestion and he believes there is no reason to believe there is any significant increase based on anticipated added volume.

Commissioner Cox asked if Mr. Savage said that this proposed development would add between 400-450 cars per day? Mr. Savage said it would add 400-450 trips: each car in the subdivision would make an average of more than two (2) trips per day and, based on that, it is estimated at 400-450 vehicles.

Commissioner Willner asked Mr. Savage the width of the right-of-way on lane leading off

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Petersburg Rd.? Mr. Savage said it is 36½ ft. wide and 24 ft. pavement is planned to go in there. There would be a 24 ft. pavement as compared to a 9-ft. pavement on Old Petersburg Rd. and several roads in the area.

Mr. Krohn continued, saying that as the Commissioners are aware, the APC voted 6 to 3, with six (6) votes in favor and three (3) votes against the rezoning. So, there was no formal action by the APC. At that hearing, the remonstrators presented five (5) arguments. Most had to do with the preliminary plat which has not even been submitted. They reminded those at the meeting that it was not a subdivision hearing but a rezoning hearing. Some of the issues have to be considered at the Subdivision hearings and they are premature at this time. But in order to review the arguments, some of these things will have to be discussed. Mr. Krohn said he would like to advise the Commissioners of the arguments during APC Meeting and then attempt to answer those as best he can.

- 1) Width of right-of-way, as pointed out by Mr. Willner, is 36½ ft.
- 2) The nearest sanitary sewer is 2,000 ft. from the subdivision.
- 3) A detailed drainage plan has not been presented.
- 4) This development would place an unreasonable burden on traffic on Petersburg Rd.
- 5) There is already another subdivision or two in the general area and additional subdivisions are not needed.

Mr. Krohn said the APC was also told that a petition was being submitted in opposition to the rezoning which bears approximately 200 signatures. When considering these arguments, Mr. Krohn said he would like for the Commissioners to keep in mind the following:

- 1) With regard to width of right-of-way, he thinks he needs to point out that all of the arterial roads in McCutchanville that they have been able to find have pavement only about 18-ft. wide. In fact, the 36½ ft. they have, they will not have to use any of this for utilities. The argument that a 36½ ft. right-of-way is inadequate -- all the roads that now exist in the McCutchanville area are about 18 ft. of paved road. The Traffic Engineer has told us that this is not going to create any kind of problems -- and he should know.
- 2) With respect that the sanitary sewer is almost 2,000 ft. away, Mr. Krohn said that all he has to do is point out that that is a question to be considered at Subdivision Review. Obviously, if they are going to develop a subdivision where the lots are less than one (1) acre each, they have to have sanitary sewers. His clients are in the process of negotiating for the appropriate access and that will be addressed in Subdivision and should not be considered a crucial issue tonight.
- 3) The third argument concerned a detailed drainage plan. Again, that is something that will be presented before Subdivision. It is, in fact, prepared. Mr. Kuester prepared that in conjunction with his plans for the retention lakes. As Mr. Krohn has already seen it, the increased retention time will exceed the increased run-off by 400%. So, the addition of roads and houses in this area will not, in fact, create a drainage problem.
- 4) The fourth argument concerned traffic on Petersburg Rd. and that this additional area would over-burden that. Mr. Krohn said he believes Mr. Savage has already addressed this issue. They have shown that this development is not large enough to have that kind of adverse impact.
- 5) The fifth argument was that there are existing subdivisions in the area. Mr. Krohn said he does not believe that this is something the Commissioners have to consider, as that is simply an economic issue. If the developers did not believe that these properties were necessary, that they would sell, they would not be here seeking a rezoning. Mr. Krohn said he understands, however, that many of the new subdivisions in the area are selling well (Brentwood and Tall Timbers). The contemplated subdivision is similar in many respects to Tall Timbers and similar in many respects to the Kahre Subdivision, in that that subdivision has similar size retention lakes and lots.

During the APC meeting the remonstrators pointed out that a petition had been submitted. They said that there were about 200 signatures on the petition. Mr. Krohn said he has

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a number of contour maps which show the low density of residences in the subject area. and he proceeded to share these with both the Commissioners and the audience. Mr. Krohn noted that a number of signatures on the remonstrators' petition are, in fact, people who live in Oak Meadow, which is approximately two (2) miles north of the proposed project. Mr. Krohn said that he and his clients submit that the objections submitted by the remonstrators amount to little more than excuses for the fact that they simply do not want development in the area. Every new development creates some dust and dirt and some inconvenience for a while, but if that were a hindrance to new development there would never be any. In fact, if these kinds of areas are not allowed to develop, nice stately residential areas are going to go elsewhere. He said he submits that these are needed in Vanderburgh County. The residential areas on the east side have basically been used up. There is nothing left. People who want to build new homes in nice areas with a substantial lot and wooded area are running out of places to go. If we do not allow them to build in Vanderburgh County, they will go elsewhere and increase the tax base in other counties. If we do not allow them to build in Vanderburgh County, Mr. Krohn said he submits that this will have a negative effect on industry which wants to locate in Vanderburgh County. All of these things need to be considered when the Commissioners make their decision.

Lastly, Mr. Krohn said he has made a copy of Figure 1 from the Comprehensive Plan developed in 1983 and he has circled in red the approximate location of the subject development. This shows that this is an area of growth and expansion and not an area that should remain stagnant. In fact, in that Comprehensive Plan, areas of growth and expansion come under a development policy that says that development policy for the growth and expansion zones in addition to what our policies are in filling vacant parcels of land should be promoted and given a high priority so as to more efficiently utilize the land and existing services. They submit that this is a development that will be good for the County, as well as for the developers and, in fact, the neighbors and they ask that the Commissioners give the petition favorable consideration.

President Willner asked if the remonstrators are represented by Counsel? Mrs. Cox interrupted and said that she would first like to ask Mr. Krohn a few questions for clarification purposes. In the pictures shown by Mr. Krohn, the private drive looked very, very narrow. Is she correct in saying that there is a 36½ ft. right-of-way there? That that is not the width of the thing? Mr. Krohn said that what Mrs. Cox sees in the pictures is simply a driveway. Mrs. Cox asked if Mr. Krohn is aware that development in a subdivision manor (which this would fall into) requires a 50 ft. right-of-way, unless there's cul-de-sacs, then it is a 40 ft. right-of-way? She also has concerns about the sanitary sewer availability and the reason she has concerns (and Mr. Krohn said he would address this later) is that they developed a subdivision out on the west side that was developed not using the one (1) acre with their own septic system. The system was built and functioned fairly well for several years. Then the builder of the system went bankrupt and pulled out and left this the sole responsibility of the property owners out there, which put a great burden on them. She would sincerely hope that Mr. Krohn/the developer could make a statement that at this time sanitary sewer hook-up with the Evansville sanitary sewer could be accomplished. She asked that Mr. Krohn not get her wrong, she has the highest respect for Mr. Epperson and the types of homes he builds. She has no problem with that. The problem she has is that with these limitations she questions whether he can answer at this time whether he can have access to a hook-up with our sanitary sewer system available, which he said was approximately 2,000 ft. from the area? Is this a possibility? Or, are we going to be faced in the future when Subdivision comes back with a private type of sewer? Mr. Krohn said they realize that secondary Subdivision approval contemplates that they must make guarantees concerning these kinds of improvements. They realize that they will not get Subdivision approval without sanitary sewer access. Thus, they are proceeding on that basis. They cannot tell her that they have available to them now the means to hook into that sewer. But they will not ask for Subdivision approval without it. They will be in the Evansville-Vanderburgh County sewer system and not any kind of private system. Mrs. Cox said her other question concerns the fact that the developer plans to maintain -- to keep this as a private drive (off Old Petersburg Rd. back into the area)? Mr. Krohn said that is correct. It will, however, be substantially upgraded. The photos that Mrs. Cox saw just show a driveway. Mrs. Cox said she would assume Mr. Krohn would make provisions on each property owner's deed to pay into a fund for maintenance of this road? Because a lot of people have been left holding the bag when these are private roads. She just wanted to cover these points for clarification.

Mr. Ed Johnson, Attorney, was recognized by the Chair. Mr. Johnson said he represents a group of remonstrators from the McCutchanville area. They intend to tell the Board tonight exactly why this project is not good for the City of Evansville, Vanderburgh County or the McCutchanville area. Continuing, Mr. Johnson requested that those people

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in the audience tonight who are remonstrating against the petitioner -- stand and be recognized. (Some 40 people stood.) Continuing, Mr. Johnson said he is going to submit the petition for remonstrance that was submitted to the APC. Mr. Johnson said he is not going to apologize that some of the people may live in other areas of McCutchanville. They are just as offended by this project as the people who live next to it. Mr. Johnson said he doesn't live in McCutchanville and he objects to the project. Look at the problems that this project presents. Have you ever seen so much land use, so much density served by one ingress and egress this far off a major thoroughfare? There is no access to the north; there is none to the west; there is none to the south. The only way in and out is on the one road and it gets worse. It is 36½ ft. wide; it is no more and no less. The roads within the subdivision are nice and wide and meet all the county standards. But when it comes time to funnel out to Old Petersburg Road, they cannot possibly meet the 40 ft. requirement. In addition to that, you have a long way to go to get from the subdivision out onto Old Petersburg Road. He can't think of any other subdivision where you have that far to go with only one ingress and egress in and out of there. There will be school bus problems, fire problems, problems in the winter. All you would need would be for one car to jackknife and then you'd have all the people stuck in the subdivision. That doesn't make good sense. Now, Mr. Krohn talks about the desirability of building in this area -- building on the north side of Evansville, because all the wooded lots on the east side are built up and we really ought to develop this land. To some extent, he agrees with Mr. Krohn. This is a top residential development. Why does he have R-2 if this is such a desirable area to build houses? He would agree with him. The developer ought to put a lower density single-family residential structures in, which would not overload the road and not present the stigma of the R-2? The north side is a good place to build. They do need some development out there. What they don't need is this kind of high density development with this kind of egress and ingress problem. He listened to Mr. David Savage and he talked about the traffic on Old State Rd. and said there is no problem. What he didn't tell you -- and what Mr. Johnson is saying -- is that if you drive a car up the lane to get out on Old Petersburg Rd. you have a terrible problem? One would almost have to get his car out on Old Petersburg Rd. before he could see if cars were coming, due to the curves. When the artist's rendition was drawn, they conveniently did not include the curves. There is no way that that is good planning -- the curve to the right is not as bad as the curve to the north. But if you try to drive out on Old Petersburg, you will see what Mr. Johnson means. Getting back to the development, there is a zoning problem. They want R-2. They want to put 15 duplexes in the designated area; this is creating density and also creating undesirability of residential lots. They are honest in saying that they are going to develop the R-2 area first; he bets they do. And he bets that when they get the R-2 developed there won't be anyone who will want to build and put money into nice houses in the R-1, since there is R-2 across the bottom of the subdivision. It strictly is not desirable for R-2; that is why they are against the zoning. Mr. Krohn would have the Board believe that he could do it right now, that he doesn't really need the zoning. Mr. Johnson said he agrees with the APC staff; to get duplexes is going to take an R-2 in the county. In addition to that, Mr. Krohn would have you believe that he was upgrading the zoning to get R-1 so there won't be any carnivals or circuses. Nobody depends on zoning to stop that. All the developer has to do is to present a separate set of restrictions. The reason they are going for the R-1 is really an accommodation to the R-2 to go with it. The R-1 zoning is not an upgraded zoning or, if it is, it is not needed. What they are asking for is an R-2 development. Mr. Johnson said he suggests that what happens is that after they get the R-2 in, after we see the problems here, there will never be a decent R-1 development in the designated area. What does this do to the neighbors? There is no R-2 within a mile or two of the area. You probably have to get close to Oak Meadow before you get to any R-2 zonings. The people who live along there do not have a multiple-family land use. A multi-family use is not compatible with that area of McCutchanville. Mr. Krohn makes a big point of saying that if the Board will just approve this, then it will be beneficial to the community. Mr. Johnson said he submits that at this time there is no demand for this kind of residential development. For the moment, forget about the rest of Vanderburgh County and look only at McCutchanville. In McCutchanville alone, there are four (4) houses for sale in Oak Meadow, there are eight (8) other houses scattered throughout the McCutchanville area and in addition to that there are at least twenty-six (26) lots available. So the community certainly does not need more development -- not that kind of development. Let's see what that does. It perverts one of the nicest areas in Vanderburgh County, where the houses are built on anywhere from 1 to 5 acre tracts of land. If they stick an R-2 development back in there, it lowers the land value and also destroys one of the finest areas for single-family residences in this county. We are entitled to that. The community needs to leave McCutchanville the way it is. If we develop land at McCutchanville, let's develop that land with single-family dwellings which is compatible with what is there. If that thought is not convincing, the thought of people coming out on

Old Petersburg Rd. ought to be convincing. Mr. Krohn says that we are going to be taking the position that we just don't like construction, that we just don't like progress, etc. If we really want to have progress we can. Listen to the neighbors tonight. There is not a single neighbor who does not want development. They know the land will be developed. They are not opposed to that. What they really are opposing is the R-2 zoning, the high density and people using the narrow lane. Mr. Johnson said he would like to turn the meeting over to some of the neighbors directly affected by this rezoning and let them speak in opposition.

Commissioner Willner said he would give one stipulation, and that is that each person coming to the podium would have something new to say.

Mr. Johnson said he thought Commissioner Willner would say that and they have talked about that. They will endeavor not to duplicate their arguments. The following spoke in opposition to VC-11-85:

Gretchan Schroeder:

Mrs. Schroeder said she lives on Petersburg Road, about a quarter mile down from the entrance to the proposed development. She is opposed to the plan for a number of reasons. She does not have all of David Savage's engineering degrees/background/experience, but she does live on that road and has resided there for eight (8) years. She drives up and down the road a number of times every day. It is already a dangerous road. Just this afternoon two (2) trucks were passing each other. She had to come to a complete stop to accommodate one (1) person walking on the shoulder of the road...one single person. Petersburg Road is a narrow, winding country road. It was never meant to have that many cars going up and down it every day, plus the fact that they have a new intersection at Highway 57 with the inclines. So when you turn left to come into McCutchanville, there is a pretty steep incline there. Last winter there were a lot of cars who could simply not make it up that incline -- and they had to go all the way around either to Whetstone (where they face another incline) or further down Petersburg to Kansas, where they face another incline. There is a problem -- particularly in the winter, plus the fact that in addition to the traffic, if they're talking about 30 single-family residences and 15 duplexes, that is some 60 families back there. With a minimum of two (2) cars per family, that's a tremendous increase in up and down trips on the road. Mrs. Schroeder said she makes more than four (4) trips a day. With the speed at which people traverse the road currently, it is almost dangerous to go to one's mailbox. Given the fact that we have the intersection, the increase in traffic, the road itself -- plus it is in terrible condition. What about all the trucks they will be bringing in? Are they willing to post some kind of builder's bond or something to repair the damage? It is already an overly damaged road and in very poor condition.

Marty Vibul:

Toward not repeating what Mr. Johnson said, I will not go into the multi-family dwellings. But my problem is with the duplexes. I don't like high density housing; I don't like multi-family dwellings in an area that does not have any. This is not an east side community, and I think all the neighbors are behind me. We moved out there because we like it. We don't want to live on the east side. We do not want an eastside community. Mr. Krohn, in talking about the plans, called the duplexes "stately". I do not think there is anything stately about a duplex. That is one point. My other point -- and I will be brief -- is snow removal. McCutchanville is rolling hills; it is not flat like the east side. I live on Southeast Browning and we have inadequate snow removal by the county. We had to buy a 4-wheel drive vehicle when we moved out there for my husband to get to work and I think the county is doing an admirable job. When a private individual can plow himself out, Petersburg Road will still be closed. With 122 people minimum in the area with that type of development coming out of that one road -- that won't do it.

John Hosbach:

Ladies and Gentlemen, my property borders the little lane they propose to use for entrance and exit. One thing I would like to mention is that starting up the road with Andy Easley, he has about 5 acres. The Pattersons have 5 acres; my house has 4.2 acres. The next house is over an acre. The next house is 2.2 acres and John Weaver's is 5 acres. That is just the way the property and houses are out there. We're really not bad people out there and we're being made out to be bad people. We are taxpayers; we pay money. And we've invested in those homes; we are

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proud of them and we are totally opposed to multi-dwelling. And if there is any logical reason that you can see that multi-dwellings belong in an area like that then I've really confused; because I just believe it is so obvious. As stated, we're not against the area being developed. We tried to talk to them earlier to work that out. But we are totally opposed to R-2 zoning and I think that when something is established that way -- it is an obligation to keep it that way. That is my opinion. Thank you.

David Patterson:

I live at 8894 Petersburg Rd. My property is adjacent to the narrow access road. In fact, my house is only 70 ft. away from that road. I've had the opportunity to witness all the various residents who have lived back there during the past 10½ years coming in and out of the drive. The main problem occurs during the winter. There is a steady incline all the way back to where the proposed housing is located all the way to Petersburg Rd. In winter months when there has been snow and ice on the road I witnessed 4-drive pickup trucks, tractors, 6 x 6 vehicles -- all hung up on that driveway. And since it is considered a "sub-standard ingress-egress", therefore the county won't maintain it and I think there is going to be a big problem with individuals getting in and out during the winter months. Another thing is, we moved to this area so that our children wouldn't have to play near traffic. Their play area is going to be a possible 10 ft. away from this road. Thank you.

Dick Lythgoe:

My name is Dick Lythgoe and I am here to respectfully request the Board of County Commissioners to defer rezoning this until they have time to get more information. For one thing, all of you have had a copy of this Dress Regional Airport Master Plan. As you know -- I know you do your homework -- this master plan calls for the McCutchanville Runway to be closed. The previous master plan in 1970 called for the McCutchanville Runway to be shortened. Because of this master plan and the previous one, we have never had an environmental impact statement with respect to Runway 18, which is the McCutchanville Runway. Every environmental study ever made in connection with this airport -- going all the way back -- has been based on the fact that the McCutchanville Runway (Runway #18) would either be shortened or would be closed. I want you to know that it is common knowledge that Runway #17 (that is the proposed runway towards Darmstadt) will never be built. We know that because of the actions of the Airport Board, the way they built Highway 57. For example, Highway 57 was put in at an elevation higher than the runway level for the Darmstadt Runway. So that is why one of the Airport Board members voted against the plan (the change in the highway) because he said the master plan can never be implemented because the elevation of Highway 57 would be too high above the runway. You can't do that. What this means as a practical matter is that the airport is implementing a different master plan than this one. And you people should insist -- before you build any housing underneath the McCutchanville runway -- that an environmental impact statement be obtained and the master plan updated. There is no talk about the insulation of the houses under this McCutchanville Runway. And we do know already, since the highway has moved, that they are taking steps to increase the threshold for the airplane landings and take-off some 400 ft. That's longer than a football field.... pushing the traffic farther north that far. In 1982, partly because of complaints of county officials and other individuals, Runway #17 (which is the Darmstadt Runway) was abandoned. That is common knowledge. So there is a serious problem with respect to insulating homes. Are they going to be insulated? You see, a home under a runway requires more thermal insulation; it requires special windows. Is the developer going to do that? Is he going to equip those homes for noise protection? And there have been no long range analytical plans with respect to the traffic light. Petersburg Rd. dumps into the new Highway 57....there's been some discussion about it. There is no place for a traffic light there and that intersection will be the front door to the new airport. Thousands of cars are going to come out of the new airport onto Petersburg Rd. Some will go north; some will go east; some will go west from the highway. But we don't know Mr. Savage's statistics on what it is estimated to be. But there are no long range analytical plans for Petersburg Rd. at the time that Petersburg Rd. becomes the main entrance to that airport. So, I ask respectfully that until Runway #18 matter is settled, until we know the McCutchanville Runway's status, whether it is now being extended ----just recently an air carrier (commuter) hit an acorn tree on the hill north of Runway #18. Thank God no one was injured. It went on and landed on Runway #18. Since that time, the FAA has conducted an investigation -- because that was in the news -- and we haven't received a copy of that FAA report. I would respectfully request that you ask for a copy of

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the FAA report concerning the safety of the housing north of Highway 57. So, because of these and the traffic factors, as you know a cul-de-sac was contemplated for Petersburg Road at Highway 57.....that was denied. As a result of that, the main entrance to the airport will be Petersburg Rd. and until long range analytical plans are made with respect to traffic and with respect to the airport's environmental, and a master plan, I think it would be premature to agree to any large housing right underneath the McCutchanville Runway -- Runway #18. Thank you very much.

Linda Patterson:

I'm Linda Patterson and I live at 8894 Petersburg Rd. and I, too, have a concern about the narrow lane. As a mother with three (3) small children, I feel real concern for children riding a school bus. I have contacted the Evansville-Vanderburgh County Public Bus Transportation office and spoken with Charles Johnson. He assured me that a school bus driver will not drive down a private sub-standard road the size of this one with only a narrow cul-de-sac to use for turnaround. Therefore, the children will have to walk to Petersburg Rd. North of their right-of-way is our property....up the road they will have to walk. And there are 6-ft. shrubs bordering our property now and there will be a steep wall there. South of the right-way is Jack Hosbach's property, with a deep wooded valley that is also a lake levee. So, the children -- and there should be as many as 30-60 children involved -- will be walking on the same 36 ft. easement as that on which the cars will be driving. One more thing -- the map shown earlier by Mr. Krown -- I walked daily and drove McCutchanville day after day myself getting signatures on that petition -- and they didn't even show me the common decency to put my house on their plot.

Unidentified:

Mrs. Cox, Mr. Willner, Mr. Borries -- I just want to let you know that on this 54.4 acres that is up for rezoning, there will be more people residing there than there will be on Petersburg Rd. from Highway 57 to Browning Rd. Believe me, that is a lot of people.

Chairman Willner recognized Ed Johnson and asked that he finish his presentation.

Mr. Johnson said that, again, he thinks the neighbors have said it better than he can say it. But, again, so that this Commission does not lose sight of the fact, there is no objection to the R-1 development. R-2 zoning is what makes this objectionable. It is what makes it spot zoning. It is what upsets the neighbors. And it is what is going to make the subdivision itself less desirable and it is going to make the area less desirable. The other problems that relate to the density and R-2 use --when you put it this far back from Petersburg Rd. --this is not a place for an R-2 subdivision. Thank you.

Commissioner Willner asked that the record show that Mr. Johnson submitted a Petition totaling 196 names, and we do not verify the addresses.

Continuing, Mr. Willner advised Mr. Krohn that he has a few seconds to refute.

Mr. Krohn said that he will be very brief. First of all, he would point out other subdivisions that access off a road on a narrow lane -- such as Lakeside Terrace on Outer Lincoln; Plaza Meadows on Outer Lincoln, and Spring Valley on Stringtown south of Petersburg, all of which he estimates have in the area of four (4) times more vehicles using only one outlet onto a major road. Secondly, with regard to pavement width, he understands that a 40 ft. pavement right-of-way is required for a county-accepted road. He would submit that since this is a private road that a 24 ft. pavement (with room to walk on the side) on a 6' ft. right-of-way is just as usable as a 24 ft. pavement on a 40-ft. right-of-way. As for a sight distance to the south and to the north, it would be good if we had sight distance in the area of 1,500 ft. We do not. But the sight distance that is there does fall within the standards of the American Association of State Highway Transportation Officials Standards for Local Roads & Streets. Based on that, he would not anticipate any increase in accidents. Thank you.

Mr. Epperson (one of the developers) approached the podium and said that, basically, most of the comments concerned the narrow driveway. There is not going to be a driveway; they will have a 24 ft. wide road -- not a sub-standard driveway. We have a subdivision here that we submit is less dense than a number of others, such as Kahre, Tall Timbers -- and the other east side subdivisions previously mentioned. In addition to the area on Old Petersburg Rd., which is an area 18 ft. wide, consider the fact that Kansas, Green River and Boonville-New Harmony have areas which are only 18 ft. wide.

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With respect to the argument that the R-2 is simply not desirable, consider the attractiveness of the Woodland Subdivision or development across from the Country Club. They believe that this will sell, or they would not be here asking for this rezoning. A number of people in the area have specifically asked for this type of housing. That is why they are here. Mr. Epperson said they submit that this is a good development which will be good for the neighborhood.

President Willner queried the other Commissioners, asking if they have questions of either the petitioner or the remonstrators at this time. There were none. Mr. Willner entertained a motion.

Motion was made by Commissioner Borries that VC-11-85, Petitioner Tom R. Wolf, be approved, with a second from Commissioner Cox. President Willner said the motion has been made and seconded for approval. Mrs. Barbara Cunningham asked if that included the amended site plan that was presented? An amended site plan was submitted subsequent to the APC meeting. It was subsequently determined that the site plan viewed by the Commissioners was indeed the amended site plan. Continuing, President Willner again stated that a motion had been made and seconded for approval; he will now ask for a roll call vote. There were three (3) negative votes. President Willner declared the petition for rezoning was denied.

VC-12-85/Petitioners, Othmar & Julia Jacobs: President Willner said present zoning is R-0 and requested zoning is R-1. The common address is 7517 Division Street. Present use of the property is single-family residence. Proposed use of property is office and residence.

Mr. Jacobs was recognized by the Chair and approached the podium. He said that he has lived in Evansville for 33 years and is a builder. He has built many of the nicer homes in Evansville. He thinks the function of a builder/realtor is very important in Evansville. They are the first people individuals meet when they come to Evansville. And usually when individuals leave the community they are the last people they think of -- because the houses were either good, or they were treated poorly and the houses were bad. Mr. Jacobs said he thinks his reputation has been established. Some of the people for whom his father built houses (they have been building since the 1900's) were managers of large corporations. When they return to Evansville, they ask him to again build a house. He has developed Carrolton Court. In Carrolton Court, they have an additional 25 acres lying along Division Street, and that area there was a 1-acre plot retained by a farm family and they couldn't get it. Obviously, this was an irritation to them, because the houses he was developing are, he feels, some of the better houses in Evansville. They bought the land principally because they wanted to control what happened to the house. After they bought the house (it was in terrible shape, and had not been lived in for 8 years), they discussed with a number of people in Carrolton Court that it was their intention to sell real estate (because he thinks with his background as a builder that he can give a good, honest opinion of types of houses) and people would trust his opinion. As a vote of confidence, he has subsequently listed houses in Carrolton Court. At this time, he explained what he intends to do with the house. They have remodeled it and the people would not have given their vote of confidence had they not believed that he is going to do what he said he would do. In the meantime, he also developed 25 more lots. He is concerned about the value of the one lot, because the other houses are selling for considerable money and the houses are quite expensive. He explained to the owner that he is going to move into the house and have his office there -- that is his intention. The house was a beautiful old farmhouse. They bought it, not even sure they could save it. They found it was good structurally, build out of oak 2 x 4's, very straight. Had it not been in good shape, he planned to demolish it and use the lot as part of the subdivision. But it is a very beautiful house. They have bricked it up with 200 year old brick. Everything they have done, they were careful to make it commensurate with housing in Carrolton Court. The house is completely surrounded by large trees and these were retained. Should the Board feel more trees are needed for screening, they will certainly do that. As can be seen from the photos presented -- showing the house from all angles -- there are no houses near the area. He owns all the surrounding land -- and would do nothing to hurt his own vested interest. They feel that the subject location give them a good place to live and conduct their business. He feels this would give him a good place to serve Evansville by being the first to meet leadership type people and, again, as they leave Evansville, he thinks he can leave them with a good impression. If he does other than what he says he will do, he will have destroyed 33 years of reputation, of which he is very jealous. There were no remonstrators at APC; he asked the people in Carrolton Court whether they objected, before he started the project.

President Willner entertained questions. Mrs. Cox asked if the total size of the area

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which is to be rezoned from R-1 to R-0 146.4' x 247.6'? Mr. Jacobs said that is correct...he is just asking to have that one piece of ground rezoned. This would be his home and office.

The Chair entertained further questions. There were none. President Willner then asked if any remonstrators are present? There were none. President Willner then entertained a motion.

Motion was made by Commissioner Borries that VC-12-85 be approved, with a second from Commissioner Cox. President Willner said the motion for approval has been made and seconded; he will now ask for a roll call vote. There were three (3) negative votes. President Willner declared the rezoning petition was denied. Mr. Jacobs responded that that is terrible. He has lived in Evansville all his life and has done nothing to hurt it.

VC-13-85/Petitioner, Ronald J. Beard: Roger Lehmann was present for purposes of representing the petitioner. Mr. Lehmann said that originally they petitioned for M-1 zoning at the subject location and have since dropped their desires to C-4, although it was voted on in the APC meeting as an M-1 zoning. Since the planning commission meeting when they first heard from some of the neighbors who were not in favor of the project obviously, he talked with the owner and they have made a few changes, which they hope will be more appealing to the neighbors and the Commissioners. One of the comments on the Staff Field Report was that rezoning this property would create two non-performing houses. That is true. So they have eliminated the property around the two houses. Mr. Lehmann then submitted a rough sketch of a site plan of the area to the Board for their perusal. The petitioner has also changed the intent of the use of the property from storage for his trucks (with which the neighbors had a problem) and the proposal they now have is to use the property for mini-storage, boat storage -- that type of thing. The access to the dock is just a ways down the road; and Mr. Beard feels that this might be susceptible to that use. President Willner entertained questions. Commissioner Cox asked if Mr. Lehmann is asking that this petition be considered as a C-4? Mr. Lehmann said that is correct; they are only requesting a C-4 at this time. Mrs. Cox asked that if in proposed use of property they are deleting single-family residential and they are putting in a what? Mr. Lehmann said a mini-warehouse or storage for boats. Mr. Beard lives in the house that faces Earl Avenue -- a very nice house. Mrs. Cox asked what about the automobile body shop and truck storage? Mr. Lehmann said the original intent of the M-1 was so that he could work on his own trucks, both mechanically and body-wise and he has subsequently found other places to have the body work done. So he does not intend to do any body work whatsoever at the subject location. He also will not store trucks there either. He will agree to a covenant of that nature if the Commissioners so desire. Mrs. Cox asked if the boats will be stored outdoors? Mr. Lehmann said he would not. They will be stored inside. Mrs. Cox said that C-4 allows for outside storage, so there is no control there. Mr. Lehmann said that, again, they could agree to a covenant or restricted site plan or something of that nature should the Commissioners so desire. The Chair entertained other questions. There were none. The Chair then asked if any remonstrators are present?

Mr. Charles Hancock approached the podium and said he lives at 5216 Pollack Avenue. Along with him are 6-8 other neighbors who all live in the same vicinity. They were against rezoning both family homes, because their homes are around the homes Mr. Beard wanted to change. He obviously doesn't have much of a plan. It seems to change from week to week -- one week it is a body shop, the next boat storage. Mr. Hancock said he has never seen any type of drawing depicting what Mr. Beard really proposes to do with this. He doesn't think that any site plans have been made. He does notice that there are some buildings being put up out there now without any permits. He tried to discern whether any permits have been issued for 5101 Pollack Avenue. He didn't see anything posted at that time. Mr. Beard has run his business out of this location in violation of codes and the statutes of the city. And he doesn't see why he would refrain from doing other things if it is changed. From the standpoint of being a homeowner and a neighbor, he doesn't have much use for a C-4 zoning, nor do the rest of the neighbors. With traffic problems being what they are, the grade, the hill and location of 5101 Pollack, without seeing what kind of proposals Mr. Beard has concerning access to this area or a driveway -- it is hard to decide. It is a narrow piece of property to start with, which already has a driveway and a home on it -- and he just doesn't see how it could be any kind of commercial benefit to the neighborhood at all to have an area that is all residential now. There are apartments going up across the street; there is a subdivision being built; there is an open field that is agricultural right now across from Mr. Hancock's home -- and he hopes that this will be developed into more residential area (as do the neighbors). They do not have any commercial developments in the area now and they don't really want any.

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He doesn't see why Mr. Beard would want to buy up all the vacant property and turn it into an industrial site. From the standpoint of business, it would seem to him that it would be more ethical for them to go into an area of the city and develop business if that is his idea. Obviously, he is very diversified with his proposals -- he obviously has a considerable amount of money, and he doesn't know why he should want to change the zoning. His right to change the zoning is one of the reasons Mr. Hancock is here; he has a right to stand against it. Having been in the neighborhood for 15 years and seen the traffic problems, etc., he would like to have it on record that he wishes to vote against the rezoning.

President Willner asked that the record reflect that there was a petition with 27 names submitted by the remonstrators. He then asked Mr. Lehmann if he'd like a moment to refute?

Mr. Lehmann said he would respond that Mr. Beard would be happy to submit a stipulated site plan as a condition of the rezoning. They would also be glad to do any type of grading, etc., on Mr. Beard's property which might improve the road condition at that site. Of course, they can't do anything to the road itself, but he is speaking of the approach. Finally, Pollack Avenue is anticipated as being somewhat of a major thoroughfare. It has a 60 ft. set-back requirement on it now. So at some point in time he would say that it is obviously in the plans to become a much more commercial type street. They also feel that the boat storage venture would be a low volume situation. They bring them in the winter and park them and pick them up in the summer.

The Chair entertained questions from the Board. There being none, a motion was entertained. Motion was made by Commissioner Cox that VC-13-85, Petitioner/Ronald J. Beard for location of 5101 Pollack and 5115 Earl Avenue be approved on Third Reading. A second to the motion was provided by Commissioner Borries. President Willner said the motion has been made for approval and seconded; a roll call vote will be taken. There were three (3) negative votes. President Willner said the request for rezoning is denied.

RE: INTRODUCTION OF STUDENTS FROM PERRY HEIGHTS SCHOOL

President Willner continued the meeting by introducing students Kim Nord and Janet Floyd from Perry Heights School, who were in attendance.

RE: CHANGE OF MEETING SITE

It was announced by President Willner that the Commissioners' Meeting will move to Council Chambers, prior to proceeding with the agenda.

RE: REZONINGS (continued)

VC-14-85/Petitioner, Evansville Toyota, Inc.: The Chair recognized Stephan Weitzel, Attorney, who approached the podium and said he is present on behalf of the Petitioner, Evansville Toyota, Inc. With him this evening are the following:

Ed Kuhlenschmidt, President
Greg Allen, General Manager
Tom Blyth, Architect (Edmund L. Hafer & Associates)

Mr. Weitzel said there are also present some 175 persons in support of the subject petition.

The petitioner seeks rezoning at 5600 Division from agricultural zoning to C-4 classification. The subject real estate is a 10-acre parcel, located on the north side of Division Street. The parcel is located approximately at mid-point between Green River Road and Burkhardt Rd. The property on Green River Road is zoned C-4 (Plaza East Shopping Center and Hill's Department Store) and the property at Burkhardt Road is C-2 for the Moto station. On the north side of Division Street, the property between Green River and Burkhardt is variously zoned agricultural, R-1, and R-3. The 1983 Comprehensive Land Use Plan prepared by the Area Plan Commission designates the north side of Division Street as growth and expansion of commercial and multi-family residential use. Finally, Mr. Weitzel said he would ask that the Commissioners consider the development of the entire parcel of real estate tracts bounded by Green River Road on the west, Burkhardt on the east, Morgan Avenue on the north and Division Street on the south. Recent history indicates the acknowledgment of desirability of commercial development in this entire parcel of real estate. In fact, private developers are extending Vogel Road and Virginia Street east at Green River toward Burkhardt Rd. These factors, plus the widening of Division Street thru a right-of-way of approximately 160 ft. make the impetus for commercial

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development clear for the north side of Division Street. With regard to the subject parcel of real estate, title was acquired in 1977 by the Mill Road Baptist Church from Mrs. Anna Sirkle, who still owns property contiguous to this real estate and whom, you will note after awhile, signed the petition in favor of this rezoning.

The deeds and title to Mill Road Baptist Church contained a restrictions covenant, limiting use to a Christian school or related church purposes and prohibiting commercial or industrial use. During the past eight (8) years, however, the expectations of the church have not been realized. The church has done everything within its power to make the church school viable property. This just has not proved possible and the school now, in fact, represents an economic loss for the church. The 12,000 sq. ft. facility is now vacant and under-utilized and, to Mr. Weitzel's knowledge, the church has received no other offers of purchase other than the one from Evansville Toyota. In addition, but of greater significance to this petition, however, is the fact that Mrs. Sirkle has changed her mind concerning the restrictions covenant and, in fact, and has entered into a mutual agreement with the church concerning the covenant. Mr. Weitzel said he would hasten to point out that this restrictions covenant was not made as a covenant running with the land, but was a personal covenant between Mrs. Sirkle and the church. And, both parties are certainly within their legal rights to cancel this covenant.

Tonight, the Commissioners are being asked to consider an Amended Ordinance which has been filed. This amended ordinance contains stipulations entered into by the Petitioner and the Area Plan Commission. The first stipulation is that the Petitioner has stipulated to the Site Plan, included with the petition and attached as Exhibit 2 to the amended ordinance. The second stipulation, and he believes a much more relative stipulation, is the fact that the petitioner has limited willfully the Use Groups for the C-4 zoning classification...Use Group 8 (Paragraph A) and Use Group 10 (Paragraphs A and B). These are the irreducible minimum use groups necessary for the sale of auto parts, automobiles and accessories. All other commercial uses, other than the ones contained in these use group limitations, have been eliminated. There will be absolutely no body shop work performed on the premises and any repairs will be mechanical repairs necessary as incidental repair and maintenance and will be performed indoors at the rear of the building. Mr. Weitzel said he would like to draw the group's attention to the site plan and introduce Mr. Blyth, the architect. The site plan being shown is the same as that contained in the addendum to the amended ordinance.

Mr. Blyth approached the podium and stated that he works for Edmund L. Hafer & Associates. They have been working with Mr. Greg Allen for quite some time now. The site plan shows the existing buildings. The proposed plans call for three (3) buildings, each containing a showroom. Other additions which would be on the side would be the office for the sale of the used car portion of the franchise. In response to request from Commissioner Cox, Mr. Blyth moved away from the podium and exhibited the proposed plans in such a manner that both the Commissioners and the audience could view same. Mr. Blyth noted that the plans also show the access road, which the State has consented to build --which they agreed to do for the school, even before the subject petition was introduced. Mr. Blyth presented additional visuals, which show the way the existing building will be renovated and used as offices, service center and miscellaneous other functions. On-site planning will be used to separate the used car portion from the service area, etc. Introducing an aerial perspective, Mr. Blyth said this shows the appearance of the proposed project upon completion. Of special interest is the perimeter P.A. system, which will face the building, which will tend to direct the sound toward the building and not toward the residential area. The lighting will be kept down low. They will be lighting the product and not the whole complex. The lighting along Division Street has not yet been decided. But plans have it that every portion of Division Street within the city will be lighted. If they install lighting along Division, this would also tend to diffuse any lighting problems concerning the commercial complex. The curb-cut and access road will be constructed by the State. Deceleration and acceleration lanes will be provided, as well as turning lanes. There will also be extensive landscaping on the commercial site, basically along the east/west property lines and there will be green space between the new cars and existing Division Street.

Mr. Weitzel returned to the podium and said that Mr. Ed Kuhlenschmidt has a track record of in excess of 30 years in this community. He believes that all present are familiar with the construction and renovation of many of the West Franklin Street projects that he promoted and then, in fact, developed. Having seen the site plan, floor plan, aerial perspective, and having heard Mr. Blyth's presentation, the Board must concur that this is consistent high caliber development with which Mr. Kuhlenschmidt is involved. In addition, this development promotes all the goals that the 1983 Comprehensive Land Use Plan embraces.

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With regard to the APC Staff Field Report, he believes that two or three of the concerns have been met. The desire for plantings and green space has certainly been provided for to minimize any impact on surrounding residential properties. The representative for those in opposition to this petition has expressed publicly a desire for maintenance of a pastoral setting for the Division Street entrance to the City of Evansville from the east. Mr. Weitzel said he would suggest that plans for natural green space and natural fencing provided for in these plans will make this development as attractive, if not more attractive, than the scattered apartment units on the south side of Division Street.

One of the other concerns is that the design make use of the proposed frontage road. Mr. Blyth has indicated that within the Division Street extension plans is a frontage road that connects with a median cut that fronts Wood Avenue, that being an ingress-egress to the facility. Utilizing the existing Division Street project frontage road, there should be no increase in traffic on Brentwood Avenue or any other auxiliary artery. If you look at a City map, the design of Brentwood Avenue basically serves the apartment complex and the added subdivisions to the south. Mr. Weitzel said he can't see that that would constitute a short-cut on any route to this property, due to the contour of that street and the many stop signs associated with it.

Mr. Weitzel said that, finally, he would suggest that the caliber of this development is such that it will only result in a commensurate increase in surrounding land values. This is an important consideration, because with that commensurate increase in land value, the surrounding properties will not be susceptible to acquisitions of piecemeal development. As a matter of economic reality, it would be costly to develop that land. With this as an anchor project, and with the development on the north side of Division Street, I believe the Commissioners and all interested persons can rest assured that other developments will be of this caliber. Mr. Weitzel said he thinks it is a foregone conclusion that the north side of Division Street is being developed for commercial purposes. He would suggest that by the filing of the number of rezoning petitions, whether they be started on the west and move east to Green River, or whether those petitions commence on the east and move west to Burkhardt, there's going to be commercial development. The question remains whether the Commissioners want to see development of the caliber developed by a man with a track record in this community. Certainly, you would answer that with "yes". This ordinance, as amended with the stipulations entered into by the petitioner, will give this community an opportunity to promote those goals expressed by the 1983 Comprehensive Land Use Plan and promote caliber development on the north side of Division Street. It has been suggested that this development represents the benefit of one man. He thinks that as is evidenced by the support represented here tonight that this is just not correct. There are some 140 persons associated with the Mill Road Baptist Church. There are approximately 240 persons represented among the families of the employees of Evansville Toyota, Inc. He said he would not belabour the presentations tonight by calling on those 75 persons, but at this time he would ask The Reverend John Allen, Pastor of the Mill Road Baptist Church to offer comments.

The Reverend Allen approached the podium and said that, as Pastor of the Mill Road Baptist Church, he represents a very significant group of people and citizens who have a very definite interest in the sale of property that belongs to them, which they faithfully support. He has been thankful for the congregation and their desire to put the fiscal matters of the organization into order. One of the steps which needs to be taken to accomplish that goal is the sale of the Division Street property. For several years they attempted to operate a secondary school at that site. Early this year they realized that this has become economically inadvisable. After much prayerful and careful consideration, they decided that in order to make their other ministries to this community healthfully strong, that the Division Street property would have to be sold. Although the property has been on the market since June, Mr. Kuhlenschmidt's Toyota dealership has made the only viable offer to purchase the property. As a congregation, they are pleased with Mr. Kuhlenschmidt; they are pleased with their dealings with him thus far and his graciousness on their behalf. They are pleased with his plans. They consider them beautiful and attractive and a wonderful way in which to utilize that property. They are very comfortable. As a group of citizens, they feel it would be good for Evansville and Vanderburgh County. Therefore, they urge that the Commissioners approve this rezoning.

The meeting continued with Mr. Weitzel again approaching the podium and saying he wished to tender to the Commissioners five (5) petitions signed by the contiguous property owners. (Following comments were inaudible)

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Mr. Weitzel said he doesn't want to forestall anyone who may wish to speak on behalf of this petition, but the only other person scheduled is Mr. D'clay Switzer. Mr. Switzer approached the podium and stated that he resides at 5800 Division Street. His property is located approximately 75 ft. from the proposed rezoning. He has lived there a number of years. He really thinks it would be an asset to this community to have a development such as that which Mr. Kuhlenschmidt is planning. Further, his offer is the only thing that has come along that is feasible and pleasing to the community. He would urge the Commissioners to approve this petition for rezoning.

Mr. Weitzel said that at this time he would entertain any questions the Commissioners might have of the architect concerning architectural plans or of Messrs. Kuhlenschmidt or Allen concerning the proposed operation.

Commissioner Cox indicated she had questions regarding some of the concerns expressed by residents in the area whom she doesn't really think could see the site plan which was presented. Further, she has questions on which she needs clarification. The main complaints she gets concerning an autodealership are flags flying and flapping in the breeze, lights blinking and the glowing lights, balloons flying, paging system, searchlights, the noisy commercial dumpsters, test-driving cars in a residential area, the big trucks bringing in wrecked cars to the area for repair. For her understanding, she asked if the site plan shows greenery on the east and west property lines in the way of trees. She would have hoped that there would also have been trees along the back to help hold down the noise. She thinks the grass area in the front is very important and while they showed this on the sketch, she did not see this on the site plan. She thinks that this definitely needs to be a green area. She sees no poles sticking up in this development other than the one that holds the sign that announces or says what the business is. She understood that this would be a self-illuminating sign. Thus, she can assume that there will be no poles put up in this development on which lights, banners or flapping plastic strips can be placed or the canopy-type thing for the business? Mr. Weitzel said it is his understanding that that is not in the plans. The only light standards would be perimeter light standards with diffused light pointing in toward the automobiles and they indicate that the new cars will be displayed on the circle in front of the addition to the building. There will be no other lights, as he understands it, included on the property. Mrs. Cox said that Mr. Weitzel said "low lighting". They have agreed to stipulate use group in the C-4 rezoning and they have also agreed to stipulate to a site plan. So she thinks that it is very important that this site plan actually designates what they are going to do, because once they stipulate to it, that will be all they can do. Thus, she wanted clarification. The Commissioners need to know -- or, she personally needs to know -- because when she looked at it, she assumed it would have been flood lighting from the ground up onto the cars. But he did say "low lighting". She didn't see poles and she needs to know what they plan...and mean...by low lighting. How will this low lighting be accomplished?

Mr. Greg Allen approached the podium to respond to Mrs. Cox's questions. He said he is not a lighting expert. They do not yet have this part of their plans completed. They need to have a lighting expert come in and light the lot tastefully without interfering with the surrounding homeowners' property. They are going to do this -- but just haven't gotten to that part of the plan at this point in time. There will have to be poles there. He would estimate 30 ft. poles.

Mrs. Cox asked, "The poles will be 30 ft.?" Mr. Allen said that would be his guess; but these are quality poles, they do not look like telephone poles, etc. Mrs. Cox said that at that height, some of the concerns expressed could well happen...the flapping, etc. However, once they have stipulated to a site plan, that is all the Commissioners have to go on now. That is why it is very important that the site plan reflect what they say they are going to do.

Mr. Weitzel said that the site plan can be adjusted to accommodate the concerns of the Commissioners or those of the remonstrators. The attempt at the site plan in conjunction with the aerial perspective was to show where the green space will be, etc. It has been explained to him that the lighting to be used is "directional" lighting, pointing downward -- not outward -- on the vehicles, and not lighting the complex. It is his understanding that the developments in outdoor lighting today as opposed to the heretofore floodlighting -- you can very much direct the lighting and it will not interfere with surrounding areas.

The Chair entertained questions. There were no further questions and President Willner said he would ask if there is a spokesman for the remonstrators.

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Mr. Gerald Evans, Attorney, approached the podium and stated that he represents the Fielding Court Homeowners' Association. There are a number of members in this group who would like to address a few of their remarks to the Commissioners. He would like to begin by introducing Mr. Norman Meyer, President of the Association.

Mr. Meyer said that as Mr. Evans indicated, he is representing the Association. However, he, personally, felt compelled to appear before the Commissioners this evening. It is through his involvement as the Association president during the last few weeks that he has communicated with scores of people on this rezoning matter. Their overwhelming response has been that the C-4 for heavy commercial rezoning is wrong for this area. If the Board will recall, the Fielding Court Homeowner's Association is not a new group hurriedly formed to oppose this rezoning. They have a record of being involved and supporting orderly community growth, since their formation in 1969. Their Association is not against progress nor is it against development of their neighborhood. They have opposed commercialization in their contiguous areas, as they do this spot rezoning. But they remain flexible to work with development. When the Williamsburg-on-the-Lake apartment complex was being rezoned, they worked with the developer, supported the rezoning, and they urged their neighbors to do likewise. They did not oppose an area between Lant Manor and Williamsburg-on-the-Lake, as it became apparent that a change in development to a planned unit development was a better way to go to continue development of that area. To the best of his memory, they never made a pastoral setting a stipulation in any of the discussions they had with any of the developers in that area. When special use permission was sought for the property in question to be used as a school, they were not opposed. They were not opposed to the modernization in the rezoning for C-2, for the small gas station that operated on the corner of Burkhardt and Division. He is afraid, however, that he doesn't think any of the members ever envisioned that little gas station being C-2 to be used as a license to justify all of the area north of Division Street to go heavy commercial C-4. They are opposed to another car dealership row-- C-4 heavy commercial in this area. This is the very kind of activity that, if it is located on the entries to many progressive communities -- costly architectural barriers are built to shield this activity from view. Division Street from I-164 will be a major entry into Evansville. Let's take this opportunity to develop at least one aesthetically pleasing entrance to our city. Some recently published quotations would indicate an inability to prevent this type of commercialization along the northern side of Division Street. The Area Plan Commission has made their 8-2 recommendation against it. As he sees it, the Commissioners alone have the power to stop this heavy commercialization from getting started across from a quality housing area. Once one dealership is granted, how can you deny another dealership from doing their 10 acres, and another one after that. There obviously are a lot of loose questions not answered that were not included in the sales pitch of this particular development. Mr. Meyer said he thinks we would be burying our heads in the sand if we say that this kind of heavy commercialization won't very quickly send its tentacles of residential deterioration across Division Street -- be it two lanes or four lanes. Historical evidence to this effect is clear. At this point, Mr. Meyer said he would like to present to the Commissioners a petition with some 400 signatures, signifying they do not want the rezoning. They say, "Please don't do this to our community." This isn't bad planning, it is no planning. Now is the time to stop this. We understand the Comprehensive Plan is up for review in October. If this crowd of voters who showed up here tonight and the over 400 people who signed the petition to say "no" to this rezoning -- if this is not a clear direction on the input that we have as a community concerning this development, then why have any further review meeting on something that would be nothing less than a farcical exercise. Thank you.

Mr. Evans said that Mr. Harry Tillman also has a view which he would like to share with the Board.

Mr. Tillman approached the podium and stated that he resides at 300 Montclair Court. He lives in Fielding Court Subdivision and has lived there for 21 years. He said that, with the Commissioners' permission, he has this evening a chart which he constructed to show the area abounded by Green River, Division, Burkhardt and Lincoln. This is quite a large area and takes quite a large map. Also with him this evening is Tom Meyer of 316 Montclair Ct., who will assist him. Mr. Tillman said that he is an engineer, by trade and he made the map fairly well to scale. If there is anything on there that doesn't look right, then he would like for someone to call his attention to the fact. But he did attempt to include the high points in this area. He would like for both the Commissioners and the audience to view the map. Mr. Tillman said that everyone here tonight is here for a definite reason...there are so many, many reasons. Everyone has a mental idea of what he is trying to achieve here tonight. The people who live in Fielding Court Subdivision are primarily here out of fear and it is not a fear that is

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rampant fear, but it is a logical fear. He would like to go over to the map for a minute and explain to their past good neighbors, the Mill Road Baptist Church, that the Fielding Court people appreciate what they are trying to do. But they would like for those people to give him a few minutes to present some of the problems of the Fielding Court people -- things that they think about could happen -- and have an impact on the Fielding Court neighborhood. Thus, he would like to give them a rundown on the layout of how they see it. Pointing to designated area, Mr. Tillman said it is not a fantasyland; they don't have a drawbridge mentality; they are not trying to pull up and get away from progress and they are not going to black out or castigate the people who are into an honest business endeavor. But they do have fears and he'd like to express some of those. (Mr. Tillman moved to the easel and his comments while pointing to the map were inaudible.)

Mr. Evans called upon Mr. Bill Beard for his comments.

Mr. Beard approached the podium and said he lives at 212 Montclair Ct. in the Fielding Court Subdivision. He is two (2) blocks east of Harrison High School and if there were cross streets going east and west, he'd be about 2-3 blocks south of Division. He has noted that the focus tonight has been on one strategic facility. The major concern, however, is that the Commission recognize that the decision made on this proposal will establish a precedent that basically determines what Division Street will look like east of Green River Road. We're talking about opening the door here to increasing commercialism. A disease, once started, is almost basically incurable. When this disease occurs adjacent to or intrudes into basically residential neighborhoods, there is always loss of property value, at least to a large majority, and general degradation of the quality of life. That leaves the people within the affected area with a choice; stay and put up with the noise, traffic and lights -- or move and take a financial beating. The problem, of course, is that once the zoning is changed to C-4 to accommodate one (1) facility -- no matter how attractively designed -- the precedent is set. Adjacent property will only have value of the same zoning level. So the seed of increasing commercialism sprouts and flourishes. What is needed to protect the existing residential area is a buffer -- something less than single-family residential, but certainly something less than industrial or heavy commercial. Multi-family residential would be preferred, but business offices would be acceptable. Mr. Beard said he urges the Commissioners to vote against this rezoning change, giving the adjacent area a chance to continue as a pleasant and convenient place to live and raise a family. Thank you.

Ms. Sheila Means approached the podium and stated that she resides at 107 Royal Avenue, which is one (1) block south of Division Street. She is a homeowner in Fielding Court. They have a very quiet residential neighborhood. Their children play ball on the lawns and ride bicycles on the street. If this commercial zoning request is granted, they are going to lose their privacy and tranquility. It really is a quiet, peaceful neighborhood. A car lot will bring noise from the P.A. system. It is going to have the general fanfare -- it's just the nature of the business. There is going to be extra lighting from 30 ft. down, or wherever. And those lights are going to shine in their bedroom and living room windows. The traffic flow will create a dangerous situation for their children. They have a fine high school adjacent to Fielding Court and she asks that the Commissioners consider the traffic flow that will be added to those teenagers who are driving to school everyday. These are our youth -- not just Fielding Court -- but our City. She is here as a resident of her area and her area is being affected. She is not here as a seller of property. She is not here out of loyalty to an old friend or an employer. She is here because she cares about her community. Please allow the residents to maintain their standards by rejecting this petition for rezoning.

Mr. Evans again approached the podium and said this Association is very active -- it is a people movement. Rather than having the meeting dominated by normal recurring rhetoric, he thought the Commissioners might like to hear how some of the people feel and their views expressed to him, their representative. The last person that he would formally like to present is James "Dick" Harris.

Mr. Harris approached the podium and said he resides at 112 Charmwood Court in the Fielding Court Subdivision. He has long been a believer that the legislative process works very well. He has never found himself appearing before the County Commissioners or the Area Plan Commission, or any group of that sort. His concern was raised a great deal the other day when he saw that the petition had been acted on in First Reading by the County Commissioners and passed on to the Area Plan Commission. The APC saw fit to reject that petition by a vote of 8 to 2. Almost immediately -- the next morning in the paper -- he read quotations from, he believes, all three of the County Commissioners

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to the effect that they had a little problem understanding the vote of the Area Plan Commission and giving reasons why they thought this might be a worthwhile project for this neighborhood. It seems to him that if the legislative process is at work, then some attention could be paid to the recommendation of the Area Plan Commission. An 8 to 2 vote is a pretty overwhelming vote, regardless of whether it is the APC or some other body. "And we, as politicians and former politicians, would have considered an 8 to 2 vote a mandate for our position, I am quite sure." Mr. Harris said that after he read the newspaper, he wondered first off without having listened to the testimony of the neighborhood, how the County Commission seems to be already in such a fixed position as to what they thought were the pluses and minuses of such a rezoning might be. As a result of that, it did raise his concern and that is probably the main reason he is here tonight. But he would also like to point out a couple of other oddities in the chain of events having to do with this school, and places the Fielding Court neighborhood in the position it finds itself in now. One of them is that when this Church school was initially proposed, this neighborhood did not see fit to remonstrate against building the Church school -- because, in the deed that conveys that property, there was a covenant that said that it would not ever become a commercial site. Based on that, people in the Fielding Court Subdivision saw no reason to comment or remonstrate against the building of that school. But we find out that covenants can be broken; covenants can be withdrawn -- and nobody in the county actually (inaudible) these covenants. We find that the property now appears to be in the process of going from what we thought was a very acceptable use for the property (a church school) to the heaviest possible commercial zoning that you could put in that particular location. Mr. Harris said he would like to point out that there is a great deal of contrast between a church school and an automobile agency. This seems to be a natural progression in the minds of some people. The covenant in the deed will apparently be withdrawn. The Commissioners have no control over that. It has been said here tonight that there was no other alternative for this particular property. It is his understanding -- and he thinks there is a signed proposal here with someone tonight -- that was forwarded by a group of six (6) other churches, in an effort to preserve that property as a church school. He understands that that proposal was turned down. Certainly it was not as lucrative a proposal as the one offered for a commercial venture. But there have been alternate uses for which this property could have been used and, as he understands it, the church would not have been in a bind as a result of having taken one of those offers. There is no shortage of commercial property in already commercially-developed areas on the east side. People already allude to it as "Little Detroit"....and there are still openings there. If the proper zoning is carried and this "hopscotch" zoning does not take place, there is still plenty room for that sort of development....down where this has already taken over and blighted a residential area on the other side of the street. The Fielding Court residents would like for the Commissioners to very seriously consider what they, as residents of that neighborhood, feel. Not principally that of property value, but rather that of the interference with the living standards and the quiet community they now have. He understands a review of the Comprehensive Plan is due in October and at that time some orderly plans could be devised for the development of Division Street in that particular area. He and all of his neighbors would ask that the Commissioners hold up on their decision until there is a draft of a plan that can be carried out in an orderly manner to give some protection to the area south of Division Street. And, they would hope to find alternate uses that are not the heaviest commercial development that you could put in that area.

Mr. Evans said that Mr. Weitzel referred to the Comprehensive Plan in reference to a mixed commercial/residential. He has read and re-read the Area Plan Commission's report and has discussed it with a number of reasonably knowledgeable businessmen and developers in the community, and he has yet to find one who agreed to Mr. Weitzel's conclusion. The map that is contained in the APC report shows area design for residential growth. Page 52 shows a dotted area, property potentially developable for residential growth. The Master Plan Comprehensive report shows residential development. It also contemplates commercial development. The potential commercial development is shown on two places in the Comprehensive Plan. The one that shows it the most clearly is in the combined map at the back. This shows that the Mill Road Baptist Church school property is the buffer for the potential mixed commercial and residential development. The APC Comprehensive Plan has a brief narrative of Area B, shown as residential, which Mr. Evans would like to read:

"Area B will experience the largest numerical growth. Much of this growth will be multiple-family. Dwelling units will increase from 1,689 in 1980 to 6,000 in 1990 and population from 4,151 to 13,373.

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That is more than a 3½ times growth in both population and dwelling units...the highest residential growth in Vanderburgh County. The improvement of the Division Street and the construction of I-164 will increase the transportation accessibility to this area. This area has poor slope and drainage characteristics, just like Area "A". Preliminary comments to the residential section indicate that for the residential development to occur, sewer and water are necessary. According to the Comprehensive Plan, what you're looking at -- this area -- is one of the prime residential multiple-family dwelling areas in our county -- according to this Comprehensive Plan. Mr. Evans and his clients support that plan; they think it is appropriate and was well designed and well thought out. The area that is shown as potential commercial development is the area that could be served by an access road that also will serve the commercial area to the rear of what used to be Woolco -- Plaza Drive will be closed, a frontage road will be constructed that will come around and tie-in at a stoplight at Fielding Rd. The "black" area could be developed and served by that access road -- and not the smaller access road that adjoins across from Fielding Rd. Mr. Evans said they have discussed with the Highway Department the plans for the development of Kimber Lane and they have indicated that the currently existing Moto Station will be taken by the highway expansion. That commercial that you now see developed will be eliminated. There is some additional commercial rezonings that they obtained some time ago which, as earlier mentioned, was simply a change of a non-conforming pre-existing use to modernize, but what really occurred was that it tripled in size. There is some small C-2 commercial that will be remaining. They will have no access to Division, but will face Burkhardt. So, what we have is the filling station (Moto) that will be eliminated, a small C-2 development less than approximately half the size of the current C-2 on the map, with that being the only commercial development from the County Line to the Dairy Queen and the car-wash back in the plaza area 1½ miles down the road.

There was another offer for the purchase of the church school property, that he thinks is somewhat relevant to these proceedings. There was a covenant that this be used for church school purposes and not used for commercial facilities. The petition which the Commissioners have before them states "School use was discontinued June 20, 1985". Mr. Evans said he had a discussion with The Reverend Maurice Melton, who is Pastor of the Heritage Baptist Church. He was one of the persons involved among six (6) Baptist groups who wanted to continue the Mill Road Baptist School as a school. They had put together an offer. He was not certain he could find a copy, but was able to and delivered same to Mr. Evans. Mr. Evans said it is an offer for the purchase of that property at a price over and above the mortgage on said property and the offer was dated May 20, 1985...prior to the discontinuance of the school according to the data contained on the petition for rezoning. (Mr. Evans submitted the proposal to President Willner for the Board's perusal.)

Continuing, Mr. Evans said that when the legislative body considers the zoning, he hopes the factors they will consider will be the highest and best use for that property -- not just simply the highest. And when they consider the highest and best use, and how it affects surrounding properties, he hopes that they will vote with his group -- and understand -- and help them preserve a residential community for this city. They are not a group of beginners, as has been stated by Mr. Meyer. If the Commissioners will examine the list of people opposing the petition (which was presented to them previously) and requesting that the Board not vote for a C-4 zoning, they will find that the list contains the following names: Norman Waggoner, President of the Chamber of Commerce; Mr. H. Lee Cooper, President Elect of the Chamber of Commerce; Mr. Joe Barrett, a former member of the Area Plan Commission; Mr. Bernard Noelting, a very active leader and a very important man in former Mayor McDonald's administration; Robert Bartley, the area president and vice president for Whirlpool Corporation; Mr. W. C. Bussing, John Miley, Jr., Kenneth Huegel -- owners and developers of adjoining apartment complexes. In addition, they have the support of the Vanderburgh County Area Plan Commission by a vote of 8 to 2. They ask that the Commissioners please deny this rezoning request and permit this area to be developed in an orderly, multi-family residential manner. If there are any doubts that this is the correct way to do it, he asks that the Commissioners take the opportunity at the hearings to be held beginning in October -- when they reconsider the Comprehensive Plan. If there are developments that occur or might occur which might change the character of it, address them in an organized fashion -- not by the leapfrog method.

Mr. Weitzel, attorney for the petitioner, approached the podium and said he would like to make very brief rebuttal to the remarks made by the remonstrators. A number of residents of this east side subdivision, as well as other subdivisions, who communicated with the Commissioners are most intent on retaining the residential character of the

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neighborhood south of Division Street. It is ironic to him that persons represented by Mr. Evans live within a quarter mile or half mile from the site of this rezoning. He has driven through the subdivision and, in his opinion, virtually none of the residents can see the area being discussed. Perhaps they can see the back of the apartments on the south side of Division, which are on the perimeter of the subdivision. And it is ironic to him, as well, that a number of the comments made this evening could actually be used in support of this petition. The specific comments he has heard addressed to this development -- not to the preservation of a residential neighborhood -- speak really in terms of concerns about potential noise and concerns about potentially increased traffic. With respect to the traffic, it seems to him that the persons who indicated a concern about increased traffic on Brentwood Avenue are denying the very existence of a multi-million dollar Division Street Expressway project.

With respect to comments expressing fears re lighting, Mr. Weitzel said that Mr. Blyth explained that there will be low poles and it is his understanding that the pole height will be no greater than 12 ft. Secondly, he believes that Mr. Blyth indicated that the selected lighting will also be based on whether or not Division Street Expressway itself will be lighted east of Green River Rd., as all of it will be lighted within the City limits. That determination has not yet been made.

With respect to the P.A. system, it will be directed toward the building, not pointing away from the building.

Continuing, Mr. Weitzel said throughout the presentations by the remonstrators he repeatedly heard the term "heavy commercial" used. He believes this has been taken care of via the use group limitation stipulated to by Evansville Toyota, and thus the term is insidious. As pointed out, the use groups stipulated to are Use Group #8, Paragraph A and Use Group #10, Paragraphs A and B. Other commercial uses have been eliminated. Some of those that have been eliminated -- in order for this ordinance to be passed in its present form -- would be business school, commercial trade school, laundromat, department store; recreational uses, including bowling alleys, bars, dancehalls, massage parlors, nightclubs, taverns, theaters, etc. He said he would suggest to the Commissioners that any one of those uses, as well as multi-unit apartment complexes and office buildings, would create a greater increase in traffic flow than the traffic flow for an automobile dealership. Both Messrs. Kuhlenschmidt and Allen can allay any fears that this is a high-volume type of business. They wish it were. But it certainly is not the high-volume traffic as that generated by those ventures excluded from the petition.

Mr. Meyer used the term that this is a "spot" rezoning. That term is misused; misapplied--in view of the 1983 Comprehensive Land Use Plan. He would point out that the plan says that this area is for "growth and expansion" of commercial and multi-family type dwellings. Mr. Weitzel said he would hasten to say that he concurs with Mr. Harris in that this is a legislative body and, therefore, the final arbiter in deciding to grant or deny the rezoning petition. There are two bodies that are advising this legislative body: One is the Area Plan Commission, who are appointed persons. The other is the professional staff of the APC. He believes the APC Staff Field Report speaks for itself. This body now has the opportunity to deny piecemeal strip development. And he would suggest that the caliber of development planned by Evansville Toyota would be an anchor for high caliber commercial development along the area that is undeniably being used to (inaudible) community development. Finally, Mr. Weitzel said we need to look at the plans for the Division Street Expressway itself and see what that means to both sides of Division Street. (The next few comments by Mr. Weitzel were inaudible.) Continuing, Mr. Weitzel said he would like to mention that reference was made to another offer to the church for the purchase of subject property. In brief consultation with Pastor Allen, it was his understanding that the referenced offer was in no sense satisfactory to the Mill Road Baptist Church congregation. The dollar amount offered was substantially less than that offered by Evansville Toyota and, as evidenced by the letter presented to the Commissioners by Attorney Evans, paid on an installment basis over a period of time. It is his understanding that the offer was rejected because it was not satisfactory to relieve financial pressures on the congregation. Evansville Toyota is willing to continue a dialogue with the remonstrators to allay any fears re proper sound, appropriate layout and design, lighting, etc. The individual who could best express this willingness would be Mr. Ed Kuhlenschmidt himself.

Mr. Kuhlenschmidt approached the podium and addressed the Commissioners and the attorney representing the remonstrators, as well as the remonstrators who had served as spokesmen for the group concerning specific objections. He said that if Evansville Toyota moves to Division Street, they will be a real good neighbor. He would be happy to meet with

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the remonstrators concerning the lights, greenery, sound, etc. Again, he just wants to stress that he will be a good neighbor.

Attorney Evans approached the podium and said that there were remonstrators, other than his group, who did not have an opportunity to speak prior to the rebuttal by Attorney Weitzel. He would ask that the Commissioners allow those individuals to speak at this time.

Dick Hagan:

Mr. Hagan said he is from the Carrolton Court area, which is (he thinks) a new name entered here. The people in his neighborhood are among those who cannot see the proposed Evansville Toyota site. He just wants to make the point that he has lived in cities where there have been comprehensive plans of the type that the people from Fielding Court talked about and that type of plan does work. He would like to see that happen here. The other point is that his neighbors in the Carrolton Court area (and he's talked to a lot of them) -- he thinks the Commissioners will find that a lot of people from the Carrolton Court area (which is east of Burkhardt) wants this to be a logical thing and not an irrational hop-scotch type of thing. And they don't believe that a car dealership is consistent with the residential appearance of the neighborhood in which they live.

Jim Shields:

Mr. Shields said he lives in Plaza Terra, which is west of Carrolton Court. To the west of him is Lant Manor. He would like the Commissioners to know that they are in full support of the position taken by Fielding Court residents. He would also like to take some kind of exception to what Mr. Weitzel was saying about the Area Plan Commission. If he heard him correctly, he was making the point that they are only advisory. Mr. Shields said he was on the APC for a couple of years and he put a lot of blood and sweat into it. They may have been advisory, but they took the job very seriously.

Mr. William R. Boyd:

Mr. Boyd stated that he resides at 5700 Division Street. When the Division Street Expressway is completed, the driveway to the property in question will be parallel to their property line. The traffic coming off the Expressway will make a left turn to go into the property in question and all this traffic will be within 20 ft. of his garage. He and his wife are retired people and former members of the Mill Road Baptist Church. They were formerly west side residents. Their purpose for building at their present location was to be an (inaudible). This has been a great disappointment to them. He voted for the petition for this to go through, but asks that his name be withdrawn after careful consideration. You have to consider the homeowners out there. You don't build a home today for nothing. When you're retired, you're on a limited income.

Commissioner Cox requested that Mr. Boyd show the Commissioners exactly where he lives, by designating area on the site plan which was submitted. (There was discussion concerning exact locationbut it was inaudible).

Charles West:

Mr. West stated that he manages the Executive Park Office Building at 101 Plaza East Boulevard. He said he has a letter he'd like to read from the Director of Commercial Properties for the owners of subject complex. The letter is addressed to Mr. Borries and the County Commissioners.

September 13, 1985

Mr. Rick Borries, President
Vanderburgh County Commissioners
5112 Graham Avenue
Evansville, IN 47715

Re: 5600 Division Street/Evansville, IN

Dear Mr. Borries:

I am writing this letter with respect to the rezoning proposal for the captioned location.

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We are the owners of Executive Park East, a 60,000 square foot office building located approximately one-half mile from the site in question. As a neighboring property owner, we are very concerned about the proposed change of use to "heavy commercial" and its potential effect upon the surrounding area.

The desirability of an office location is determined not only by the quality of the facility, but, in part, by the desirability of the neighborhood in which it is located. At present, the area proximate to Executive Park East is one which provides attractive views and a safe, quiet location. It is our feeling that the proposed change in use, though not contiguous to our property, could lead to an overall commercialization of the neighborhood. Such a change would impact the quality of our tenancy and erode the current rental and overall property value.

In view of this, we urge that you preserve the integrity of this neighborhood by voting against the change to a C-4 zoning.

Very truly yours,

Christine C. Kurtz
Director/Commercial Properties
SKS Associates

Attorney Evans requested that all the remonstrators stand and said that, as far as he is concerned, this concludes all the presentations.

President Willner said that the Commissioners have heard from each and everyone who wanted to speak. At this time, he would like to start to his right and ask that the Commissioners attempt to give their views before he calls for a vote.

Commissioner Cox:

I do want to certainly thank each and every one of you for your patience to go through tonight's meeting and all the rezonings that we did have to hear. It's been a long evening for all of us. I want to compliment you on your presence here tonight. I know this is an emotional issue. I've talked to many of you on the phone. I've talked to a lot of you personally. And this is a very, very tough decision for me to make.

I want to acknowledge the many letters and phone calls I've received showing both support and objections to this proposal. I wish to thank those callers for expressing their concerns; and especially those who gave me an opportunity to explain why I would even consider supporting -- and I put this in quotes -- "such a request". I would also like to reply publicly, as I have privately, to those persons who have restricted their thinking for my consideration of this support for the following reasons:

- 1) That I am personal friends with Mr. Ed Kuhlenschmidt. I also consider myself a personal friend of Mr. Jerry Evans. I shopped at his Dad's little hardware store on the west side and I've known Jerry for many, many years -- more years than I have Mr. Kuhlenschmidt -- as well as many of you who live in the subdivisions south of Division.
- 2) The second point is that I have no interest whatsoever in the east side of our city, as I live on the west side. Now some of you may recall -- some of you may not -- I voted "no" to a request to approve a subdivision on our southeast side of town not too long ago. It was in a nice area; but this area was plagued with storm and sanitary sewer problems with human excreta and everything else floating out of the sewers around in the peoples' property that live there every time it rained. And I was sued for \$3 million, along with several other Area Plan Commissioners. And, this might address Mr. Harris' concern that he has on the reliability of our taking an APC vote. I want to tell you, Ladies and Gentlemen, that six (6) of my fellow APC members voted for that request for a rezoning for a subdivision in that plagued area. I couldn't understand that decision.
- 3) That I am "on the take" and "I'm being paid off". And I can say that nothing has been offered, nothing has been promised, and nothing has been received. And even though these may only have been desperation scare tactic statements,

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statements of this nature are totally unfair to both myself and Mr. Kuhlenschmidt. My vote in the past -- and it will be in the future -- is based on what I consider best for our community. And it will not be based on personal reasons or on political reasons.

Ladies and Gentlemen, if Division Street were going to stay as we know it now, I would have no reservations at all about concerning myself with the normal restrictions. But I think you have to be realistic and you have to see what is happening -- the traffic count, the maps, the intervention of the I-164 spur -- and I think this is very important to our overall city. I agree with you that this is a corridor, the entrance -- or one of the entrances -- to our City. I cannot agree with you that you think C-4 is too high. I think we have the chance here to set the stage for the commercialization which is allowable by the Comprehensive Plan. We have a chance to set the stage for commercial development in this area that is as aesthetically pleasing as we can possibly make it. And I assure you that I, as a Commissioner and a person entitled to vote for the County on this request, will do all I can to see that each request for rezoning is viewed in the light that we have viewed this one. I would also say that earlier on this evening we, as a Commission body, all three denied a request for an R/O rezoning on the south side of Division Street -- just down from where you all live and very near the Carrollton Court area. This was a nice gentleman; a well respected builder; but it opened the southern Division Street block area to other than R-1 zoning. And, I personally could not see an R/O development going in. But I do want to see -- and I will strive to see -- that that area on South Division will remain residential in nature when the new Comprehensive Plan is submitted and ultimately approved or disapproved. I thank you for listening to me. I've listened to you -- and I thank you for your attention.

Commissioner Borries:

Verily, many of you have stood by patiently (I think for hours now) on your feet. I'm tremendously impressed with this group. I think it's refreshing to see this kind of involvement in our community. And I think it is especially important to realize that each one of us here do work together. We may have a different goal -- or at least different attitudes -- tonight. But I think we are committed to do the best we possibly can for our community -- be it the west side, the east side, or wherever we live. I did not vote at the APC meeting, simply because this time I get to the situation where I realize and see and have the personal knowledge with Mr. Shields (who spoke earlier) as an excellent appointment to the APC, their deliberations on all of these things. They are complicated. New information is passed along all the time. Just today, I received from Rose Zigenfus (who is our EUTS director) three projections that show Division Street by the year 2000 and the 6-lane artery will have a traffic potential of somewhere around 41,630 cars per day. That already, when you look at Green River Road with some 34,000 vehicles right now -- does have significant impact on our area. So these are very complicated decisions. Because of that kind of information, I regard these things as learning processes and things to which I must listen as to what is going on -- it's not an easy decision. So that is why I did -- and have -- abstain at that particular time. Again, I don't think it's productive and I'm not going into all the rebuttals and inuendos here. I, too, have some very good friends in the audience tonight. Obviously, I hope my wife is still praying for me, too. It's been a very long day for me as well -- starting at school early this morning. So it's one of those difficult situations where you want to do the best you possibly can after you've listened to all the people and trust them in their sincerity. I am very familiar with the area. I've driven the area at least four times this past week; during the day and at night. And, of course, I think I've probably driven the area much longer than some people have lived in the area -- since I taught at Harrison from 1966 to 1980. I've seen the area change. It is going to continue to change in the northern part, when you look at the extensions of Vogel Road and Virginia Street. And I think it is going to be a very dynamic quality kind of development. I am quite confident there will be a mix. And think that the APC staff officials will aid us and assist us in all kinds of things. But we are living in rapidly changing times when, again, 41,000 cars on Division Street will not necessarily be a dream; it will very soon be a reality. Those kinds of changes do happen and they are going to happen in all areas of our community. To be a progressive community we must accept those kinds of things and insist upon quality development. I do appreciate your time here tonight. I appreciate your patience. It is very refreshing to

(continued)

see so many people express themselves so well tonight. Thank you for coming.

Commissioner Willner:

Thank you, Mr. Borries. I think I would be remiss if I did not echo the comments of both Shirley and Rick. I feel they come from the heart, as do mine. I think I need to speak to the newspaper article that appeared after the zoning was requested. I probably go back on the Commission a few years longer than Shirley or Rick, and I want to say a few words about Vogel Rd. and Virginia Street extensions.

As much as ten (10) years ago -- when the east side was fast becoming the "showplace" of Vanderburgh County -- the developers wanted the county to finish Vogel Rd. and Virginia Street at the county's expense. There were no dollars to maintain our present roads, let alone build any new ones. It was decided at that time that in order to let the east side grow that we would ask the developers of commercial property to finance Vogel Rd. and Virginia Street. And, in doing so, we more or less promised those people zoning. At that time I think the Comprehensive Plan was called the Master Plan (which many persons disagree with -- and I like Comprehensive). But we told them that if they would put a commercial development in those areas and put streets in, that we would go along with that zoning. So I, for one, find it very hard to go back to something I worked for maybe ten years and try to tell the people now that I cannot do that. So I needed to tell you where I come from -- and that is why I am going to vote for this zoning. We told everybody -- and I agree -- that Division Street was supposed to be the cut-off between business and residential. Division Street is 164 ft. wide and there are going to be two fences. There is no other natural barrier to separate the two; there just is none. And so that is where it's got to be. So, with that in mind, I appreciate your coming down. I'm sorry you had to wait until last; but I would hope that you can be good neighbors and work and live together. May I have a motion on this?

Motion was made by Commissioner Borries that VC-14-85, Petitioner/Evansville Toyota, be approved.

Commissioner Cox said that before she seconds the motion she has a question. She asked Mr. Borries if he would include in his motion that this would be zoned C-4, stipulated in Use Group #8, Paragraph A and Use Group #10, Paragraphs A and B, and must stipulate to the Site Plan submitted tonight, with the addition of 12-ft. lightpoles. Would he be agreeable to that? Mr. Borries replied, "I would. With the amendments offered by Commissioner Cox, I will amend my previous motion to include those stipulations."

Commissioner Cox offered a second to the motion.

President Willner said the motion has been made and seconded for approval. He now requests a roll call vote: Mrs. Cox? "Yes"; Mr. Borries? "Yes". Commissioner Willner said, "I vote yes". The request for rezoning passed with three (3) affirmative votes.

RE: REZONING PETITIONS (First Readings)

The meeting proceeded, with President Willner announcing that he had three (3) First Readings to be considered tonight, as follows:

VC-16-85; Petitioner, Sylverius Elpers, Jr.: Subject property is located at 8229 Reis Avenue. Current zoning is Agricultural and requested change is to C-4. Present existing land use is agricultural and proposed use is a cabinet shop operation. Property is completely surrounded by a stable agricultural/single-family residential area. President Willner entertained a motion. Motion was made by Commissioner Borries that the petition be approved on 1st Reading and forwarded to the Area Plan Commission. A second to the motion was provided by Commissioner Cox. So ordered.

VC-17-85; Petitioners, Ronald C. & Dorothy Joest: Subject property is located at 2011 N. Green River Road. Current zoning is R-1, with requested change to M-1. Present land use is residential use and proposed use is industrial. The Chair entertained a motion. Motion was made by Commissioner Borries that the petition be approved on 1st Reading and forwarded to the Area Plan Commission. A second to the motion was provided by Commissioner Cox. So ordered.

(continued)

VC-18-85; Petitioners, Frank J. Reich and Raymond A. Beliles: Subject property is located at 3510 N. St. Joseph Avenue. Property is currently zoned Agricultural and requested change is to C-4. Current land use is residential and vacant. Proposed land use is mini-warehouse and storage facility. The Chair entertained a motion. Motion was made by Commissioner Borries that VC-18-85 be approved on 1st Reading and forwarded to the APC. A second to the motion was provided by Commissioner Cox. So ordered.

RE: COUNTY ATTORNEY - DAVID JONES

In response to query from President Willner, Attorney Jones said he had only one item for the Commissioners' attention tonight. He advised that the Mechanic's Lien recently filed by David Guillaum Construction re work done on the Waterslide at Burdette Park is not valid, because you cannot file such a lien on public property.

RE: COUNTY HIGHWAY - BILL BETHEL

Asphalt Paving Specs & Notice to Bidders: Mr. Bethel submitted specifications for resurfacing of various County streets for approval by the Commissioners. Commissioner Willner asked County Engineer Andy Easley if he approved the specs and he replied in the affirmative. President Willner then entertained a motion. Motion was made by Commissioner Borries that the specs be approved and the Notice to Bidders be advertised. A second to the motion was provided by Commissioner Cox. So ordered. (Notice to appear in Courier & Press on September 20 and 27, with Bid Opening scheduled October 7, 1985.)

RE: COUNTY ENGINEER - ANDY EASLEY

Mr. Easley submitted the following letter from Morley & Associates, which was sent to the State Department of Highways. He said it requires no action on the part of the Commissioners tonight, but he would ask that it be entered into the record.

September 9, 1985

Indiana Department of Highways
Vincennes District
P. O. Box 376
Vincennes, IN 47591

Attn: Mr. Marston Fowler, Jr.

Re: Burkhardt Road Improvements - Contract R-15023
Project MAM-M-E 100(1)
Our Project #81-468-5

Dear Marston,

Enclosed is a letter from the Contractor requesting a time extension for the above reference project from a January 21, 1986 Contract Completion to a July 25, 1986 Completion Date.

We offer no comment on this request at this time but would recommend that a meeting be held with the Contractor, the I.D.O.H., the Vanderburgh County Commissioners, the FHWA and our firm to discuss this.

As always, should you have any questions, please feel free to contact us.

Sincerely yours,

Lee A. McClellan, P.E.
Project Engineer

RE: COUNTY SURVEYOR - BILL JEFFERS

Bridge & Guardrail Repair Report: Mr. Jeffers submitted the Weekly Bridge & Guardrail Repair Report for period September 9 thru September 13, 1985.....report received and filed.

(continued)

Claim/B.M.B., Inc.: Claim submitted in the amount of \$8,544.00 on the Schaeffer Rd. project. Mr. Jeffers indicated the work has been checked and the claim has been signed by County Surveyor, Bob Brenner. Motion to approve claim for payment was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Claim/Deig Bros.: A claim was submitted in the amount of \$18,225.00 for labor and material on Millersburg Road-Bluegrass Creek Project. Motion to approve claim was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Mr. Jeffers also submitted Contractor's Bond for Construction from Deig Bros. in the amount of \$203,762.20---Bond received and filed.

B.M.B./Waiver of Lien: Also submitted by Mr. Jeffers was a Waiver of Lien from B.M.B. for the installation of drain pipe (removal and replacement) on Schaeffer Rd. The waiver was received and filed.

Request to Go on Council Call: Mr. Jeffers requested permission to go on Council Call in October re transfer of \$15,000 from Acct. 203-340 (Millersburg Rd.) to Acct. 203-347 (County Line Rd.). Motion to approve request was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

County Line Rd. Bridge Specs & Notice to Bidders: Mr. Jeffers advised that the specs on County Line Rd. Bridge will be ready tomorrow, and he requests permission to advertise Notice to Bidders. Motion to advertise Notice to Bidders was made by Commissioner Borries, with a second from Commissioner Cox. So ordered. (Notice will be advertised September 23 and 30 in the Courier & Press, with bid opening scheduled October 14, 1985.)

Resurfacing of CONRAIL Crossings: It was noted that CONRAIL has resurfaced all their crossings. B. Jeffers will write letter to them re removal of debris on Baseline & County Line.

Wooden Bridge/Baseline Rd.: It was also noted that Seaboard has begun demolition -- in order to replace wooden bridge on Baseline Rd.

Commendation/Lee Stuckey: It was noted that Lee Stuckey of the County Highway Department is to be commended on his actions/negotiations re the CONRAIL crossing near Daylight.

RE: CLERK OF THE CIRCUIT COURT/MONTHLY REPORT

President Willner submitted the Monthly Report from the Clerk of the Circuit Court for period ending August 30, 1985.....report received and filed.

RE: BUILDING COMMISSION

Also submitted was a report from the Building Commission for permits issued during August, 1985.....report received and filed.

RE: TRAVEL REQUEST - WEIGHTS & MEASURES

Commissioner Willner read the following travel request:

September 16, 1985

To: County Commissioners

From: Loretta Townsend/Weights & Measures

I am requesting approval for Ray Kahre to travel with myself to Owensboro, Kentucky, on Monday, September 23 thru Thursday, September 26, 1985, to attend the attached training school which is called each fall and is held with Kentucky. This is put on by the National Bureau of Standards and is very beneficial as the attached agenda will show. We will not be staying there over night as I do not think it is necessary as we can leave early enough and drive the Department's van and thus save money. If there is any problem with this, please contact me and if not we will be back in the office on Thursday afternoon.

The meeting continued with President Willner indicating this is the 6th Annual Tri-State Training School (Illinois, Kentucky and Indiana). A motion was entertained. Motion to

(continued)

approve request, with mileage only allowance being approved, was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: REQUEST TO GO ON COUNCIL CALL - COMMISSIONERS

A request for the Commissioners to go on October Council to request appropriation of \$4,000 for legal advertising was submitted. Motion to approve request was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: REQUEST TO GO ON COUNCIL CALL - DRAINAGE BOARD

President Willner said the Drainage Board needs to go on October Council Call to request appropriation of \$315.00. The Board will be meeting once a month for the balance of the year. This request covers meetings through November. Motion to approve request was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

RE: DEPARTMENT OF METROPOLITAN DEVELOPMENT

It was noted by President Willner said that the Department of Metropolitan Development is saying that they need to add \$1,000.00 to the contract with Peyronnin Construction for the storm sewer drainage system for the Zayre Corporation facility. The reason for this is that we are talking about 10% retainage. The contract calls for final payment to be made within 30 days after completion. The State of Indiana, however, has a different requirement (20% of the project cost is to be retained and cannot be released until Zayre has inspected the project, etc) A motion was entertained. Motion was made by Commissioner Borries that the Amendment to Agreement to add the \$1,000.00 be approved, with a second from Commissioner Cox. So ordered. The Amendment reads, as follows:

AMENDMENT TO AGREEMENT FOR THE
CONSTRUCTION OF THE STORM SEWER DRAINAGE
SYSTEM FOR THE ZAYRE CORPORATION FACILITY

WHEREAS, the Board of Commissioners solicited bids for the Storm Sewer System for Zayre Corporation; and

WHEREAS, the "General Conditions of the Contract" section of the Specifications for the project indicated in Section 45 that the contractor would be subject to retainage of 10% and in Section 24 that the Final Payment would be made within 30 days after completion; and

WHEREAS, the State of Indiana Small Cities Community Development Block Grant Program Grant Agreement ID 84-022 between the State of Indiana and the Vanderburgh County Board of Commissioners requires that 20% of the project cost be retained and that it cannot be released until the Zayre Corporation has inspected the project and notified the Lieutenant Governor that the project complies with the project described in the Grant Agreement; and

WHEREAS, the "General Conditions of the Contract" as discussed in the specifications are in disagreement with the requirements of the Grant Agreement; and

WHEREAS, the contractor, Peyronnin Construction Company, Inc., based its bid on the terms identified in the Specifications; and

WHEREAS, the terms of the Construction Agreement concerning retainage and final payment are at variance with the terms of the Specifications; and

WHEREAS, it has been determined that the Contractor, Peyronnin Construction Company, Inc. is entitled to additional compensation, due to the changes in retainage and payment schedule.

NOW, THEREFORE, IT IS MUTUALLY AGREED by the Parties hereto that the Contractor shall receive as additional compensation for changes in retainage and payment schedule, the sum of One Thousand Dollars (\$1,000.00) in addition to the bid price of Two Hundred Sixty-Eight Thousand, Nine Hundred Eight Dollars (\$268,908.00) for a total amount of Two Hundred Sixty-Nine Thousand, Nine Hundred Eight Dollars (\$269,908.00).

(continued)

IN WITNESS WHEREOF, the Parties hereto have hereunder set their hands and seals at Evansville, Vanderburgh County, Indiana this 16th day of September, 1985.

BOARD OF COUNTY COMMISSIONERS
OF VANDERBURGH COUNTY, INDIANA

PEYRONNIN CONSTRUCTION CO., INC.
"Contractor"

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

Ward Peyronnin

RE: SCHEDULED MEETINGS

In response to President Willner's query concerning scheduled meetings, Commissioner Cox indicated that she has a Southwestern Mental Health Association meeting tomorrow night at Rolling Hills Country Club.

Commissioner Borries said that Attorney Evans (who was present at tonight's meeting) had asked him to speak at the Downtown Kiwanis Meeting on Thursday. In view of tonight's session, that may be cancelled.

RE: EMPLOYMENT CHANGES - RELEASES

Cooperative Extension Service

Karen L. Koester	R.R.#2 Wadesville, IN	Part-Time	\$31.00/Day	Eff: 9/2/85
Shannon Scholz	2307 E. Mulberry	"	\$31.00/Day	"
Raymond A. Rivard	R.R. #8, Evansville	"	\$31.00/Day	"
Jana Freudenberg	6133 Sharon Rd.	"	\$27.00/Day	"
Mary Roach	3210 E. Powell	"	\$27.00/Day	"

Clerk of Circuit & Superior Courts

Paula Galle	10221 Upper Mt. Vernon	Dep. Clk.	\$11,760/Yr.	Eff: 9/9/85
Joyce Fields	824 Adams	"	\$12,298/Yr.	"
Pamela Higgenbotham	3401 Little Creek	"	\$11,760/Yr.	"
Celia Galle	10221 Upper Mt. Vernon	"	\$11,760/Yr.	"

Circuit Court

Terry L. Brown	1909 Pueblo Pass	Bailiff	\$3.35/Hr.	Eff: 9/6/85
Karen S. Miller	926 Fairlawn Circle	Clk. Typist	\$4.00/Hr.	"
Paul Aarstad	626 S. Norman	Intern	\$4.00/Hr.	"
Michael Seger	1530 Brentwood	Intern	\$3.35/Hr.	Eff: 9/6/85
Mark Sebree		Bail Bond	\$6600/Yr.	Eff: 9/13/85
Patricia Coy	6609 E. Walnut	Clerk	\$5.00/Hr.	Eff: 9/6/85

Sheriff

Larry Leveron	Pro. Pat.	\$17,243/Yr.	Eff: 9/15/85
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County Assessor

Janice Lindauer (LOA - Medical Reasons)	1415 John St.	Clerk	Eff: 9/9/85
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It was noted that a letter from Dr. Richard A. Wagner accompanied Mrs. Lindauer's employment change notice. Motion was made by Commissioner Borries that Mrs. Lindauer's request for LOA be approved, with a second from Commissioner Cox. So ordered.
(County NOT to pay insurance during LOA period).

County Treasurer

Mary E. Frank (LOA - Family Situation)	2424 Negley Place	Posting	\$11,760/Yr.	Eff: 9/13/85
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It was noted that a letter was also submitted with Ms. Frank's employment change notice. The letter indicates the LOA is due to an unexpected family situation -- and it has been signed by the Treasurer. (The County NOT to pay insurance during LOA period.) Motion was made by Commissioner Borries that the request for LOA be approved, with a second

from Commissioner Cox. So ordered.

RE: EMPLOYMENT CHANGES - APPOINTMENTS

Clerk of the Circuit & Superior Courts

Paula Galle	10221 Upper Mt. Vernon	Dep. Clk.	\$12,298/Yr.	Eff: 9/9/85
Mary V. Ohl	2108 N. Heidelberg	"	\$11,760/Yr.	"
Deborah Hunter	2558 E. Riverside	"	\$11,760/Yr.	"
Jean Whicker	500 S. Kelsey	"	\$11,760/Yr.	"

Circuit Court

Terry L. Brown	1909 Pueblo Pass	Bailiff	\$13,400/Yr.	Eff: 9/9/85
Karen S. Miller	926 Fairlawn Circle	Clk. Typist	\$4.50/Hr.	Eff: 9/9/85
Paul Aarstad	626 S. Norman	Intern	\$4.00/Hr.	"
Michael Seger	1530 Brentwood	Intern	\$3.35/Hr.	9/5/85
Mark Sebree		Bail Bond	\$6600/Yr.	9/9/85
Jerome C. Kissel	1700 Reichman	Intern	\$3.35/Hr.	9/5/85
Patricia Coy	6609 E. Walnut	Clerk	\$5.00/Hr.	9/9/85

Recorder

Mary Ruth Dorsett	605 S.E. Riverside	Mtg. Dep.	\$11,760/Yr.	Eff: 9/17/85
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Prosecutor's Office (Adult Abuse Program)

Terry Lynn Ruark	R.R.#3, Box 281	Investigator	\$14,000/Yr.	Eff: 9/3/85
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Surveyor

Anthony L. Hall	419 E. Cherry	Bridge Insp.	\$15,192/Yr.	Eff: 9/16/85
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Sheriff

James J. Poston	11820 Browning Rd.	Pro. Patrol	\$17,243/Yr.	Eff: 9/16/85
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RE: KIMBER LANE MODIFICATIONS - MEETING

County Engineer Andy Easley asked if the record should reflect that he and Rose Zigunfus will be traveling to Indianapolis on Friday of this week to meet with the State Highway Department officials regarding modifications on Kimber Lane off the State Highway.

There being no further business to come before the Board at this time, President Willner declared the meeting adjourned at 11:25 p.m.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	Robert L. Willner Richard J. Borries Shirley Jean Cox	Sam Humphrey, Chief Deputy	David L. Jones
	<u>COUNTY HIGHWAY</u>	<u>COUNTY ENGINEER</u>	<u>COUNTY SURVEYOR</u>
	Bill Bethel	Andy Easley	Bill Jeffers, Chief Deputy
	<u>AREA PLAN COMMISSION</u>	<u>OTHER</u>	
	Barbara Cunningham Beverly Behme	Rezoning Petitioners Attorneys for Petitioners Remonstrators Attorneys for Remonstrators News Media	

COUNTY COMMISSIONERS
September 16, 1985

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SECRETARY: Joanne A. Matthews

Robert L. Willner, President

Richard J. Borries
Richard J. Borries, Vice President

Shirley Jean Cox
Shirley Jean Cox

MINUTES

COUNTY COMMISSIONERS MEETING SEPTEMBER 23, 1985

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MINUTES
COUNTY COMMISSIONERS' MEETING
SEPTEMBER 23, 1985

The Vanderburgh County Board of Commissioners met in session on Monday, September 23, 1985, at 2:30 p.m. in the Commissioners' Hearing Room, with Vice President Richard Borries presiding.

The meeting was called to order at 2:40 p.m., with Commissioner Borries announcing that Commissioner Robert Willner is currently out of town and today's meeting will be conducted by Commissioners Borries and Cox. Commissioner Borries subsequently entertained a motion concerning approval of the minutes of the lengthy meeting held on Monday, September 16, 1985. A motion was made by Commissioner Cox that the minutes be approved with the following corrections.

Page 9, Paragraph 4, Line 2 -- The present zoning is R-1 and requested zoning is R-0

Page 20, Paragraph 5 -- It was a Mrs. William Boyd who addressed the Commission, rather than Mr. Boyd.

With those corrections, Mrs. Cox said she moves for approval of the minutes as engrossed by the County Auditor, with reading of same being waived. A second to the motion was made by Commissioner Borries. So ordered.

Continuing, Commissioner Borries said he wanted to thank Joanne Matthews for her work on the minutes, which constituted some 29 pages of testimony from a number of persons. Due to the size of the crowd, the meeting had to be moved to Council Chambers. He thinks that the Commissioners should also express their concerns to Council, as difficulty was experienced with their recording equipment. He does believe, however, that some improvements are to be made in the near future. Secondly, the other thing the Commissioners face -- and he supposes it is a natural one when people do get into a meeting and want to talk -- people from time to time do wander away from the microphone, which makes it very difficult for the secretary to transcribe some of the minutes. Again, Commissioner Borries said he appreciates Mrs. Matthews' work on those particular minutes. He knows it was a long meeting.

Commissioner Cox said she wanted to concur with Commissioner Borries and compliment Joanne Matthews on the fine job she did. And it was a job.

RE: PROBLEMS ON BERRY DRIVE & HOLLY HILL DRIVE

Commissioner Borries said he talked with Dr. Richard Cowen yesterday concerning problems on Berry Drive and Holly Hill and requested that he come to today's Commissioners' meeting to express his concerns in that particular area. He was available to do that today; his busy schedule does not always permit him to attend. He welcomed Dr. Cowen and asked that he approach the microphone, so the Commissioners will have a record of his comments.

Dr. Cowen approached the podium and subsequently introduced Mr. Irwin Rexing (his neighbor) who accompanied him to today's meeting. He and Mr. Rexing represent the soon-to-be-formed Berry Drive/Holly Hill Drive Neighborhood Association. (It has not yet been formed.) Dr. Cowen said that first he would like to say that he is proud of his country, his state and Evansville and he is proud to be a northside resident. He would have a lot of difficulty in moving from the northside to any other part of the city. He's lived there 7½ years and, with the exception of one tragic life occurrence in their lives some three years ago, he's had a wonderful life in Evansville. That specific tragedy could have happened anywhere -- Toledo, Cincinnati, Indianapolis or wherever. Dr. Cowen said he is proud of his family and his home. He's worked hard to earn the money to provide his family with the beautiful home he owns in Evergreen Acres. He pays his property taxes, state taxes and federal taxes without complaint -- or at least without much complaint. He pays these taxes for the privilege of living in Evergreen Acres in Evansville, Indiana/Vanderburgh County in the United States of America. He wouldn't have it any other way. He fulfills his tax obligations for the privilege of living in a fine home in Evansville and he thanks God for this privilege every day. In return for his tax money, which is considerable, he expects certain considerations. It's a two-way street. If he may be permitted a pun -- the two-way streets (Berry Drive and Holly Hill Drive) are disintegrating before his very eyes. There is something terribly wrong causing this disintegration. The residents want to know what it is, how to fix it and call for action in achieving this end. They do not want to see the value of the beautiful homes they have all worked hard to own eroded along with the streets -- even as he speaks now. There was a lot of rain this morning.

There is physical danger -- at least to his untrained eye -- of actual street collapse, with damage to life, limb and automobile, particularly with drivers unfamiliar with the streets in question and the conditions of Evergreen Acres. The street bordering the Berry Lane part of his house is actually caving in in front of his driveway. The situation at Mr. Rexing's home is even worse in this regard. They plan to use their own hard-earned money to make patch-work repairs to protect their property. They don't want to see this money going down the sewers, which should be receiving the water causing these problems. Literally tons of washout dirt accumulate along the Holly Hill curb of his home; dirt very possibly derived from the foundation of Berry Lane. It has been removed twice in ten years; once by a neighbor on Larch Lane named Dr. Rodney Brown and once by himself. This is a distasteful task and particularly distasteful to have to face it year after year after year. He said he is flat worn out. The cosmetic appearance of both these streets is a disgrace. He heard from his lawyer, Michael Mitchell, and from Mr. Borries of similar situations in Melody Hills. He also heard from another party today concerning a similar situation on Audubon Drive on the east side of town. The Berry Lane/Holly Hill residents are demanding the Commissioners' immediate attention to this problem. If necessary, they will take legal action in this regard. If the squeaky wheel gets the oil, the Commissioners are going to hear a lot of squeaking before they hear the nauseating scream of a child injured by a car on these disgraceful streets. In conclusion, Dr. Cowen thanked the Commissioners for their attention regarding the complaint.

Commissioner Borries expressed appreciation to Dr. Cowen for his remarks and asked Mr. Rexing if he has comments?

Mr. Irwin F. Rexing approached the podium and stated that he resides at 8400 Berry Drive. He said he supports what Dr. Cowen has said one hundred percent. He purchased the property at 8400 Berry Drive and took possession in July of this year, with the previous owner telling him that the street was going to be fixed because it had already been discussed and indication was that they were going to fix it. The big reason that he bought the property was because he and Dr. Cowen have been friends for years -- and living in a neighborhood with people like him in it can't be anything but a good neighborhood. The streets seem to be self-destructing out there. He doesn't know what is happening; but right in front of his driveway -- the entire width of it -- he has one hole that is probably 4 ft. long, with the deepest part probably some 8" to 10" deep and the hole is probably 18" wide. He would like to see something done. If it is not done by the County, then he and Dr. Cowen are going to do it. It is going to be a little expensive. But he is certain that the expense of repairing the street is going to be a lot cheaper than replacing bumpers, tailpipes on their cars. They drag every time you go in or out of the drive. Mr. Rexing said he talked to one of the individuals involved in road repairs who said it was on the agenda. He said it is fine if it is on the agenda; but they would like to know what year and what month -- because it does need repair in some areas very badly. The street is concrete and if it can be replaced with concrete it would be much better. If it is replaced with anything, it would be suitable....at least as a temporary measure. As Dr. Cowen said, at the bottom of the hill -- all the sand and gravel has washed out from underneath the street. What happens right in front of Mr. Rexing's driveway -- probably some 6 ft. out in the street and up maybe 3 ft. from his property line -- water shoots out of the street maybe 4" to 5" high in two places. In fact, he called the Water Department and they sent someone out there to put up a barricade. They were going to send someone out to sample the water. The next morning the barricade was down. He didn't know who had taken the barricade down. The very next week, the same thing happened again and he again called the Water Department. Within minutes, he went back outside and while there wasn't a geyser, water was still running. This is still happening just uphill from his property and it runs toward his driveway and right in front of his driveway is where it is bad. He's asked someone to go out and take a look at it. If they have, he's certain they know what it looks like. Something needs to be done very soon. Mr. Rexing said that concludes his comments, except that Berry Drive is a beautiful street; the homes are beautiful and all well kept. The only problem they have is street maintenance.

Commissioner Cox said she knows there are problems in the area. She's received a lot of calls, which she has reported to the County Highway Garage. She can't recall the specific intersection, but water was coming from someone's swimming pool -- at the intersection of Holly Hill and something. The residents of Holly Court called in a complaint some 6-7 months ago. The only thing she would know is that we need to get the County Engineer out there immediately and take an assessment of what is happening. There may be underwashings beneath the concrete street. What Messrs. Cowen and Rexing have reported seems to indicate that this has happened. If that is the case, then since

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this is a concrete street the whole section is going to collapse. It won't do any good to come out and patch or put an asphalt repavement over that unless we find out what kind of base is under there. Thus, her suggestion is that the County Engineer go out immediately and determine what is causing the problem and get it corrected. It is not going to help to just fill the holes that are out there, it will just go on down underneath there probably.

Dr. Cowen said that will be fine if they will do it soon. But if they wait very long, the indications are that it is hollow underneath there and it's going to cave in. Commissioner Cox pointed out that freezing and thawing certainly is not going to help the situation either and that is soon going to be upon us.

Continuing, Dr. Cowen said the point he made about the gravel was not a dramatized situation. A car skidding on that gravel could not stop -- and there are many, many children who ride their bikes and trikes in the street and drive. If there were a 17-year old hotrod kid, or a grown person, or whatever -- speeding along that Holly Hill Drive and skidded -- they'd kill somebody -- a kid or an adult.

Mr. Rexing said that a lot of the sand and gravel of which Dr. Cowen is speaking has washed away from his driveway.

Commissioner Borries asked if Dr. Cowen or Mr. Rexing are aware of any sinkholes in that general area? Dr. Cowen asked that Commissioner Borries be more explicit regarding "sinkholes". Commissioner Borries said that when he and Dr. Cowen talked, he asked Dr. Cowen if he had city water and sewer -- he is again taking up with what Commissioner Cox has said. And he agrees, there may be a leak here of which we're not fully aware. A water problem or something here that needs to be checked, as well ashe does know that from walking in the area and also talking with other residents (hearing their concerns in this area) that there are some swimming pools in the area which have been mentioned which might be some kind of contributing force -- if there were a crack or, again, something of which we're not aware. But he would agree that the County Engineer needs to assess the matter. He knows this is one of Dr. Cowen's vacation weeks; perhaps subsequent to the meeting Mr. Easley and Dr. Cowen can arrange a meeting time. He agrees that a patch -- at this time -- is not going to solve the problem. We need to look at the entire area and see what has to be done and determine the cost -- and that may be considerable. He knows that Dr. Cowen and Mr. Rexing live in an area of fine homes. Taxes have been mentioned. It is complicated, because the County receives their road allocation taxes from gasoline tax distributions which have stayed relatively flat until just recently, when the State changed the allocations and the amount of deductions. We have continually tried to keep up with the 500 or so mile road system and it is tough; particularly when there are demands on heavily traveled roads. But the Commissioners do share those concerns and he thinks the proper way to start would be to have the County Engineer go out and see the Berry Drive-Holly Hill area. If Mr. Bethel has the time, he should accompany Mr. Easley -- and if there is loose gravel there, it would be good to sweep that up and remove same, so no one would slip on the pavement there -- and do what we can. We'll have to also determine the cost of repairs which need to be made.

Commissioner Cox said that since all parties are present today, could a date not be set for Mr. Easley to go out and meet with Dr. Cowen? Mr. Easley asked Dr. Cowen if it would be agreeable to meet at his (Dr. Cowen's) house at 1:30 p.m. tomorrow, September 24th? Dr. Cowen confirmed that this would be agreeable. In response to Mr. Easley's query, Dr. Cowen replied that he lives at 417 Holly Hill Drive.

In leaving the meeting, Dr. Cowen expressed his appreciation to the Commissioners.

Deputy County Surveyor Bill Jeffers raised his hand and was recognized by the Chair. Mr. Jeffers said he wished to make comments for a point of information for those individuals who would be going out to Dr. Cowen's. The situation of which Mrs. Cox was speaking on Holly Court was referred to the Surveyor's office because the damage that occurred was at a culvert. An elderly lady had stepped out of her car that was parked alongside the road at her daughter's house and for a 93 year old lady she was extremely spry and was able to leap across the hole that was there. Fortunately, she did not injure herself. Her son-in-law called and the surveyor's office went out and examined the hole. It is caused by water running underneath the concrete slabs. At the point where it hit the culvert pipe underneath the road, the hydrastatic pressure had blown all the soil out underneath the roadway. Her son-in-law got a piece of fishing line and a fishing weight and they went to each expansion joint and dropped that fishing line down underneath the street. Some of those holes were 4 ft. and 6 ft. deep. Dr. Cowen

(continued)

confirmed that they (he and others) did the same thing yesterday. Continuing, Mr. Jeffers said that perhaps this is not an accepted engineering practice, but at least it indicated how deep those holes are. Because the County can only spend bridge money at a culvert, they tried to determine how much concrete they could pump in underneath that street at this one hole. They pumped 3½ yards of concrete at that one location. But all that was was just filling the hole right around that culvert.

Commissioner Borries asked when Mr. Jeffers did that? Mr. Jeffers said he believes it was around April -- the weather had just turned warm when they did it. That only solved that problem. The undermining up there is being caused (from casual observation) -- the slabs are poured as units; each unit has an expansion joint between it and the adjoining slab and water has eroded the caulking in those expansion joints. Currently, a substantial amount is running underneath the street. Mr. Easley would understand that a lot better than he will -- what effects that has and how it is cured. But this was just his observation in that neighborhood. The fellow who called the Surveyor's office took them around and showed them Holly Court, Berry Hill and other places. What these people are saying here today is absolutely true and the sooner it could be cured the less expense that would be incurred.

Commissioner Borries said he assumes that Mr. Jeffers has information in his work file documenting the other work done, etc. If it is needed, then that is good. Mr. Jeffers confirmed that it is available and they will be happy to help around the culverts, etc.

Commissioner Borries said it is also a continuing problem we seem to face -- where we don't have terrain that is steep, but where we have hilly surfaces and concrete streets, we have run into this type of problem before in different areas. He again assured Dr. Cowen and Mr. Rexing that the County will be glad to work with them in resolving the problems on Berry Drive and Holly Hill Drive.

RE: COUNTY ATTORNEY - DAVID MILLER

The Chair queried Attorney Miller as to whether he has any items for today's agenda. Attorney Miller advised that, to his knowledge, nothing earth-shaking happened this week -- not here. He was alluding to the earthquakes experienced by Mexico City. Commissioner Borries said he hopes we don't have that type of a problem here. Commissioner Cox pointed out that we are in the fault area.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Absentee Report: Mr. Bethel submitted copies of the Weekly Absentee Report for employees at the County Garage for periods of September 9 thru September 13, 1985 and September 16 thru September 20, 1-85.....reports received and filed.

Weekly Work Report: Also submitted for the same periods were the Weekly Work Reports, together with Work Schedules.....reports received and filed.

The Work Schedule for September 9 thru September 13 reflected the following:

Gradall: Pollack Avenue, 3530 Voight Rd. and Peerless Rd.

Chip & Seal: Peerless Rd.

Paved: Volkman Rd.

Patch: Mohr Rd., Newman Rd., Nisbet Station, Martin Station, Red Bank Rd., Broadway, Church Rd., and Green River Rd.

Rock Shoulders: 5401 Pollack Avenue

Grader: Burkhardt, Kings, Newman, Hickory Ridge and Long Rd.

Patched Pipe: For Andy Easley on September 12th

Fixed Guard Rail: 5401 Pollack Avenue on September 13th

Mower: Wright Rd., Peerless Rd., Upper Mt. Vernon Rd., Petersburg Rd., and Boonville-New Harmony.

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The Work Schedule for September 16 thru September 20 reflected the following:

- Gradall: Red Bank Rd., Covert Ave.; St. Joe Ave. (Ditch)
- Chip & Seal: Peerless Rd.
- Grader: Burkhardt Rd and Happe Rd. (Grade and Rock)
- Pull Shoulders: Harmony Way, Petersburg Rd., and Allen Lane
- Paved: Volkman Rd.
- Patch: Newman Rd., Green River Rd., Heckel Rd., Nisbet Station, Upper Mt. Vernon, Browning Rd., Red Bank, Charlotte Rd., Fisher Rd., Coffe Tree Lane and Denzer Rd.
- Tree Crew: Darmstadt Rd and Duesner Rd.
- Oil Roads: Burkhardt, County Line East and Heckel to Kansas Rd.
- Mower: Old Boonville, Seven Hills, St. Wendel, Little Schaeffer Rd., Mill Rd., Denzer Rd. and St. Wendel Rd.

Commissioner Borries entertained questions.

Commissioner Cox said she received calls from people who saw the ad re four (4) roads being bid for hot mix from private contractors and they were wondering just exactly where -- if this was their road -- for some it was and for others it wasn't. She did receive some expressions of concern from those people on Allen Lane from Mesker Park to the dead end. Their road is in very, very bad shape. She talked to Mr. Bethel previously and he is planning on chipping and sealing that area. Thus, the residents will be most pleased that something is to be done. Mr. Bethel said that by the time they get the designated roads paved, that area will be chipped and sealed.

RE: COUNTY SURVEYOR - BILL JEFFERS, CHIEF DEPUTY SURVEYOR

Bridge & Guardrail Repair Report: Mr. Jeffers submitted Weekly Bridge & Guardrail Repair Report for period September 9 thru September 13, 1985, as follows:

- | | | |
|------------------|--|--|
| <u>Monday</u> | Happe Rd./Union Twp.
Baseline at Seaboard RR | Installed 12" CMP
Provided standard barricades for removal of bridge by the RR |
| <u>Tuesday</u> | County Garage
Red Bank Rd. at Golden Tow.
Red Bank Rd. at Valley View
Various west side locations | Serviced dump truck, boomtruck, Chevy van and tools
Cut grass
Mowed weeds at concrete pipe
Mowed pipes and guardrails |
| <u>Wednesday</u> | Kansas Rd. @ County Line | Closed bridge with 20 tons of earth and various standard barricades. |
| <u>Thursday</u> | Baseline Rd. Bridge #144 | Installed Trevira fabric and crushed stone to prepare for pavers |
| <u>Friday</u> | Baseline Rd. Bridge #144 | Same as Thursday |

In pointing out highlights of above report, Mr. Jeffers said they provided standard barricades for the Seaboard Coastline R.R. so they could remove wooden structure on Baseline. They ended up replacing it with a similar wooden structure, because of the concern of several farmers re their plan to put twin pipes in there. After having the Surveyor's office and several farmers explain why twin pipes are not preferred, they agreed to put the bridge back in place. It is substantially better built than the one they removed though it, too, is a wooden bridge.

Mr. Jeffers said the only other thing that stands out on the report is that Kansas Rd. at the County Line -- they continually have problems with travelers tearing down the barricades and driving across that bridge -- that is the bridge the Commissioners closed

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several months ago. The Surveyor's office dumped about 20 tons of dirt on the bridge and again put up standard barricades. At this point, he would say that people might be able to again tear down the barricades -- but it would take a a Dukes of Hazard type car to get over that dirt -- a "General Lee"!

Claim/Warrick County Commissioners: Mr. Jeffers presented claim in the amount of \$3,525.00 for materials for the repair of County Line Bridge #81, per agreement with the Vanderburgh County Commissioners. Along with the claim was the following letter:

Vanderburgh County Commissioners
County Civic Center
Evansville, IN 47708

Dear Commissioners:

In reference to the County Line Bridge crossing Blue Grass Creek, we have just completed the bridge work. It came to somewhat more than we had anticipated because of the necessity of sandblasting prior to painting.

We believe that the bridge is now stronger than when built 90 years ago. We replaced all bad metal, added additional stringers, put in heavy reinforcements on the south wall and tied these reinforcements into the bridge itself.

We would appreciate your inspection and upon your approval, payment of the funds Vanderburgh County dedicated for the repair of the bridge.

Respectfully,

Keith Shelton, President
Warrick County Commissioners

cc: Surveyor/Vanderburgh County

Mr. Jeffers said the project cost a little more than they thought it would and Warrick County is ready for us to pay them \$3,525.00. The bridge is open. The Vanderburgh County Surveyor's crew looked at the bridge and it looks good to them. Messrs. Bethel, Lindenschmidt and Lee Stuckey were out there the same day that the surveyor's crew looked at it -- and the Commissioners can get their comments. Mr. Jeffers said he would ask that Mr. Shelton's letter be entered into the formal record, to show Mr. Shelton's opinion. Attached to Mr. Shelton's letter is the agreement between the Commissioners in Warrick and Vanderburgh Counties.

Commissioner Cox asked if the contract mentioned by Mr. Jeffers has been signed by the Commissioners from both Counties? Mr. Jeffers said he only noticed signatures on this copy of the Vanderburgh County Commissioners.

Mr. Jim Lindenschmidt said he talked to Attorney David Jones, who indicates he has the copy signed by the Warrick County Commissioners and it should be on its way over to the Vanderburgh County Commissioners' office. Commissioner Cox said that Mrs. Matthews had asked prior to the meeting whether a copy of the agreement signed by the Warrick County Commissioners had ever been returned.

Motion was made by Commissioner Cox that the claim to Warrick County Commissioners in the amount of \$3,525.00 for repair of County Line Bridge #81 be approved, with a second from Commissioner Borries. So ordered.

Mr. Jeffers said he thinks he can speak for all in saying the effort by Messrs. Shelton and Dockery is really appreciated, because it helps the residents of both counties.

Commissioner Borries said he understands they did a very, very nice job on it.

Wooden Bridge/Baseline Rd.: Mr. Jeffers noted that the new wooden bridge on Baseline Rd., which was installed by Seaboard Coastline R.R. is finished. As stated before, it is a wooden bridge; and the railroad has requested that the county pave this new wooden bridge so as to bring the surface of the bridge up to that of the adjacent roadway. This would require approximately three (3) inches of hot asphalt pavement. With a real quick calculation, they feel it would require about five (5) tons of base and perhaps three (3) tons of surface, and about eight (8) tons of #9 binder. Originally, the county had agreed that if Seaboard Coastline would replace the bridge that we would pave it.

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Commissioner Cox queried Mr. Jeffers, again, concerning location of the bridge. He responded that this bridge is not in the County's inventory; it was originally constructed by the L&N Railroad and it is approximately 1/4 mile west of U.S. 41 on Baseline Rd, near Farney's Turkey Farm. Mrs. Cox asked if they widened the bridge any? Mr. Jeffers said it is a little wider and much more stable than the previous bridge.

Commissioner Borries queried Mr. Jeffers concerning the base of the bridge? Mr. Jeffers said it is a wooden bridge, constructed of railroad timbers -- real heavy-duty timbers. He would say that if we do not pave it, the only other alternative would be to ask Seaboard to install running planks three (3) inches thick and then maybe just wedge up each end. Mr. Borries asked how the surface would hold up? Mrs. Cox interrupted by saying if we agreed to do the surfacing, if they replaced the bridge, that we should honor that should we not? Mr. Borries said he is just asking how that surface will hold up? Mr. Jeffers said a hot asphaltic pavement would hold up fairly well. We have a lot of wooden plank bridges that have asphalt paving on them which have held up for years. With regard to query from Andy Easley concerning bridge width and length, Mr. Jeffers said he would say that it is 22 ft. wide and 25 ft. long.

If the County paved the bridge, Mr. Borries asked what account the funds would come from? Mr. Easley said "the bridge account". Mr. Jeffers responded that this is one of the reasons he brought it before the Commissioners, is because this bridge was not included in the County's bridge report. Mr. Easley asked if the bridge is over a creek? Mr. Jeffers responded, "Definitely"....it is over a substantial drainage ditch. Commissioner Borries asked if Mr. Jeffers will have to prepare specs and then advertise for bids on the hot mix? Mr. Jeffers said that would take a long time. Right now the road is closed. The reason he is bringing the matter to the Commissioners' attention is because it is a kind of emergency situation. If the Surveyor's crew could use the county's paver, purchase the asphalt from J. H. Rudolph, it shouldn't take more than two (2) hours to do the job?

Commissioner Cox asked if the paver is still out on Volkman Rd.? Mr. Jeffers said that Volkman is approximately two (2) miles from the bridge site.

Mr. Bethel said that if the Commissioners wanted him to stop work on Volkman, he could run over and pave the bridge. It would take a day.

Commissioner Borries asked how long Mr. Bethel anticipates being on Volkman Rd.? He said they will probably be there one more day.

Mr. Jeffers said the bridge has been closed since last Monday. They finished construction on Thursday and they are beginning to get calls from local residents. The bridge is still barricaded with State standard barricades.

Commissioner Borries asked if the bridge is over a legal drain? Mr. Jeffers said the drain was constructed by Seaboard Coastline. It does connect to Pond Flat, which is a legal drain. Commissioner Borries asked if it is the County's bridge or the railroad's? Mr. Jeffers said it is their bridge....within their right-of-way, but our road crosses there. Baseline Rd. crosses their right-of-way at this location. Mr. Easley said it seems fair enough that we should pave it.

Vice President Borries asked if we, as a rule, add railroad bridges to our list of County bridges? Mr. Jeffers said he can't think of any.

Commissioner Borries said then that he would prefer to go ahead and use bridge funds and do the work as soon as Mr. Bethel finishes Volkman Rd. Mr. Bethel said that if the bridge is closed, he can go over and apply the surface as soon as they finish on Volkman Rd. Mr. Jeffers said he'd certainly appreciate this.

The Chair entertained a motion. Motion was made by Commissioner Cox that the bridge belonging to Seaboard Coastline R.R. 1/4 mi. west of U.S. 41 on Baseline Rd., approximately 22 ft. wide and 25 ft. long, be paved in house by the County, using bridge funds. A second to the motion was made by Commissioner Borries. So ordered.

Box Culverts on First Avenue Over Dry Branch Creek: Mr. Jeffers said it has been brought to our attention by the City Engineer that the box culverts on First Avenue over Dry Branch Creek (immediately adjacent to Rax's property) on which we issued an emergency contract earlier in the year for removal of debris, is again clogged. Their inspection revealed that the problem is a combination of debris generated by off-stream development

and beavers. We were unaware of the beavers previously. However, they do find some large trees which have been felled by beavers -- so maybe this is why the problem keeps happening. Again, the Surveyor's department is requesting emergency funds for a contract to remove the debris from Dry Branch Creek at First Avenue. If we get a rainy season, we'll have the same problem that we had in the spring. Current state requirements (sent to the surveyor on July 1st) require that in the case of emergency contracts, at least three (3) contractors known to deal in the work should be contacted with at least two (2) showing up on site to offer on-site bid, with the lowest bid to be accepted. If the Commissioners will approve this process, the Surveyor's office will contact three (3) contractors re the job and accept the lowest bid from one of two (2) contractors who show up at the site. Motion to approve request for unclogging Dry Branch Creek on First Avenue be let as emergency bid, following the State guidelines for this procedure. A second to the motion was provided by Commissioner Borries. So ordered.

RE: COUNTY ENGINEER - ANDY EASLEY

Claim/Overhead Door Company: Mr. Easley presented a claim in the amount of \$2,040.00 to cover labor to install door operator for the Creasey Company job on Lynch Rd. He said the door is in and operating and, thus, he recommends that the claim be approved for payment. Motion to approve claim for payment was made by Commissioner Cox, with a second from Commissioner Borries. So ordered. (Mr. Easley commented that the total contract was for \$4,800.00. The initial claim was for materials and this one is for the labor. Mr. Easley also pointed out that the County is going to be reimbursed for this via Federal funds.)

Claim/Morley & Associates: A claim was submitted in the amount of \$17,702.41 for construction engineering on Burkhardt Rd. project for period covered/August. He has checked the claim and recommends approval. Motion to approve claim for payment was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

Claim/Alfred F. & Julia L. Euler: A claim in the amount of \$187.00 for temporary right-of-way for the widening and improvement of Burkhardt Rd. Mr. Easley said that on Mr. Euler's home parcel, his driveway was north of his south line. When they did the ditch widening work, they crossed an invisible line there and did the ditch widening, using 3,000 sq. ft. of his right-of-way (where we'd forgotten about this invisible line) and he has asked to be reimbursed in the amount of \$187.00, which is in accordance with the amount paid him for the farm field south of his home parcel. Mr. Easley said he is requesting that the Commissioners approve said claim. Motion to approve claim was made by Commissioner Cox, with a second from Commissioner Borries. So ordered. (Mr. Easley said it is the temporary right-of-way to the Crawford-Brandeis Ditch.)

Specs for Paving of Four(4) Roads Out-of-House: Commissioner Cox indicated she has a question concerning paving of four (4) roads out-of-house? Will the funds for that come from the County General Fund? Mr. Easley said, "No ; They were supposed to have made a pen-and-ink correction on the specs. Those specs were done on the Word Processor and those particular specs were cut for the asphalt overlay on the Auditorium Parking Lot. The funds for the paving of the four (4) roads will come from the R&S account.

RE: BUILDING COMMISSION

Vice President Borries recognized Mr. Jesse Crooks, who had entered the meeting. Mr. Crooks presented the following letter from Elmer Buchta for consideration.

Building Commissioner
310 Civic Center
Evansville, IN 47708

Dear Sir:

Elmer Buchta Moving Engineers request a permit to move a brick and stone house from the Centenary Methodist Church at 14340 Old State Rd.

The house will move south on Old State, first lot past corner house, Old State Rd. and Inglefield Rd., the house will cross Inglefield Rd. and go through the yard of the corner house onto State Rd., then right onto the lot.

We would like to move this the first week in October. The house is 32' x 68' and one story; the owner is Bob Crow.

Sincerely,
Jim Kabrick

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Mr. Crooks said he was out and looked at the house this morning; he really sees no problem -- it is one of the shortest moves of a house you could have -- and he recommends approval of the request. Motion was made by Commissioner Cox that the request be approved, with a second from Commissioner Borries. So ordered.

RE: ALEXANDER AMBULANCE SERVICE - MONTHLY REPORT

Commissioner Borries presented a copy of the monthly report from Alexander Ambulance Service for period ending August 31, 1985.....report received and filed.

RE: CERTIFICATES OF INSURANCE

Holmes, Murphy & Assoc.: Christmas Party at Vanderburgh Auditorium on December 10th & December 12th for True Value Hardware, Hoffman Transfer, Inc. & Great Scot Supermarket.

Helfrich Insurance Agency: Halloween Party at Civic Center Gold Room (Dance) on October 12, 1985.

RE: OLD BUSINESS

The Chair entertained questions or comments concerning any old business. There were none.

RE: SCHEDULED MEETINGS

- Monday Sept. 30 Drainage Board Mtg. (Immediately subsequent to Commissioners' Meeting)
- Wednesday September 25 Kick-Off Luncheon for United Way at Robert Green Convention Center. (J. Lindenschmidt to attend)

Commissioner Borries said that last year the Vanderburgh County Employees did an excellent job of increasing their contributions, also helping the Community to use the other tax dollars we have to pay for the other services. Thus, we hope our County campaign will be a successful one.

RE: CLAIMS

Helen Kuebler: Claim in the amount of \$86.80 for expense for trip to Jasper, IN for State-called meeting. Claim is for mileage and lodging only. Motion to approve claim was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

James L. Will Insurance Agency: Claim in the amount of \$30.00 for Public Official Bond for William L. Bethel in the amount of \$5,000.00. Motion to approve claim was made by Commissioner Cox, with a second from Commissioner Borries. So ordered. (Bond was taken to County Recorder's office on Tuesday morning, September 24th, for recording.)

RE: EMPLOYMENT CHANGES - RELEASES

Clerk of Circuit & Superior Courts

Doris M. Parrott	2608 W. Franklin	Dep. Clk.	\$6.00/Hr.	Eff:	9/23/85
Maria Pickens	4406 Bernice	Dep. Clk.	\$11,760/Yr.	Eff:	9/13/85

Center Township Assessor

Nancy R. Besing	5115 Bassett Avenue	P.T. Deputy	\$35.00/Day	Eff:	9/13/85
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Circuit Court

William R. Wallace	106 N. Main	Public Def.	\$ 3.35/Hr.	Eff:	9/20/85
Michael L. Seger	1530 Brentwood	Intern	\$ 3.35/Hr.		9/20/85
Mark Sebree	6609 E. Walnut	Clerk	\$6600/Yr.		9/20/85

RE: EMPLOYMENT CHANGES - APPOINTMENTSClerk of Circuit & Superior Courts

Amy Burch	830 Harmon Court	Dep. Clk.	\$6.00/Hr.	Eff: 9/23/85
Doris M. Parrott	2608 W. Franklin	Dep. Clk.	\$11,760/Yr.	Eff: 9/23/85

Circuit Court

William R. Wallace	106 N. Main	P.D.I.	\$4.00/Hr.	Eff: 9/23/85
Michael L. Seger	1530 Brentwood	Intern	\$4.00/Hr.	Eff: 9/23/85
Patricia Coy	6609 E. Walnut	Clerk	\$5.00/Hr.	Eff: 9/23/85

RE: PIGEON TOWNSHIP TRUSTEE - STANDARDS & GUIDELINES/POOR RELIEF ASSISTANCE

Commissioner Borries said he has a set of Revised Standards & Guidelines for Poor Relief Assistance in Pigeon Township. The monthly income maximum limits have been raised by \$50.00 for levels of family from 1 to 10 persons, with each additional person over ten (10) being \$50.00. For example, former maximum income allowed for (1) person was \$250.00; it is now \$300.00. Burial expense was raised from \$500.00 to \$700.00, but no assistance if insurance policy of \$500.00 or more was current at time of death.

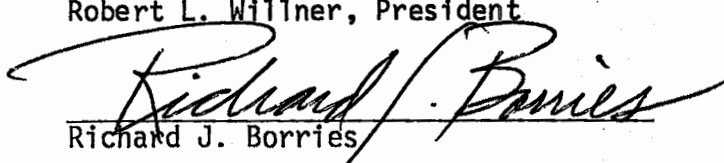
In response to query from Commissioner Cox, Mr. Lindenschmidt noted that the Advisory Board for Pigeon Township Trustee approved the new Standards & Guidelines on September 19, 1985. However, it was noted that they have not yet been signed by Dorothea Mac Gregor, Pigeon Township Trustee, so her signature will be obtained subsequent to today's meeting.

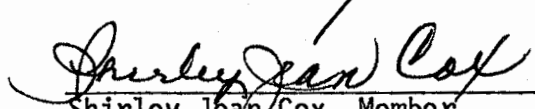
It was requested by Commissioner Borries that it be entered into the record that the Commissioners did receive today a copy of the Revised Standards & Guidelines for Poor Relief Assistance from the Pigeon Trustee's office, which relate to dollar limitations for various Trustee Assistance categories and an increase reflecting increases on burial expenses only.

There being no further business to come before the Board of Commissioners, Commissioner Borries declared the meeting adjourned at 3:50 p.m.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	Richard J. Borries	Alice McBride	David V. Miller
	Shirley Jean Cox		
	Robert L. Willner (Absent/Vacation)	<u>COUNTY HIGHWAY</u>	<u>COUNTY ENGINEER</u>
		Bill Bethel	Andy Easley
	<u>COUNTY SURVEYOR</u>	<u>OTHER</u>	
	Bill Jeffers, Chief Deputy	Dr. Richard Cowen	
		Irwin F. Rexing	
		News Media	
<u>SECRETARY:</u>	Joanne A. Matthews		

Robert L. Willner, President


 Richard J. Borries


 Shirley Jean Cox, Member

607.

COUNTY COMMISSIONERS MEETING
SEPTEMBER 30, 1985

The Vanderburgh County Board of Commissioners met in session on Monday, September 30, 1985, at 2:30 p.m. in the Commissioners Hearing Room, with Vice President Richard Borries presiding.

Commissioner Cox moved that the minutes of the meeting held on September 23, 1985, be approved as engrossed by the County Auditor and dispense with the reading. The motion was seconded by Commissioner Borries. So ordered.

Commissioner Borries explained that Commissioner Willner was out of town.

RE: BIDS TO BE OPENED

Commissioner Borries said they have bids to be opened today for calculators, typewriters, and copiers.

Commissioner Cox moved that the bids for calculators, typewriters and copiers be opened by the attorney.

The motion was seconded by Commissioner Borries. So ordered.

RE: SHERIFF

Commissioner Borries said they have Lee West, Deputy Sheriff, representing Sheriff Shepard for a request today.

Mr. West said as they are aware, they have another situation where one (1) of their officers is being referred to the Merit Board for disciplinary action and as one time in the past they request their approval to use Attorney Kevil Winterheimer on this, since Attorney Jones represents one of the members of the Merit Board.

Commissioner Cox moved that the request for the services of Attorney Winterheimer for the Merit Board Hearing of Officer Weatherford be approved.

The motion was seconded by Commissioner Borries. So ordered.

RE: WAIVER OF SIDEWALK REQUIREMENTS

Commissioner Borries said Sam Biggerstaff is here today with a request regarding waivers to sidewalk requirements for Kingswood Drive and Sections 4 & 5 on Lakeside Terrace.

Commissioner Borries said Mr. Roy Foster is the developer of the Lakeside Terrace.

Lakeside Terrace

Mr. Foster said the section they are talking about is along one side of Kingswood Drive. He said if the Commissioners so desire to request the property owners to extend this sidewalk to Lincoln Avenue, then they will withdraw their request for a waiver, but if they have no desire to extend it on to Lincoln Avenue, then it is going to be the only place in an eighty (80) acre sub division with sidewalks, so it will be a little out of place.

Mr. Foster said they have volunteered to put sidewalks on both sides of this road, (on map) he said that goes to Newburgh Road and the question is whether the Commissioners are interested in extending them from that point (on map) on, if they are then they will withdraw their request for a waiver and they will put this in (on map) with their development now.

Ms. Cunningham said this was done prior to the sub division ordinance with a requirement for sidewalks. She said the Plan Commission is under the assumption, and Mr. Foster has talked about this in public meetings, that he would be willing to put sidewalks on at least one side of the street and it was depended on which side of the street the Commissioners wanted it to Colony Ridge. She said what he was going to seek was that perhaps proceedings be started to do the Barrett Law or something like that to try to get sidewalks in so there would be one set of sidewalks throughout this whole thing, now the Plan Commission agreed that it would not make good sense with all this developed, now the start putting a few sidewalks scattered in this thing, but, they did feel this was a good idea, if he agreed to come all the way to Colony Ridge, to have the sidewalks to at least this point and then as such time as the Commissioners wanted to seek Barrett or if someone else agreed that they be extended, then they would have sidewalks throughout the whole area.

Commissioner Cox said he is saying now that unless they.....

Mr. Foster said he didn't know if they were interested in extending the sidewalk on to Lincoln Avenue or not, that is his question. If they are, then fine, they withdraw, if they are not interested in extending the sidewalks then it is rather pointless to have them pass this little section here (on map).

Ms. Cunningham said she thinks what was not understood was that sidewalks in the code are required unless they waive them and so the Plan Commission did require them on these that fell under the jurisdiction of the sub division ordinance and so the Plan Commission itself waived in these areas, but they were requiring it to Colony Ridge.

Commissioner Cox asked where was sections 4 & 5 on the map.

Mr. Foster said section 4 is the yellow and section 5 is the red on the map.

Commissioner Cox read that request for waiver of sidewalk requirements on Kingswood Drive and Sections 4 & 5 on Lakeside Terrace.

Mr. Foster said it should be in Lakeside Sub Division.

Commissioner Cox moved that the request for waiver of sidewalk requirements along Kingswood Drive in Sections 4 & 5 of Lakeside Terrace be granted.

The motion was seconded by Commissioner Borries. So ordered.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Absentee Report: Mr. Bethel submitted copies of the Weekly Absentee Report for employees at the County Garage for periods of September 23 thru September 27, 1985.... report received and filed.

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

The Work Schedule for September 23 thru September 27, 1985 reflected the following:

Gradall: Garrison Ave., Schutte Road, St. Joe Ave. Neu Rd., Holly Hill.

Paver: Nisbet Station Rd., Volkman Road

Chip & Seal: Nisbet Station Road

Grader: Nisbet Station Road, Buente Road, Enge Road, Veiss Road, Young Road, Huebner Lane, County Lane Road, Old Green River Road, Motz Road, Motz Lane

Cut Bleeders: North Side, West Side, East Side

Patched: Darmstadt Road, Fisher Road, Marx Road, Telephone Road, Red Bank Road, Berry Lane, Green River Road, Booker Road, Colonial Drive, Audubon Drive, Olmstead Road

Mower: Little Schadfer, Diefenbach, Baseline West, Marx Road, Green River Road, Koressel, Schmuck

Rocked: Burkhardt, Schissler, Happe, Weiss Road, Buente Road, Emge Road
Hauled Rock to yard

President Borries said to follow up, they did have their meeting last week with Dr. Cowen concerning their concerns on Holly Hill and also Berry Road and he has noticed that the Highway Department has done some work out there and will continue to do so, as it is an ongoing problem out there.

RE: COUNTY SURVEYOR-BILL JEFFERS

Bridge & Guardrail Report: Mr. Jeffers submitted the Weekly Bridge & Guardrail Report for the period of September 23 thru September 27, 1985.....report received and filed.

Mr. Jeffers said they have been working the entire week on Bridge #44 at the intersection of Baseline Road and Petersburg Road. He said they have had some trouble with underground springs coming up thru the pavement so they moved all the unsuitable material, put down a layer of Travira fabric and covered it with ten (10) inches of rock, and it should be ready when the paving contractor arrives to repave that surface under contract.

Mr. Jeffers said last week the Board authorized emergency procedures to remove debris from a culvert on First Avenue and he presented the Commissioners' the name of the three (3) contractors they contacted and their quotes. Mr. Jeffers said the law requires they enter the names of the three (3) contractors and the amount they bid and the action they took on it into their minutes. The bids are as follows:

Deig Bros. Lumber & Construction Co., Inc.	\$ 2,880.00
Key Construction Company, Inc.	2,500.00
Dave Guillaum Construction	2,137.00

Mr. Jeffers recommended they take the lowest bid as all three (3) of them are as per requested.

Commissioner Cox moved that the bid be awarded to Dave Guillaum Construction, the low bidder in the amount of \$2,137.00.

The motion was seconded by Commissioner Borries. So ordered.

Mr. Jeffers said a few weeks ago he received a letter from Mr. Steven Dilk, Indiana Department of Highways, Division of Local Assistance concerning fifty six (56) bridges listed in their 1985 printout which the State said should have been posted for load limits but were not. He said they reviewed the fifty six (56) bridges and found that eight (8) bridges were built after the 1979 bridge report, forty three (43) do not require a load limit sign per 1979 report and five (5) bridges are in fact posted. He said he would present them with a copy of the letter that his office will return to Mr. Dilk, he said he would also give them a copy of the inventory he took his information from and a schedule of late restrictions on certain bridges they may require a change in the ordinance so that the state has updated information and they probably won't get another letter like this.

Mr. Jeffers said he thinks they probably need their permission as the Board to mail this letter to the state.

Commissioner Borries said.....on the total here, he said new bridges built after 1979 report and then five (5) bridges are posted, is he saying that of the eight (8) new ones five (5) are already posted.

Mr. Jeffers said no, of the eight (8) new ones, they wouldn't require posting because they will carry the maximum state load limit and the five (5) that are posted, evidently there was an error made by someone, he does not know where they got their information, but those five (5) bridges that were named in Mr. Dilks' report were in fact posted.

Mr. Jeffers said in the past they have had requests from certain contractors for a document called a contract, previously their entire set of specs with all the documents included have been considered a contract, however, the bonding companies want a simple document one (1) or two (2) pages long which is a contract.

Mr. Jones said the County Attorney was asked to prepare a construction contract and that is what he got, he didn't get something that was worthless in two (2). He presented a copy of the contract that the County Attorney deems that the county should enter into with contractors and if they want the business they will sign the contract, but they have had too many sad situations in the past with some construction contracts that he has been aware of before he became County Attorney and had to deal with after he became County Attorney, so that is his response to the contractors that want a contract.

Mr. Jeffers said after reviewing this contract, he can see why it took a week to prepare it and he appreciates the effort of Mr. Jones.

Mr. Jones said this contract has the most up to date changes in the law in it and it has the ample provisions in it to protect the countys' interest in these things and in turn, the taxpayers.

Mr. Jeffers said what they had been doing is using the entire set of specs as a contract and then obtaining a waiver of lien in lieu of affidavit that all the suppliers had been paid.

Mr. Jones said actually what they really have is three (3) pages, the first three (3) pages are the contract, the balance of it become the general conditions of the contract which is basically norm, it spells out the normal things they would have.....any contractor that balks at this is not doing very much business in the private sector anyway because a lot of the form language that is appended to the back of this thing is standard in the business, he said he knows because he has done a number of these things.

Mr. Jeffers said until about 1983 they were using a very old set of specs and everything was updated when they did the First Avenue Bridge and he believes the county is now engaged in the quality of documentation that should be found in Indiana counties of our size, operating to the extent that they are operating.

Mr. Jeffers said they will not have a contract that will require bonding until bridge number 106, which the opening date on that is a couple of weeks away.

Commissioner Cox moved that the Vanderburgh County Indiana Construction Contract as prepared by David Jones be taken under advisement for one (1) week.

The motion was seconded by Commissioner Borries. So ordered.

Commissioner Cox asked Mr. Jeffers could show her the eight (8) new bridges built after 1979.

Mr. Jeffers said they replaced bridges number 10 & 11 at the same time.

Commissioner Cox said when she counts them she gets nine (9) instead of eight (8).

Mr. Jeffers said bridge number 77 is under contract at this time, over Millersberg, by Dieg Brothers and was not on the list.

Commissioner Cox asked him if their ordinance needs to be updated.

Mr. Jeffers said he believes so, to reflect all the changes. He said he did not think that is any crushing problem right now, but it keeps coming up, the state sends down a review of their bridges and they are still operating off of the 1979 data, like when the Ohio Street Bridge and the Fifth Avenue Bridge, all those keep coming up as.....

Commissioner Cox asked him if he would correct that ordinance.

Mr. Jeffers said he would get together with Mr. Jones later as this was just handed to him on the way out the door of his office.

Mr. Jones said they would do this normally at the end of the year, at the close of December 31st or sometime in January they gather from the Auditor anything that was passed during the year and ship it off to the publisher.

Mr. Jeffers said they will do it that way, they will get together in the next month or so and make sure it is on the 1986 list.

Mr. Jones said he would rather schedule thru and let them approve this so it is in the minutes to amend the ordinance.

Commissioner Cox moved that the letter prepared by the Surveyors' office to Mr. Steve Dilk, Indiana Department of Highways concerning the fifty six (56) bridges in question be approved and mailed.

The motion was seconded by Commissioner Borries. So ordered.

Mr. Jeffers said June 12, 1985, the Commissioners' sent a letter to Colonel Dwayne G. Lee, District Engineer of the Corps of Engineers, Louisville District, expressing their interest in conducting a feasibility study to qualify the extent of flood damages throughout the Pigeon Creek Basin. He said that more or less got this county into their budget for the year 1986, since then they have completed a preliminary study of log jams and various other flood perils between Stringtown Road and the County line at Warrick County. He said they brought this information back to them last week with a suggestion to send a letter to them which would express the Boards' interest in continuing this study, but

they are not yet obligating themselves to any money outlay, and what he wants to do, he has dated the letter October 7, to give the other Commissioner time to return and he has made a packet for each of them and they can talk about it next week.

RE: COUNTY ATTORNEY...BIDS

Mr. Jones said three (3) of the bids were defective and are being thrown out. He said the first bid with a defective affidavit non-collusion was received from The Lang Company, it did not have the non-collusion affidavit properly filled out.

The next defective bid was from Modern Business Systems and did not have the non-collusion affidavit properly filled out.

The third defective bid did not have a non-collusion affidavit was Modern Office Methods, Inc. and it was thrown out.

Mr. Jones said the bids received and in order are as follows:

Mr. Jones asked if they wanted him to read all of these numbers, if so, they will be here for some time as there are several pages on each of these with all kinds of alternatives.

Commissioner Borries said he thinks not, he said he would have a comment at this point if he did.

Commissioner Borries said due to the specialized and rather complicated nature of this whole process, he has had some concerns from the outset, he is not sure.....for one thing there are various qualities of equipment and he thinks it is going to take some time for the Purchasing Department to ascertain if they are dealing with equal amounts and equal quality and all these things and it would be his suggestion to Mr. Jones that they could defer reading this and refer them to Purchasing for study at this point.

Mr. Jones said since these bids have been opened it is now public record and it is in the Purchasing Department and anyone that wants to go thru these numbers is free to go down there and get a copy.

Commissioner Cox said for the record, would he please make a part of the minutes, those companies that have submitted bids. Just the name of the companies.

Michael Meese from Triple A Business Supplies said he understands what they are saying about proposals and specs and things, the actual bid form itself, the part that has the affidavit and things, don't all the companies have to submit the bottom line as far as the dollars go?

Mr. Jones said each category specification has to have a bid for that specification if they are bidding on that particular item, and yes they are in there, but there are a quantity of those things is what he is telling them.

Mr. Meese said.....it would take that long to read them.

Mr. Jones said it would take some amount of time, and if he is that interested, it is public record.

Mr. Meese said he thinks everyone in the room would like to hear the dollar amounts.

Mr. Jones said that is up to the discretion of the Commissioners and to whether they want to sit here and endure that, if the room wants to go down and copy this, they can do so.

Commissioner Borries said they are a matter of public record and they are free to examine all of them, but, until the Purchasing Department has had a chance to determine if they are dealing with the same kind of quantities and qualities of equipment, this could be a real confusing exercise for everyone involved.

Commissioner Cox asked Mr. Jones if he would read the companies that have submitted bids that are in order.

Mr. Jones said the companies are as follows:

Royal Office Inc. of Evansville
Van Ausdale
Business Equipment Distributors, d/b/a/ Business & Office Equipment
Adams Office Machines, Inc.
Michael Meese & Triple M. Business Supplies, Inc.
I.B.M. Corporation
Rem-Kay Business Equipment Co., Inc.
Xerox Corporation

Commissioner Cox moved that they refer the bids that are in order to the Purchasing Department for their study and recommendations.

The motion was seconded by Commissioner Borries. So ordered.

RE: HIGHWAY ENGINEER - ANDY EASLEY

Mr. Easley said the only thing he has is some construction plans for Lakeside Terrace and part of Brookshires' #5. He said they are street plans for a small section of the streets they want to put in. He said they are concrete streets with a storm drainage pipe in Lakeside Terrace #3,4 & 5, and Brookshire Estates #5. He said he has checked them and assigned off on them and they would like to have them approved today.

Mr. Easley showed the Commissioners the plat.

Commissioner Borries asked if Mr. Foster intends to keep them as private roads, is that correct.

Mr. Easley said he (Mr. Foster) wants the plans approved so he can build them.

Mr. Easley said there is quite a bit of storm drainage pipe being installed out there and they have discussed in the past about when these improvements are accepted, normally, and his letter says storm drainage system and the street, and he thinks that in this area it is so flat and they have these retention basins that more and more storm drainage pipe is going in ahead of the street improvements and the county is going to have a responsibility to see that these are maintained.

Commissioner Cox moved that the construction plans for streets in Lakeside Terrace #3,4 & 5 and Brookshire Estates #5 be approved as recommended by the County Engineer.

The motion was seconded by Commissioner Borries. So ordered.

RE: REQUEST TO GO BEFORE COUNCIL

Commissioner Borries said he has a request to go on the November 6th Council Call for the following accounts:

130-311...Economic Development in the amount of \$321.98
130-385...Building Commission in the amount of \$1,454.63

He said these are bills that are being held in the Auditors' office.

Commissioner Cox moved the request be granted. The motion was seconded by Commissioner Borries. So ordered.

RE: MEETINGS

Commissioner Borries said they will have their regular Area Plan Meeting on Wednesday, October 2, 1985.

He said the County Council will also meet on that same date and he will be here to represent the Commission.

RE: EMPLOYMENT CHANGES

Appointments

County Assessor

Janis Lindauer

Return from Medical Leave

Deputy

\$35.00 day

9/30/85

Cooperative Extension Service

Gary R. Brown	9828 Darmstadt Road	Extension Agent	11,128.00	10/1/85
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Circuit Court

William Wallace	109 N. Main, Ft. Branch	Public Def. Inv.	4.00	9/23/85
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Commissioner Cox said Mr. Wallace is being released from another account at the same salary.

RELEASESCooperation Extension Service

Gary R. Brown	9828 Darmstadt Road	Youth Agent	521.66	9/30/85
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County Treasurer

Beverly Nance	Medical Leave	Posting Clerk	11,760.00	9/30/85
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Burdette Park

Kimberly Parker	4506 Greencove	P/T Ground Crew	3.50 hr	8/17/85
Launa Hutchison	2026 W. Michigan	Pool Manager	48.00 day	8/23/85
Dona Barton	3721 Koressel Rd.	Geg. Cashier	3.50 hr	8/12/85
Beth Minton	10515 Olivia St.	Reg. Guard	3.60 hr	7/31/85
Jeff Craft	2834 Pennsylvania	P/T Ground Crew	4.00 hr	8/19/85
Brad Norman	R.R. 2 Box 63 Ford Rd.	Reg. Guard	3.60 hr	8/24/85
Robb Bump	3225 Lemcar Lane	Asst. Hd. Grd.	35.00 day	8/24/85
John Schenk	1604 Tekoppel	P/T Ground Crew	4.00 hr	8/13/85
Laura Conrey	P.O. Box 221	Extra Guard	3.35 hr	8/15/85
Dawn Beguelin	2024 Lincoln Ave.	Reg. Guard	3.60 hr	8/14/85
Brooke Heathcotte	3512 Koring Road	Extra Guard	3.35 hr	7/29/85
Brenda Sue King	245 Bayer Drive	P/T Rink Guard	3.50 hr	7/29/85
Mary Jo Brockman	1778 Hicks Drive	P/T Ground Crew	3.50 hr	8/26/85
Greg Topper	1906 Red Bank Road	Reg. Guard	3.60 hr	9/3/85
Lori Wagner	Kramers Drive	Reg. Guard	3.60 hr	8/17/85
Michelle Good	11540 Village Lane	Reg. Guard	3.60 hr	8/26/85
Barb Owens	2852 Pennsylvania	Reg. Guard	3.60 hr	9/3/85
Marie Anderson	16 Park Ridge Drive	Extra Guard	3.35 hr	9/3/85
Randy Seidehamel	619 Biddle Court	Extra Guard	3.35 hr	9/8/85
Jennifer Talley	6717 Felstead Road	Extra Guard	3.35 hr	
Mike Powless	5816 Ashbrooke	Reg. Guard	3.60 hr	8/15/85
Scott Carnahan	R.R. 10 Box 272	Rink Guard	3.50 hr.	9/5/85
Paul Head	7120 Hogue Road	Extra Cashier	3.35 hr.	9/3/85
Linda Owens	2852 Pennsylvania	Reg. Guard	3.60 hr.	8/27/85
Scott Buedel	2645 Ravenswood	P/T Ground Crew	4.00 hr.	9/3/85
Jennifer Toone	6221 Broadway Ave.	P/T Ground Crew	3.35 hr.	8/31/85
Cutee Gostley	Nurrenbern Road	Extra Guard	3.35 hr.	8/31/85
Karen Williams	1804 Alta Vista Drive	Extra Guard	3.35 hr.	9/9/85
Beth Herrmann	6925 Little Schaeffer Rd.	Extra Guard	3.35 hr.	9/3/85
Charles Jackson	405 Cross Valley Circle	Extra Guard	3.35 hr.	8/22/85
Holly Hall	4409 S. 10th.	Extra Guard	3.35 hr.	8/25/85
Michael O'Daniel	429 S. St. James	Extra Guard	3.35 hr.	8/23/85
Missy Martin	3128 Arlington	Extra Guard	3.35 hr.	8/30/85
Lori Bulla	R.R. 1 Box 330	Extra Guard	3.35 hr.	9/3/85
Kevin Seidehamel	619 Biddle Court	Extra Guard	3.35 hr.	9/3/85
James Jones	1808 N. Denby	P/T Ground Crew	4.00 hr.	9/10/85
Jonathon Gugin	417 Schreeder Ave.	P/T Ground Crew	4.00 hr.	9/22/85
Mike Gerard	7601 Hogue Road	Reg. Guard	3.60 hr.	9/16/85
Sharon Jankowski	6912 Cliftwood	Head Guard	37.00 day	9/16/85
Shawn Stanley	5114 Mesker Park Drive	Reg. Guard	3.60 hr.	9/15/85
Amy Helfrich	9401 Hogue Road	Extra Guard	3.35 hr.	9/16/85
Joeli Staley	6708 Cliftwood	Extra Guard	3.35 hr.	9/16/85
Ann Barton	2335 N. Main Street	Extra Guard	3.35 hr.	9/15/85
Robert Kirk	R.R. 2 Box 256	Extra Guard	3.35 hr.	9/26/85
Clifford Harth	1409 Boookdale	Extra Guard	3.34 hr.	9/16/85
Jodi Schisler	3100 Makey Ferry Road	Extra Guard	3.35 hr.	9/16/85
Carol Owens	2852 Pennsylvania	Extra Guard	3.35 hr.	9/16/85
Matthew Caton	5911 New Harmony Road	Extra Guard	3.35 hr.	9/16/85

Rose Devine	12 E. Franklin	P/T Ground Crew	4.00 hr.	9/7/95
Carole McNaughton	625 Marigold Court	Extra Guard	3.35 hr.	9/11/85

Commissioner Cox moved the above Employment Changes be approved. The motion was seconded by Commissioner Borries. So ordered.

Commissioner Borries said there is a request from the County Treasurer for a leave of absence for Beverly Nance, who had surgery September 25th and she is going to be off of work for at least four (4) weeks and if she needs more time Mr. Tuley said he will make a further request regarding her insurance.

Commissioner Cox moved the request for leave of absence for Beverly Nance be approved. The motion was seconded by Commissioner Borries. So ordered.

There being no further business the meeting recessed at 3:40 p.m.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	Richard Borries Shirley Jean Cox	Alice McBride	David Jones
	Robert Willner (absent/vacation)	<u>COUNTY HIGHWAY</u>	<u>COUNTY ENGINEER</u>
		Bill Bethel	Andy Easley
	<u>COUNTY SURVEYOR</u>		
	Bill Jeffers, Chief Deputy		

<u>SECRETARY:</u>	Joanne Matthews
Taken By	Joanne Utley
Typed By	Jean Wilkey

Robert Willner, President

Richard Borries
Richard Borries, Vice President

Shirley Jean Cox
Shirley Jean Cox, Member

MINUTES
COUNTY COMMISSIONERS' MEETING
OCTOBER 7, 1985

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MINUTES
COUNTY COMMISSIONERS' MEETING
OCTOBER 7, 1985

The Vanderburgh County Board of Commissioners met in session on Monday, October 7, 1985, at 2:30 p.m. in the Commissioners' Hearing Room, with President Willner presiding.

Since it was the first meeting of the month, the meeting was formally called to order by Sheriff Clarence Shepard, who declared the meeting in session pursuant to adjournment.

President Willner entertained a motion concerning approval of the minutes of the previous meeting. Motion was made by Commissioner Borries that the minutes of the meeting held on Monday, September 30th, be approved as engrossed by the County Auditor and the reading of same be waived. A second to the motion was provided by Commissioner Cox. So ordered.

The Chair entertained a motion to authorize the County Attorney to open the bids received re resurfacing of various county roads. A motion to this effect was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: COORDINATOR FOR FEDERAL AID ON STREETS - CALVIN EVANS

The Chair recognized Mr. Calvin Evans, Coordinator for Federal Aid on Streets for the Indiana Department of Highways/Local Assistance Division. Mr. Evans said he has met with one or two of the Commissioners on separate occasions, but not jointly. His present job function is to try to coordinate the activities in the area of local assistance with Federal Aid for streets, sign projects, railroad crossings, etc. He has visited most of the counties and cities and Vanderburgh County was one of the latter on the list due to the projects they already have underway. So, he tried to become familiar with the programming before he attended today's meeting. He has noticed that one area that Vanderburgh County seems to be weak in is the safety factors of the railroad crossings. The I.D.O.H. has a program available on this which is a 90-10 program; with the 10% reimbursible through the Public Service Commission. That is, if we stay within the safety factors. If we go to improvement of crossings it is still a 90%-10% program, but the 10% is not reimbursible on the surface part. The IDOH needs an inventory of the County crossings to get the program started. The basic reason for this is that annually they program the top 20% of the most hazardous crossings; -- and that is established by an inventory process where they compile the data on the train traffic, vehicle traffic and safety devices in existence. This is the main need of the inventory..... before they go thru the process of picking the top 20% of the most hazardous crossings.

At this time there is some discussion that possibly the State will, this winter, furnish some personnel to assist in those inventories. That is on the drawing tables right now, due to the fact of who will assume the liability after this is all taken. Once the inventory is completed and the top 20% has been determined, it is just a matter of filling out the FA-2 form and applying for those funds. The railroad does their own engineering and construction, so there will be no need for consultants, etc. Mr. Evans entertained questions. There were none.

Continuing, Mr. Evans said that funding is also available for abandonments. If a line has been abandoned, then the IDOH will go in and assist in removing the tracks and taking over these abandoned crossings.

Commissioner Willner asked if he's talking about signalizations? Mr. Evans said, "No; that is in the surface part. On the safety devices -- your crossings, yes. There are three (3) different programs here. We call it RRP (railroad protection) -- that is the warning devices. RRS is the surfact -- the actual blacktop and maybe the rubber pads over the crossings between the rails to affect smoothness. Your abandonment is also in that funding. Commissioner Willner asked, "What is #3 then?" Mr. Evans said that is the RRS -- and that is the railroad abandonment. All are 90%-10% programs, with the exception of the No. 1 program (safety factor) and that is reimbursible via the Public Service Commission. The County would, however, have to provide the up front money; but once the Feds send back the cancelled check it is reimbursible.

Commissioner Willner said he doesn't think there are twenty (20) railroad crossings in Vanderburgh County that are not signaled. Mr. Evans said that this can change. We might have flashing lights; but then we measure the safety impact on it. In other words, there

(continued)

might be areas where we need to go from flashers to gates. We still have a potential hazard, whether we have gates, lights, or whatever.

Commissioner Willner said his second question concerns the fact that he doesn't think we ever participated in a surface (well, he shouldn't say that -- we did on one) -- but primarily we require the railroads to keep their own surfaces. Mr. Evans said that in most cases they've had pretty good luck with that. In some cases, due to their economic situation the railroads have not been able to keep up their crossings, so they have gone to this program. Congress set this up in 1980 (he believes) and he thinks all the railroads had to pool their resources to make this money available. With the local agencies initiating the program, it sped up the process.

Commissioner Willner asked that once you use the 90%-10% county money, is the county then liable for that crossing forever? Mr. Evans said there is always a question about liability from today until whenever. Is the county not somewhat liable for that crossing knowing that that money is available now and not initiating the process to obtain it? That's an age-old question. He assumes that once we go after the funding that our liability is there; but they could not come back on us for neglect. He imagines the county's attorneys could better answer that question than can he.

Commissioner Cox asked if there is any assistance available for cleaning along the railroad right-of-way to remove brush, trees, etc., that might obstruct views or drainage ditches? Mr. Evans said that there is. They have programs, for instance, where we might have a crossing where the area is full of brush or other visibility hazard -- the problem with that is that the IDOH needs a series of crossings, they couldn't go in and just fund one crossing -- so you try to go thru and list all the crossings that need improvement and then set a running program. In response to query from Commissioner Cox, Mr. Evans said these would fall under the RRS category.

Commissioner Willner said we now have one bridge that was owned by the railroad which has been shut down by the county and it has been that way for several years. Is that a 90%-10% category? Mr. Evans asked if the railroad uses it -- what are we asking for, an abandonment? Commissioner Willner said it is a main track. Under the 90%-10% money, would they build a new bridge over this railroad track? Mr. Evans asked if it is also a county bridge? Commissioner Willner said that has been argued for a long time -- and he neither won or lost the argument. He guesses there are pros and cons both ways. The railroad built the wooden structure bridge; someone set it on fire at one time. Mr. Evans asked if the county is now maintaining the bridge? Commissioner Willner stated that the county has never maintained that bridge. Mr. Evans asked if the bridge is included on the county's bridge inventory or inspection list? Commissioner Willner said that it is not. Mr. Evans said that this bridge then is not the county's responsibility he is certain. If it is not on the computer kick-out of bridges inspected every two (2) years, then it is the railroad's responsibility. Commissioner Willner said we have several of these bridges in the county. They are one-lane horse-and-buggy bridges. Is Mr. Evans saying that if these were on the county's bridge report....? Mr. Evans asked if they are over 20 ft. in length? Commissioner Willner said, "Definitely". Mr. Evans said that the inventory worked up for the bridge inspection carries everything 20-ft. or over; that is the way that it reads on the inspection. That is how the State goes thru and classifies the number of bridges that we have on the inventory. If it doesn't show on the inventory, it is most likely the railroad's bridge. Does the county post it? Who posts the weight limit? Commissioner Willner said the county closed it with their manpower and equipment. Mr. Evans asked if the bridge has a number? Commissioner Willner asked if County Engineer Andy Easley would see if there are numbers on the bridges on Orchard Road and Laubscher Road -- these are the two he has in mind. Mr. Evans said he can check to see whether.....Commissioner Willner interrupted by saying that the warning devices are not a problem in Vanderburgh County; at this time the surface is not a problem; nor is abandonment. Railroad bridges are a problem in Vanderburgh County. Mr. Evans said he will make a check to determine to whom responsibility belongs re the railroad bridges and whether money is available to go in and improve those. In response to query from Mr. Evans, Commissioner Willner said that both of the aforementioned bridges have one-lane traffic. Both are also of wooden construction. Mr. Evans said there might be some difference of funding, also. He doesn't know whether they will throw these into bridge funding or railroad funding. Commissioner Willner said he was never able to find out himself.

Mr. Evans said that with regard to the subject of weight limit, the IDOH was needing some information -- he thinks a draft agreement was discussed for the posting -- and he thinks they found that there were only five (5) bridges which weren't posted and he believes those were posted last week.

(continued)

Commissioner Cox asked if Bill Jeffers is present at today's meeting? He gave the Board all that information at their meeting last week, including a cover letter to the IDOH. Mr. Evans said he believes all the information was included except the dates the weight limits were posted.

Andy Easley interrupted by saying that the bridges on Orchard and Laubscher Roads were constructed and maintained by the railroad; the one on Laubscher is closed. According to the records in the Surveyor's office, these two bridges do not have "numbers".

Mr. Evans continued by stating the reason for including dates on signs was so that this information can be taken to the Federal Highway Department and verify that the weight limit signs have been installed, etc., and get that out of the way.

With regard to the bridge re-inspections, Mr. Evans said they will need the FA-2's in February for the re-inspection of those bridges. They are working on those right now, according to Commissioner Willner.

Mr. Evans entertained questions concerning any other funding? Commissioner Willner said the Commissioners need to determine whether we need to have a study of our railroad crossings in Vanderburgh County.

Mr. Evans said the IDOH has an inventory that was taken in 1974; he can provide the Commissioners with a copy of same and they could work off of it to see where we are with regard to improvements needed, etc. In response to query from Commissioner Willner, Mr. Evans said the inventory shows each and every crossing in Vanderburgh County (what was there in 1974). This is why they need an update; the railroad might have come along and put devices in since 1974. Both Commissioners Willner and Cox said there have been quite a few since that time. In fact, he believes the L&N is putting in one currently. Mr. Evans said the Board might keep in mind that one of the things that changes the crossing inventory is for instance, if an industry locates on a certain county road or a housing division that might locate on a county road or changes in traffic patterns might increase the hazards at railroad crossings.

Commissioner Willner said his information tells him that in 1972 the bridges were given a number; in 1979, they were deleted.

Mr. Evans said he will try to come up with a reason as to why they were dropped or if there is any money available thru the railroad or the bridge money.....

Commissioner Willner interrupted by reading, "....Bridges #13 and #152 thru #159 are the responsibility of the railroad system and, therefore, the numbers were deleted." He said that probably took into effect the St. Joe Avenue bridge, also -- that was done with county funds.

Mr. Evans said he is certain the IDOH has records and he will chase this down and see what the policy calls for.

Commissioner Cox said that Mr. Evans brought up a very good point. On Hogue Rd., we did signal a railroad crossing there. But we've had the University Shopping Center development and all those apartments, it might be time to gate that Hogue Rd. crossing, as there is an awful lot of traffic out there.

Mr. Evans said he is just trying to make the local officials aware of the program. It's up to the local agencies to initiatebut if he can be of assistance on this project or any others.....

Commissioner Willner interrupted asking, "Did he understand Mr. Evans to say the State will help insofar as personnel is concerned re the inventory?"

Mr. Evans said it is in the planning and he believes he is safe in saying that either he or someone from the IDOH will assist in this endeavor.

Commissioner Willner asked if Mr. Evans is going to make a copy of the 1974 inventory available to this Commission? Mr. Evans responded in the affirmative.

RE: BOARD OF REALTORS/RESOLUTION ON RE-ASSESSMENT

(continued)

The Chair recognized Mr. Ronald "Chick" Snively, Chairman of a Committee of the Evansville Board of Realtors. He said he is present to request that the eight (8) Township Assessors for the 1987 Re-Assessment hire one (1) appraiser. He then proceeded to introduce the members of the Committee (who were seated in the audience) as follows: Shirley McDowell, Executive Director; Earl Damm, Gene Stewart and Steve Thompson. Mr. Shively said that as the Commissioners know, the assessment of the property is the figure that the assessor uses for tax purposes only. The figure remains the same year after year. The way we get our taxes is by multiplying the tax rate by the assessment figure. The Indiana Law in its wisdom decided that this should be changed periodically to keep in touch with the economy -- up or down -- it used to be every ten (10) years and now it's every eight (8) years that all property in Indiana is reassessed. The 1987 assessment is underway. There are eight (8) townships in Vanderburgh County; each of the assessors has the responsibility of doing this reassessment. They are provided with a manual put out by the State; it's very thick -- but there is a lot of human judgment in there to be made (quality of construction, grades, et.). The Realtor's Committee is not implying that the Township Assessors are not qualified to do the job; they are not saying they are incompetent. They are saying that with eight (8) different opinions we come up with eight (8) different figures. For instance, a \$50,000 home in one township may be assessed for \$5,000 and a similar home across the street in another township may be assessed for \$3,000. The Commissioners are aware of this confusion; no one knows better than they do the confusion this has created -- so much so that as a result of the 1979 reassessment there was a lawsuit in the courts several years. The only reason the Evansville Realtors are requesting that one (1) appraiser be hired is to eliminate the inequity between townships. They do not want to disturb the township assessor's job. They simply think that for their own benefit that there would be inequities between townships unless one appraiser were hired. Other duties would go on the same. They are just asking that the assessors get together collectively and hire one (1) appraiser and the new law says they can do this. The Committee of the Board of Realtors is here for the purpose of encouraging the assessors to do this. Thus, he request that the Commissioners approve the Resolution submitted. The realtors know that anything the Commissioners say is not particularly binding, but it is a guideline to encourage the township assessors to do this. The Board of Realtors Board of Directors has adopted this Resolution. The Chamber of Commerce has adopted the Resolution and Mayor Vandever has adopted the Resolution. The County Council has delayed their decision until their November meeting. Hopefully, they will consider passing the Resolution. The Realtors are now coming to the Commissioners. When adoption of the Resolution is completed, they plan to meet with the Township Assessors and ask them to cooperate. Frankly, it would seem to him that the Township Assessors would welcome this. If someone complained about the reassessment, they could say "we had somebody do it and thus the inequities are eliminated". Mr. Shively entertained questions from the Board.

Commissioner Cox asked if the Committee of the Evansville Board of Realtors is recommending that one (1) appraiser be hired to work with all eight (8) township assessors? Not each township hire their own appraiser? Mr. Shively said the eight (8) Township Assessors would get together in a meeting and hire one (1) appraiser. Several of the groups (County Council, for instance) would like to see this done by a local appraiser. This is agreeable to the Evansville Realtors; he guesses they are more qualified than out-of-town appraisers.

Commissioner Willner said he doesn't see why there should be a requirement for a local firm to do it -- that's not advantageous. If the Resolution says "local firm", then he disagrees with that.

Mr. Shively said he does not believe their Resolution stipulates "local firm", but says ".....accomplished by one (1) professional appraisal firm agreed upon by the eight (8) township assessors...." Continuing, Mr. Shively explained that it was County Council who indicated they would like the reassessment done by a local appraiser. There are approximately a dozen appraisal firms in Evansville; all they do is appraise real estate.

Commissioner Willner entertained questions from the Board. There were none. He then asked the Board their wishes concerning the resolution.

Commissioner Borries said he does not see the Resolution as a restrictive thing. He thinks it needs to be a positive thing to end some of the confusion in areas where there are a lot of differences. If this would help us have more accurate assessments and appraisals, then hopefully all the townships would cooperate so we would have uniformity -- he thinks that would be the goal.

(continued)

Commissioner Willner queried Commissioner Cox. She said she agrees with Commissioner Borries. We do need to do something to erase the inequities and erase the charges of inequities -- founded or unfounded -- that always surface during reassessment period. She guesses she had always seen the County Assessor's role as similar to that being proposed -- as being the overseer and providing guidance to the Township Assessors, but she does know that this hasn't worked in the past. And when you deal with nine (9) political entities (and that is what they are here -- entities) sometimes it is best to have a person removed from the scene to come in and give the unbiased opinions. She imagines that if something like this were to be done -- and the County Attorney would have to answer this -- it would have to be via bid proposal. She then asked Attorney Miller if this would have to be via bid? If the eight (8) Township Assessors said yes, they want a professional firm to do this -- would it have to be bid? Attorney Miller said he believes it would. It would be up to the Assessors to prepare a list of qualifications and requirements and say that anyone meeting these qualifications may bid for the job county-wide. And he is certain that it would be an expense above that which requires a bid.

Commissioner Cox asked if we could legally restrict firms to "local" firms? Attorney Miller said he believes not. (It has something to do with anti-trust or something like that.) Commissioner Cox said she thought he would say something like that.

Commissioner Willner said that quite frankly he has some problems with this. He understands what Mr. Shively is saying, but there are a lot of questions he would want answered before he would propose such a Resolution. And he's probably the only one present among the Commissioners who has ever gone through this as an assessor. Previously he was Scott Township Trustee & Assessor and he did go through reassessment. They did it a bit differently in Scott, he believes, than it was ever done before. And there were some problems with so-called inequities that were not true. So there are some both ways. He thinks the first question he needs answered is whether the eight (8) assessors use the Indiana State Statute to require a professional appraiser (and he doesn't like the word "firm" -- but personnel) to conduct a county-wide reassessment and the township assessor who was elected by the people had problems in a certain parcel -- what would be the outcome? Whose opinion or idea or figure would be used? He thinks this happened in Pigeon Township during last reassessment, when a professional firm was hired to do the figures -- but not to do the calculations -- or the final figure. He's not sure that is the answer either. He guesses what he is saying is that when the people elect an assessor in their township, does that give him the power to change the figure in any way or does he have to live with the figure of the professional?

Mr. Shively said what they are proposing this afternoon isthe 1983 General Assembly enacted the law providing for what they are suggesting here today -- that the County Assessor at assessment time can call the Township Assessors together and ask them to hire one (1) appraisal firm. If they all don't agree to do it -- then one of them do it and they do it individually. To answer Commissioner Willner's question about inequity, he thinks that is true today, we have certain procedures for them to file where they appear before the State Board of Accounts and various steps. And even the law is open to individuals if they think, in their judgment, their assessment is inequitable and out of line. He thinks that exists now and will exist under the proposed plan if an individual feels their assessment is not a fair assessment. What they are trying to do is to eliminate the confusion which has existed in Vanderburgh County for many, many years. Mr. Shively said this is not the first of these committees that he has served on for the realtors. But it has gotten to the point (with the lawsuit) that they have to do something about it. They can't sit by and watch it happen assessment after assessment. The law provides for this now, but it can't come about unless all eight (8) Township Assessors agree to do it. If only seven (7) agree, then we can't do it.

Commissioner Willner said that if Mr. Shively is speaking of a county-wide basis that is true. But if he is talking about a township basis, then the individual townships could still hire them -- as Knight and Pigeon Townships did last time. Mr. Shively said the Committee of the Evansville Board of Realtors is proposing that all townships hire one (1) appraisal firm.

Commissioner Willner entertained a motion. Motion was made by Commissioner Borries that the Resolution submitted by the Evansville Board of Realtors be approved. A second to the motion was provided by Commissioner Cox. So ordered. In response to query from Commissioner Willner, Mr. Shively said he will pick up a signed copy of the Resolution from the Commissioners' Secretary on Tuesday.

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The Resolution read as follows:

RESOLUTION

BE IT RESOLVED by the Vanderburgh County Commissioners that:

WHEREAS, property reassessment occurs once every eight years in the State of Indiana.

WHEREAS, this method of reassessment has caused great variance in property assessments on similar properties across township lines resulting in inequities, great confusion and additional costs to taxpayers.

THEREFORE BE IT RESOLVED, that, this day, the Vanderburgh County Commissioners have adopted a resolution, hereas:

The 1987 Reassessment of Real Property in Vanderburgh County, Indiana, be accomplished by one (1) professional appraisal firm agreed upon by the eight (8) Township Assessors so as to provide Vanderburgh County with a fair and equitable reassessment in 1987.

Date: October 7, 1985

Signed: Robert L. Willner
Richard J. Borries
Shirley Jean Cox

RE: COUNTY ATTORNEY - DAVID MILLER

Waterslide/Burdette Park: Attorney Miller advised they are in correspondence with Albertsson-Hunter on the Burdette Park Waterslide, with regard to finishing construction and clean-up, etc. Everything else is more or less quiet on the legal front at this time. Albertsson-Hunter has advised orally that they will have someone in here very shortly to finish up the contract work. The Attorney sent them a demand pursuant to the terms of the contract to do that and to take care of what the sub-contractors have not been paid and now we shall see how they perform. That is where we are.

Auditorium Parking Lot Gates: In response to query from Commissioner Willner, Attorney Miller advised that he and Kim Bitz have already had a discussion concerning the Vanderburgh Auditorium Parking Lot Gates and he will be dispatching a letter to the contractor concerning the difficulties being experienced with the gates.

RE: VANDERBURGH AUDITORIUM - KIM BITZ

Mr. Bitz said they are running \$4,500.00 ahead of last year's utility bills. This increase is maily due to increase in bookings and there were several months this year during which we had temperature extremes insofar as the weather is concerned.

Bookings: A comparison of bookings for calendar years 1984-1985 reflects the following:

	<u>No. of Events</u>	<u>Days Occupied</u>	<u>Total Rentals</u>
1985	17	23	26
	15	14	18

Revenues: September revenue was \$11,387.32. Total revenue for 1985 to date is \$123,705.36 as compared to \$106,745.77 for 1984 thru September.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Absentee Report: Mr. Bethel submitted copies of the Weekly Absentee Report for employees at the County Garage for period of September 30 thru October 4, 1985..... report received and filed.

Weekly Work Report: Also submitted for the same period was the Weekly Work Report for employees at the County Garage.....report received and filed. Attached to the Work Report was the following Work Schedule:

Gradall: Holly Hill, 9113 Gayne Ave., Audubon Drive, Bender Rd., Sensemeier Rd. and Berry Court

Chip & Seal: Nisbet Station and Newman Rd.

Paved: Volkman Rd., Barton, Section of Seven Hills, Bridge on Baseline Rd.

Grade & Rock: Burkhardt, Lynn, Audubon Dr., Wallenmeyer, Schmitt Lane, Lutterbach, Armstrong, Maasberg, Bixler, Schillinger, Young, Hornby, Seven Hills, Darmstadt and Berry Court

Cut Bleeders: North - West - South - East of County

Patch: Fischer, Ashwood, Olmstead, Outer Lincon, Audubon Dr., Orchard Rd., Spry, Polaris, Pollack, Buena Vista, Mohr, Boonville-New Harmony, Tree Top Lane, Barton Rd., Middle Mt. Vernon, Marlene Drive, Hogue Rd., Miller Rd. and Martin Station Rd.

Commissioner Willner asked Mr. Bethel if there are now any roads that have not been patched at least once since last winter? Mr. Bethel said they pretty well have them all with the exception of two roads in the north section of town. They also have to get the St. Wendel Rd. Commissioner Willner said that when they read the bids received on resurfacing, he would like for Mr. Bethel to check those out.

RE: COUNTY SURVEYOR - BILL JEFFERS, CHIEF DEPUTY

Bridge & Guardrail Repair Report: Mr. Jeffers submitted copies of the Weekly Bridge & Guardrail Repair Report for period of September 30 thru October 4, 1985....report received and filed.

Claim/Deig Bros.: A claim in the amount of \$36,588.60 on BRIDGE #77 on Millersburg Rd. over Blue Grass Creek. This is the second claim submitted and it reflects additional work done between the last claim and October 1, 1985. The claim has been altered via deletion of Item #7 (Roadway borrow 95% compacted) until such time as the test lab comes back with the results as to whether or not it is 95% compacted. It is being tested today. Thus, that item will probably appear on the next invoice submitted. Otherwise, the surveyor agrees with all figures and they recommend approval of the claim. Motion to approve claim was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Printout on Bridges: Mr. Jeffers said the next item was brought before the Commissioners on September 30th. This concerns 56 bridges on which we received a printout from Mr. Stephen Dilk with the IDOH, requesting some information about the 56 bridges. Part of the information pointed out was that the IDOH would require from us a statement included in the Vanderburgh County Code of Ordinances under the appropriate section as to Vanderburgh County's policy on posting bridges. For example, what is the maximum tonnage of Vanderburgh County post? The State legal limit is 15 tons or greater. So we need to include that in the ordinance, along with several other items which should be interjected or deleted from the current ordinance so that the ordinance reflects the existing conditions as of this date -- or as of the date the ordinance would be passed and updated.

Commissioner Willner queried Mr. Jeffers by asking, "The posting and what else?" Mr. Jeffers said to include in the ordinance what the maximum tonnage is that Vanderburgh County posts on its bridges. Commissioner Willner asked, "What else?"

Mr. Jeffers said there are some bridges where the existing condition is different than that reflected by the current ordinance (1982). There are several new bridges and refurbished bridges -- and all of these need to be brought up to date to satisfy the State so that we can continue to participate in the various programs. Commissioner Willner asked if Mr. Jeffers intends to handle this or does he want the Commissioners to hire that out, or what does he have in mind? Mr. Jeffers said that first of all it would require coordination between whoever does the updating and the legal staff so that it can be written into language that can be adopted as part of the ordinance. Commissioner Willner said the legal part is no problem, he can get that done. But who is to do the footwork and the measurement to see what bridge would be what tonnage? Mr. Jeffers said that information was included in the printout provided to the Commissioners last week. We cannot, however, wait until January 1st; this needs to be done now, as indicated earlier by Mr. Evans of the IDOH. County Surveyor Bob Brenner

(continued)

said the bridges are posted -- that's not the problem. The problem is the ordinance; it needs to be updated. The IDOH is more concerned with the paperwork.

Commissioner Cox interrupted by saying that Mr. Calvin Evans of Mr. Dilk's office indicated earlier in the meeting that they need the dates the bridges were posted. Mr. Jeffers said that is correct. He was not going into great detail in this meeting; it would probably take up too much of the Commissioners' time. There are also some other things that Mr. Dilk is requiring of us and the surveyor's office intends to take care of those as best they can between now and Friday -- and that would include that any time you post a bridge you have to update your appraisal sheet and send it to the IDOH within thirty (30) days of posting. There is a lot of work that the surveyor's office will be doing within the next four days to satisfy Mr. Dilk. But what is required of the Commissioners is to update the ordinance to include a statement on the posting policy for bridges. Commissioner Willner said he understands this; the posting is not legal until the ordinance is done. You can post all day; but it would mean nothing unless there was an ordinance to back it up. He understands this and will take care of it. He asked if all the information on the 56 bridges has been provided that is to be included in the ordinance? Mr. Jeffers said that is correct.

Construction Contract: Mr. Jeffers said that on September 30th there were two (2) items taken under advisement for one week, one of which was the Construction Contract. He will leave it up to the Commissioners as to whether they want to act on this today. The Construction Contract would become a part of all specifications with the County. Secondly, the Pigeon Creek log jam letter will be sent to the Corps of Engineers in Louisville if the Commissioners so desire.

With regard to the Construction Contract, Mr. Jeffers said he handed a document prepared by David Jones' office to the Commissioners. We have had contractors in the past who say their bonding companies require an item called "the Contract" in order to obtain a bond. Previously we've been using the entire document as a contract. We're simply modernizing our document. The City is already using something similar to this.

Commissioner Willner said he has been advised that Attorney Jones is working on this. If Mr. Jeffers has questions, he should contact him. Mr. Jeffers said this was just something left hanging; he has a copy and the Commissioners have a copy.

Commissioner Cox said the Commissioners took this under advisement last week.

Commissioner Willner asked what Attorney Jones' recommendation was?

Commissioner Jones wrote the Contract and he is proud of it. Commissioner Cox said that Attorney Jones said that if any bidder doesn't want to mess with the contract then we don't want to mess with them...she believes that is what he said.

Mr. Jeffers said he believes his words were "if we have a contractor who does not want to comply with this then he is not doing much work in the private sector."

Commissioner Willner indicated he'd like a week to review the contract.

Letter to Corps of Engineers re Pigeon Creek Flooding Problem: Mr. Jeffers said the other item taken under advisement concerned the letter to the Corps of Engineers in Louisville re flooding problems on Pigeon Creek. This letter needs to be forwarded so this project can be included in their 1986 budget for further study.

Commissioner Borries interrupted that we're not committing any funds at this time, we're simply concurring with the study results presented to the Board on September 26, 1985.

Mr. Jeffers said that to refresh the Board's memory, back in June the Commissioners sent a letter to the Corps of Engineers requesting that they make a flood control plan and this contains one feasible solution to our problem and it has a dollar amount. It is the only plan they came up with that they consider feasible. Basically it includes clearing the channel of Pigeon Creek

Commissioner Willner asked if he might have a week to read the subject letter?

Mr. Brenner said the Corps of Engineers wanted the letter last week. Mr. Brenner said City Council has to send a similar letter re Pigeon Creek all the way down Stringtown Rd.

(continued)

Commissioner Cox interjected that this letter does not express any financial commitment at this time; the Corps of Engineers just wants to know whether we want them to continue the study.

Mr. Jeffers said he got the impression the study was done via aerial photographs and if we say we're interested, they are going ahead and do some footwork and ground level surveys, etc.

Commissioner Cox said we definitely need to get that area all cleaned out -- there's no doubt about that.

Commissioner Borries asked if Warrick County also sent a letter?

Mr. Jeffers said that Warrick and Gibson Counties have already progressed with their project. They've already cleared about what they're going to do.

President Willner entertained a motion.

Motion was made by Commissioner Cox that the letter to the U.S. Army Corps of Engineers in Louisville regarding the continued appraisal of the Pigeon Creek study be approved and forwarded. A second to the motion was provided by Commissioner Borries. So ordered.

The executed letter read, as follows:

October 7, 1985

Colonel Dwayne G. Lee
District Engineer
U.S. Army Corps of Engineers
ATTN: ORLPD-S
P. O. Box 59
Louisville, Kentucky 40201-0059

Dear Colonel Lee:

The Board of Commissioners, Vanderburgh County, Indiana, hereinafter referred to as the Board, has reviewed the preliminary results of the Corps' appraisal of the flooding problem on Pigeon Creek in Vanderburgh County from Stringtown Road upstream to the Vanderburgh-Warrick County line.

The Board concurs with the study results that were presented to the Vanderburgh County Surveyor by Louisville District personnel on September 26, 1985.

The estimated nonfederal costs of this plan are within the capabilities of the Board. In this regard, the Board requests that the Corps of Engineers proceed with further studies of the flooding problem as soon as possible.

The Board continues to be aware that its responsibility in the participation of any feasible plan includes those items delineated in the original letter of intent signed by the Board members on June 12, 1985 (see attachment).

The Board understands that this letter specifically does not obligate the Board to any expenditure of funds or to any legal or financial actions at this time.

Sincerely,

BOARD OF COMMISSIONERS, VANDERBURGH COUNTY, INDIANA

Robert L. Willner
Richard J. Borries
Shirley J. Cox

Mr. Jeffers said if the Commissioners have no further questions for him, Mr. Brenner has a presentation to make to the Board.

(continued)

Vehicle Access to Union Township: County Surveyor Bob Brenner said he is seeking approval of a plan to give emergency vehicles access to Union Township around blocked railroad crossings. There is an underpass near Ohio Street, which loops around Mead Johnson's parking lot and comes to a gate right where it could join into Broadway which ties into the Dixie Flyer and miss all the tracks. He made some preliminary contacts with Mead Johnson, but he first needs to determine whether the Commissioners are interested in pursuing the matter. What he proposes would provide an emergency route to Union Township -- an area which is landlocked by the railroads most of the time. He knows they would like to have a permanent way out, but he hasn't been able to discover that route. Right now the underpass is 8 ft. in height and the maximum it can be deepened is 10 ft., to the top of the footings. We can do this without changing anything of the railroad's. Cost of deepening the underpass would be about \$30,000.

Commissioner Cox said she thought the underpass was private. Mr. Brenner said it is -- but it's their parking lot. It was initiated when the interchange for the Ray Becker Parkway took place.

During preliminary conversations, Mead Johnson indicated they would be interested in being a good neighbor...for emergency use only. The emergency vehicles from Alexander and the City require 8 ft., so they could get under. He was thinking of some kind of door opener for the gates (a radio-controlled device).

Commissioner Cox said that evidently our emergency system with the railroad re decoupling the trains has not always worked.

Mr. Brenner said that on September 8th Perry Township cleared the track at Dogtown and arrived at the scene and it was blocked. They clear it and somehow the translation gets lost.

Commissioner Willner asked Mr. Brenner with whom he had conversations at Mead Johnson? Mr. Brenner said it was with the Public Relations Director.

Commissioner Borries said he had some calls that said Mead Johnson had a conversation with Herb Roberts several years ago. They had put a special clay in the area (about 2 ft.) to prevent flooding in that particular area. They have said that, under no circumstances, do they like to have their employees with campers use this because of the fact that any kind of heavy vehicle is going to cause problems in regards to the special clay used in that area. Thus, they have expressed a lot of concerns because no one has really contacted them since that standpoint. Herb Roberts talked with Mr. Borries and Commissioner Borries said he is somewhat encouraged to see that there is some renewed interest in that particular area despite the fact that we can debate whether or not it is needed, but it is needed and he doesn't know at this point whether Bristol-Myers officials are really together -- they are sympathetic to the problem. They see that special clay could, however, cause them some serious problems with regard to modifications of that particular bridge. The advantage to finding something in the city is that perhaps then we could look at some kind of federal funding or maybe at some kind of match, rather than doing it all on our own. Of course, this would be for emergency vehicles only. Again, however, they are concerned that the investments they have in that particular underpass could be damaged if more frequent or heavier vehicular traffic than anticipated transpired.

Mr. Brenner said his purpose in showing this to the Commissioners is not for them to tell him what Mead Johnson's problems are, but for them to tell him if the Commissioners are interested in pursuing this. If they are, then Mead Johnson can shoot this down in a minute. But we need to say whether the Commissioners are interested in providing an emergency route if they will let us. He said he will do the footwork and the rest of it -- all the Commissioners have to do is say whether they are willing to participate by saying it is worth something.

Commissioner Cox asked, "An ambulance could get thru the underpass right now?" Mr. Brenner said the ambulances are 8 ft. tall to the top of their light and the thing measures 8 ft. 3" now. The blacktop could be leveled or modified some and the drainage system would have to be modified. There is a pumping station that drains this. Again, he estimates they can take it to 10 ft. for \$30,000. But the Commissioners have to be interested in it.

Commissioner Willner said he has to do his homework. It's quite unfair for Mr. Brenner to come in here and say "are you interested now"? He said he needs to go out there and look to determine whether or not he is interested. Then he will certainly tell

(continued)

him "yes" or "no" -- he has no problems with that.

Mr. Brenner said that before he wastes Mead Johnson's time, the county certainly has to have all their ducks in a row. Mr. Willner said, "Certainly".

RE: BIDS ON RESURFACING OF VARIOUS COUNTY ROADS

At the request of President Willner, Attorney Miller proceeded to read the bids received on resurfacing of various county roads. Two bids were submitted: One from J. H. Rudolph & Co. of Evansville and the other from the Rogers Group, Inc. in Bloomington, IN. If it is agreeable with the Commissioners, Attorney Miller said he will read the corresponding bids with respect to each particular project.

Old Petersburg Rd. (Highway 57 South to Browning Rd.):

J. H. Rudolph & Co.	\$30.45/Ton	\$32,794.65	Total
Rogers Group, Inc.	\$34.50/Ton	\$37,156.50	Total

Harmony Way (City Limits to West)

J. H. Rudolph	\$30.45/Ton	\$28,288.05	Total
Rogers Group, Inc.	\$36.30/Ton	\$33,722.70	Total

Allen's Lane (St. Joe East of City Limits line)

J. H. Rudolph & Co.	\$29.90/Ton Surface	\$19,106.10	Total
	\$49.75/Ton Patch	\$ 4,975.00	Total

Total	\$24,081.10	Total
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Rogers Group, Inc.	\$35.60/Ton Surf.	\$22,748.40	Total
	\$81.00/Ton Patch	\$ 8,100.00	Total

Total	\$30,848.40	Total
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St. Joseph Avenue (Mill Rd. to Meier Rd.)

J. H. Rudolph & Co.	\$29.35/Ton Surf.	\$70,821.55	Total
	\$49.75/Ton Patch	4,975.00	Total

	\$75,796.55	Total
--	-------------	-------

Rogers Group, Inc.	\$35.60/Ton Surf.	\$85,902.80	Total
	\$81.00/Ton Patch	\$ 8,100.00	Total

	\$94,002.80	Total
--	-------------	-------

The Grand Total of all bids was as follows:

J. H. Rudolph & Co.	\$160,960.35
Rogers Group, Inc.	\$195,730.40

The Engineer's Estimate for the four (4) components was \$180,000.00

J. H. Rudolph was the low bidder on each component of the bid. He is in possession of proper bid bonds from both bidders.

Commissioner Willner said the bid from J. H. Rudolph was under the engineer's estimate, while the bid from the Rogers Group, Inc. was over the engineer's estimate by \$15,730.40. He thinks we only have \$150,000.00 in that account, so we need to come up with \$11,000. He asked if Mr. Bethel can do this out of his regular highway account. Mr. Bethel said he can, but he'd have to stop paying. Mr. Easley noted that the bids are based on unit price and we could shorten the mileage. Commissioner Willner noted that the money is available if the Board wants to award the contract today. The money could be taken from Mr. Bethel's paving account and he could request Council to replenish that account. rather than having him stop paying. If the Board is going to award the contract, they should do it today, because the weather will be changing. Mr. Bethel said that Rudolph told him they could begin next week.

(continued)

President Willner entertained a motion.

Motion was made by Commissioner Borries that the contract for resurfacing of various county roads be awarded to the low bidder, J. H. Rudolph & Co., in the amount of \$160,960.35 and that Mr. Bethel transfer the necessary additional funds to cover the cost of the contract. A second to the motion was provided by Commissioner Cox. So ordered.

RE: COUNTY ENGINEER - ANDY EASLEY

Claim/Peyronnin Construction Co./Zayre Corp. Storm Drainage System: Mr. Easley presented a claim in the amount of \$217,432.00 to cover Payment Request No. 1. He said the claim needs to be signed by the President of the Board of Commissioners, as we will be reimbursed for this money. (The Commissioners were appointed the contracting agent for this project, which is on the southside of Lynch Rd.) Mrs. McBride pointed out that this will be a grant account, and we will be reimbursed for this money after we spend it. Commissioner Willner said he doesn't mind signing the claim, but he'd like to know whether we will get our money back within a week or two or a reasonable period of time. Mrs. McBride said she received a letter (as did Mr. Easley) on how the flow of the money will go on this project.

Mrs. McBride pointed out that this is just like the Jail Project. Incidentally, we received our last payment a week or so ago -- so we've gotten all of our money back on that project.

President Willner entertained a motion concerning the claim to Peyronnin. Motion was made by Commissioner Borries that the claim be approved, with a second from Commissioner Cox. So ordered.

Acceptance of Check/Bridge Inspection: Continuing, Mr. Easley said that speaking of the flow of money or cash being returned by the State, we received a check in the amount of \$3,456.00 from the State. We paid Floyd Burroughs 90% of \$4,800.00 and submitted a claim for 80% of \$4,800.00. The Chair entertained a motion. Motion was made by Commissioner Borries that the check be accepted and endorsed, with a second from Commissioner Cox. So ordered. (Check quietused into 203 account)

Claim/Overhead Door Co./Creasey Co. project: Claim in the amount of \$80.00 for electrical wiring to hook up overhead door operator. He recommends that this be approved. Motion to approve claim was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Claim/Bill Daniels Construction, Inc.: Claim in the amount of \$2,800.00 for concrete work and removal of concrete block walls in connection with Creasey Co. project. Mr. Easley recommends approval of this claim. Motion to approve claim was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

Installation of Water Line on Highway 57 North of Daylight: Mr. Easley said that several months he was asked to see what he could do to promote a water line along Highway 57 north of Daylight. He has been working on this. There are a lot of difficult negotiations in putting it together. Shell Oil will eventually need water at the side of their Turis Mine (if and when they construct it) and they expressed a willingness to pick up and pay --in advance-- for the water line frontage fees for those homeowners who did not want to participate. They asked if the Water Department would collect when these tap-ins are paid, and they be refunded to Shell, who will probably be putting up about \$24,000 in front money. He said he had a conference with the President of the Water Board and he thought he could get it approved. For some reason, there wasn't enough communication with the Water Board. He didn't think they would turn it down. He was about five (5) minutes late for the discussion. He would like to have some kind of formal request from the Commissioners that the Water Board cooperate. The people really need water out there. The wells are drying up and if Shell is willing to put up the money with an understanding that they will get it back as other people connect to it -- we have to have \$84,000 worth of front footage charges paid -- and at \$8.25 per ft., that is over 10,000 ft. There is practically nobody on the east side of Highway 57 north of Hobgood. There are about two houses -- but there are virtually no potential customers on the east side and it is not very well developed on the west side. We really need -- this will guarantee that we will get the water line if they will -- otherwise Shell is just making a contribution. He doesn't think this is fair to them. They are also paying about \$40,000 front footage charges for the property they own -- and they are being very cooperative.

(continued)

Commissioner Cox said that, in order words, what Mr. Easley is asking for is a letter from the Commissioners to the Water Board requesting that they reconsider their decision concerning this? We just approved \$217,000.00 for work for a new company coming in here -- and we're going to get reimbursed by the State -- but we're still talking about government monies. She thinks it's high time that we in Vanderburgh County do something to help our businesses that are here right now to stay healthy and grow and expand. And this would be one way that we could do this. There are several businesses out there that are operating on private wells and they are having some difficulties. She can understand the bookkeeping that goes along and how much of a headache it is-- but she thinks this is a special incident here and she would be more than happy to sign a letter to the Water Board asking them to reconsider that decision and see if they cannot make an exception, as we have for other industrial areas.

Commissioner Willner asked if anyone appeared at the Water Board meeting where the decision was made? Mr. Easley said that Mr. Leich did not specifically ask him to appear and he sort of thought he might talk to them prior to making a decision. He didn't expect an open board meeting discussion of the matter. Apparently it encountered some problems because it would be setting a precedent or something and they are always apprehensive of setting a precedent. But he thinks that in this case -- Ted Hessley is hauling water. He has been hauling water for almost a year, except in real wet months when the water table comes up.

Commissioner Willner said he really doesn't want to sign a letter. He'd like to appear at the next meeting of the Water Board andMr. Easley said they meet tomorrow at 1:30 p.m. Commissioner Willner said he will be downtown anyway, so he will just make an appearance.

Commissioner Cox asked Commissioner Willner if he is in favor of this? Commissioner Willner said, "Certainly". Commissioner Cox asked why he then objects to sending a formal letter? Commissioner Willner said he wants to do it "eyeball-to-eyeball". Commissioner Cox said she cannot attend the Water Board meeting tomorrow as she is putting her mother in the hospital.

Commissioner Borries said the money is there; they had a problem because the Utility Department would have extra bookkeeping, etc. But there was no funding problem. Commissioner Cox said the problem is the reimbursement. As new people hook on, Shell wants a share over and above what they are paying for their own -- that is the way it always used to work. If you had a waterline installed down your lane, then anyone else who came along and tapped into it -- you got a portion, because you had paid the frontage money. Mr. Easley said he doesn't think it would be that much of a bookkeeping job in this one case -- and it is an isolated incident. But we have someone who will put up the money and it won't cost the water department any money at all other than a little bookkeeping. If it cost \$75.00 to write a program for their computer, he would like to see someone step forward and pay the \$75.00.

Commissioner Willner asked Mr. Easley if he were turned down by anyone the waterline would come by? Mr. Easley said he was. Commissioner Willner said he needs to get with Mr. Easley tomorrow sometime. Mr. Easley and Mr. Willner need a week's time; he needs to contact some of the people who said "no" to Mr. Easley. Mr. Easley said what is needed is either a letter, or an appearance before the Water Board. He has a man from Houston coming in for a Thursday morning meeting and he would like to be able to tell him that we have this cleared by the Water Board -- and on the reimbursement he'd like to clear that, so they know they would get reimbursed for anything they put up that is not on the property they own. Then, if he and Commissioner Willner can twist some arms out there, that will cut down on the amount that they would have to be reimbursed for.

Commissioner Cox said what the City will realize is that they will get all of their footage money right now and then when John Q. Citizen who isn't hooking on today does hook on, they will get double footage -- they will get additional hook-on from that individual, which she doesn't think is right. That is the way their bookkeeping is set up. Mr. Easley said that theoretically the Water Department is carrying 40% of an extension, because they use a 60% on a commercial. On this particular line, there are such slim pieces of property on the east side of Highway 57 between the railroad tracks and the highway that he doesn't look for any major developments. Commissioners Willner and Cox said they do. There is one 80 acre tract for sale right now. But the installation of a waterline will help the area. He thinks that anything the Commissioners can do to encourage the extension of sanitary sewers and water lines --

(continued)

Commissioner Willner said he concurs. Mr. Easley said that if Commissioner Willner would rather appear before the Water Board in person, then the matter can wait one (1) week. Commissioner Willner said he believes a personal appearance is much better than a letter. Mr. Easley said he agrees.

Commissioner Cox said this is just like when they put the sewers in out on the west side of town. If the people weren't having problems with their septic systems, they didn't want on. But, when they started having problems, everybody wanted on. And it will probably work the same way out in the Highway 57 area. If people's wells are o.k. and they are not having any water problems, they don't see any advantage to paying to hook onto city water.

Commissioner Willner advised Mr. Easley that he will get with him in the morning and they will get something worked out.

RE: TREASURER'S MONTHLY REPORT

President Willner presented the following report which had been submitted by the County Treasurer:

September 4, 1985

County Commissioners
County Council

Reassessment (249)--Invested \$1,000,000.00 Jan. 7, 1985, at 8.8%. Estimated income at maturity is \$86,288.89. Maturity date is Dec. 26, 1985.

Local Roads & Streets (216)--Invested \$1,500,000.00 Aug. 7, 1985, at 7.60%. Estimated income at maturity is \$45,916.67. Maturity date is Dec. 30, 1985.

Monies on Deposit--Invested \$500,000.00 (\$100,000.00 with each of the 5 Savings and Loans) Jul. 5, 1985, at 7.125%. Estimated income at maturity is \$17,317.71.

Monies on Deposit--Invested \$2,000,000.00 July 5, 1985, at 7.15%. Estimated income at maturity is \$70,705.56. Maturity date is Dec. 30, 1985.

Monies on Deposit--Invested \$1,500,000.00 Aug. 7, 1985, at 7.60%. Estimated income at maturity is \$45,916.67. Maturity date is Dec. 30, 1985.

Actual Interest receipted to Date:	County Revenue	\$476,741.14
	Local R & S	45,526.00
	Revenue Sharing	9,834.16
	Cumulative Bridge	<u>84,500.00</u>
	Total	\$616,601.30

Projected Revenue. Interest to be receipted when current investments mature.

County Revenue	\$156,756.61
Local R & S	45,916.67
Reassessment	<u>86,288.89</u>
Total	\$288,962.17

Advances:	City	\$869,450.00
	School	<u>850,000.00</u>
	Total	\$1,719,450.00

RE: BURDETTE PARK - FINANCIAL REPORT

President Willner presented the following Financial Report for Burdette Park for period ending September 30, 1985:

(continued)

1985 Budgeted	\$485,881.00
1984 Encumbered by P.O.	6,319.43
1984 Encumbered by Contract	14,445.01
1985 Additional Appropriation	223,400.00
Total 1985 Budget	730,045.44
Repealed back to Council	- 10,037.22
Remaining 1985 Budget	\$720,008.22

Expenditures & Balance 1/1/85 - 9/30/85

Total Expenditures	\$617,805.39
Total Balance	\$102,192.83

Income 1/1/85 to 9/30/85

Pool	\$ 70,588.34
Waterslide	36,245.00
Rink	29,210.15
Rentals	56,011.92
Misc.	30,932.48
Total	\$222,987.89

9/30/85

Total Expenditures	\$617,815.39
Total Income	222,987.89
Total Deficit	394,827.50
Less Long Term Capital Improvements	- 197,574.91
Total Deficit	\$197,252.59

Commissioner Willner noted that the income of approximately \$223,000.00 this year for Burdette Park was the highest ever. He urged that Mark Tuley keep up the good work.

RE: OLD BUSINESS

The Chair entertained items of old business. There were none.

RE: SCHEDULED MEETINGS

Commissioner Borries said he is going to have an interesting personal experience this week via an Energy in the Classroom Seminar put on by the American Coal Association. They are to tour several underground coal mines in Western Kentucky. He said he doesn't know how he is going to feel about this.

County Government Week: Commissioner Borries said there is going to be an Indiana County Government Week the week of November 18th, he believes. The Governor will issue a proclamation, etc. There is also a teaching device which can be purchased and he thinks there will be some interest in doing so -- by the Indiana Bankers' Association. They are sponsors of this along with the Indiana Association of Counties. It shows how government operates, what it does, etc. We may want to make plans that week to call attention to all the kinds of things that County Government does. He will try to get this information to the Commissioners so this can be announced.

Auditorium Advisory Board: Commissioner Cox said that although she will not be able to attend, she believes the Auditorium Advisory Board will meet tomorrow at 5:00 p.m.

RE: CLAIMS

President Willner announced that there are no claims this week, other than those already presented.

RE: EMPLOYMENT CHANGES - RELEASES

Perry Township Trustee

Marcella Strange

1423 Delmar

Janitress P.T. \$1800.00/Yr. Eff: 9/27/85

(continued)

County Surveyor

Robert Mangold 714 Concord Blvd. Rod Man \$15,192/Yr. Eff: 9/20/85

RE: EMPLOYMENT CHANGES - APPOINTMENTS

Perry Township Trustee

Leo Strange 1423 Delmar Janitor P.T. \$1800/Yr. Eff: 9/30/85

There being no further business to come before the Board at this time, President Willner declared the meeting adjourned at 4:30 p.m.

PRESENT: COMMISSIONERS AUDITOR COUNTY ATTORNEY

Robert L. Willner Alice McBride David Miller
Richard J. Borries
Shirley Jean Cox

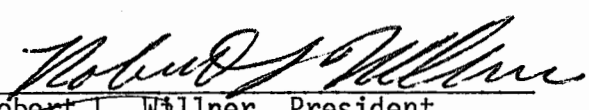
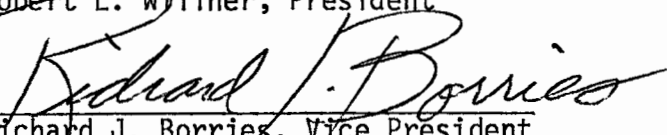
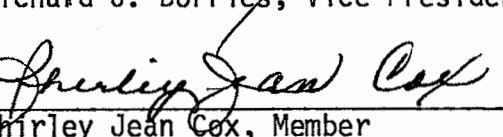
COUNTY HIGHWAY COUNTY ENGINEER COUNTY SURVEYOR

Bill Bethel Andy Easley Robert Brenner
Bill Jeffers

OTHER

Calvin Evans/IDOH
Chick Shively/Eville. Board of Realtors
Shirley McDowell/Eville. Board of Realtors
Earl Damm
Gene Stewart
Steve Thompson
News Media

SECRETARY: Joanne A. Matthews


Robert L. Willner, President

Richard J. Borries, Vice President

Shirley Jean Cox, Member

632.

MINUTES
COUNTY COMMISSIONERS MINUTES
OCTOBER 14, 1985

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AGREEMENTS	
County Construction Contract Form -----Approved -----	11
Agreement w/Thermotron Energy, Inc. for Maintenance of HVAC System at the Auditorium -----\$46,200.00-----Approved -----	6
Agreement w/Community Center/Rental of Space for IV Support Office @ \$306.00 per month, including Utilities & Janitorial Services--App'd/----- (Atty. David Jones to write Shively Notice of Termination Ltr. for facilities currently under lease)	2
APPROVAL OF MINUTES -----October 7, 1985 -----	1
BIDS	
County Line Road Bridge #106 @ Ruston Lane -----Awarded to Deig Bros. Lumber & Construction for \$79,146.50-----	1,4 & 7
Maintenance of HVAC System at Auditorium-----Awarded to Thermotron Energy, Inc. in the amount of \$46,200.00 -----	5-6
Election Tabulation Equipment-----Specs approved; To be Advertised, with Bid Opening scheduled November 4, 1985 -----	4
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James Angermeier-----\$28.8.80-----Approved -----	12
Alice McBride-----\$262.50-----Approved -----	13
Peggy Powless-----\$46.00-----Approved -----	13
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Bowers, Harrison, Kent & Miller -----\$3,061.22-----Approved -----	14
Alexander Ambulance Service, Inc. -----\$41,659.07 -----Approved -----	14
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COUNTY HIGHWAY - BILL BETHEL	
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ORDINANCE/AMENDING TITLE VII TRAFFIC CODE, SCHEDULE V-----Approved ----- To be advertised & necessary posting accomplished before Ordinance becomes effective	7-8
REQUESTS TO GO ON COUNCIL CALL	
County Commissioners -----\$7,000-----Approved ----- (Postage; J. Lindenschmidt to check w/Postmaster on Proposal, etc.)	10-11
Vanderburgh Auditorium-----Approved -----	4-5
County Highway -----\$10,960.35-----Approved -----	10
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TRAVEL REQUEST/MARK TULEY -----Approved -----	11
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Request to go on Council Call-----Approved -----	4-5
Report on Air Conditioning Failure @ Philharmonic Concert-----	6
Agreement with Thermotron Energy, Inc. on HVAC System -----Approved -----	6

MINUTES
COUNTY COMMISSIONERS MEETING
OCTOBER 14, 1985

The Vanderburgh County Board of Commissioners met in session on Monday, October 14, 1985, in the Commissioners Hearing Room, with President Robert Willner presiding.

The meeting was called to order at 2:40 p.m., with President Willner subsequently entertaining a motion concerning approval of the minutes of the previous meeting. Commissioner Borries moved that the minutes of the meeting held on Monday, October 7th, be approved as engrossed by the County Auditor and the reading of same be waived. A second to the motion was provided by Commissioner Cox. So ordered.

RE: OPENING OF BIDS ON COUNTY LINE ROAD BRIDGE #106

President Willner entertained a motion that the County Attorney be instructed to open the bids received on County Line Road Bridge #106. A motion to this effect was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: COUNTY PROSECUTOR - REQUEST TO RELOCATE IV-D SUPPORT DIVISION TO COMMUNITY CENTER

The Chair recognized Mr. Robert Pigman, Vanderburgh County Prosecutor. Mr. Pigman said he had sent a letter to the Commissioners on October 7th, advising that space is available at the Community Center which he thinks will adequately meet their needs for the IV-D Support Office. They have been able to negotiate a rental fee of \$306.00 per month, which will include utilities and janitor services. The space they have currently rents for \$900.00 per month and there is a request that that be increased to \$1,000.00 per month. Thus, Mr. Pigman said he definitely thinks it is in their best interest to relocate in the Community Center.

The letter of October 7th includes a brief summary of the estimates they have on the cost of the move and, basically, that comes to approximately \$1,900.00. The letter reads as follows:

"The expenses of this move include painting and minor repairs to the space. Paint will cost approximately \$275.00 and labor will be done by County personnel. Indiana Bell quotes approximately \$170.00 for trunk line installation. Southern TeleCommunications will connect the lines with the equipment which is owned by the IV-D Support in an amount not to exceed \$1,100.00. The only other expense which we can anticipate at this time is that through the Computer Room where it will be necessary for the telephone company to put a circuit line to hook up the computers. There will be no charge from the Computer Room, but a charge by Indiana Bell for the circuit line. This should not be a large expense."

Mr. Pigman said the \$1,900.00 figure is taking all the estimates on the high side. The probabilities are that it will be less. As can be seen, the cost of the move would be paid for in three months' time. He said he is definitely in favor of this move. He thinks this was originally Mark Owen's idea and they've been over to examine the office space and he is enthusiastically requesting the Commissioners to approve the request.

Commissioner Willner asked Mr. Pigman if he has sufficient dollars to consummate the move? Mr. Pigman said he is certain that he does.

Commissioner Cox asked Mr. Pigman if his letter indicated that he is willing to pay for the moving expenses up to an amount of \$2,000.00, and talk about anything over that amount? Mr. Pigman said that is correct. Frankly, he feels the expenses should fall short of the \$2,000.00 amount because, again, the estimates were on the high side.

Mrs. Cox asked if the money for the rent, etc., is reimbursible? Mr. Pigman responded that the rent is reimbursible from the State. The money he is going to use to pay for the move comes out of what is called the "incentive fund", which is monies generated by the Support Division. The Prosecutor's office gets a small percentage, the Court gets a small percentage and the General Fund gets a small percentage. So these funds are what will be used to pay for the move. Once they get over there, approximately 85% of the \$306.00 per month rental will be reimbursed. And the budget as a whole is reimbursed. So cutting the cost of the rental won't affect the number of dollars that they're reimbursed either, so that works out to their advantage.

(continued)

The Chair entertained further questions; there were none. Commissioner Willner said that anytime the Board finds a savings, they're always interested. He then entertained a motion to approve the request.

Commissioner Cox said she does have one question. What about the contract for the current facilities, and when is it renewable?

Mr. Pigman said the contract expires December 31, 1985 on the current lease and he is going immediately to inform the landlord that they intend to move.

Commissioner Willner said we need to do that. Mr. Pigman said he believes the lease on the current facility is in the Commissioners' name and they need to give formal written notice. This has to be done before November 15, 1985, for a December 31st termination. Commissioner Willner requested that Attorney David Jones draft the letter to Mr. Shively informing him that we do not intend to renew the lease.

The Chair entertained a motion that the Commissioners notify the landlord that the lease will not be renewed and approval of the move for the IV-D Support Office to the Community Center. A motion to this effect was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: BUILDING COMMISSION/REQUEST TO MOVE TWO (2) HOUSES - JESSE CROOKS

Mr. Crooks said he has requests to move two (2) houses as follows:

- 1) House at R.R.#6, Box 170, Volkman Rd. The house was previously owned by the Immanuel Lutheran Church and presently is owned by Ken Sollman. The only thing to be done here is to move the house across the road. SIGECO has already been out there to raise the high tension power line and he foresees no problems.

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

- 2) The second house to be moved is just off Pollack Avenue on Eastland Drive. It is to be moved to make room for the I-164 Interstate Interchange. It is quite a long move; in fact, he thinks it's the longest move he's handled. It is a relatively small one-story house. Even though it is a long move and goes through the City quite a long ways, he foresees no problems. The City has already granted approval. The house is owned by Leonard Greenburg of 6425 Lincoln Avenue.

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

Mrs. Cox asked if they are required to have the Tax Code Number on the letter or permit issued? Mr. Crooks said they will have. They haven't yet informed all of their contractors to this effect yet, but they will be going back and doing this.

RE: COUNTY CORONER - CHARLES ALTHAUS/ACCEPTANCE OF CHECKS

It was noted by President Willner that Mr. Althaus is here concerning procedures in his office. He also heard via the grapevine that he also might have a check.

Mr. Althaus approached the podium and stated that he has two (2) checks. First of all, they had a post-mortem examination of a prisoner who was brought over here from the Federal Penitentiary in Marion, Illinois. The medical professionals at Marion said they would pay for the post-mortem exam and he has their check in the amount of \$450.00.

Mr. Althaus said that, to date, he has had fifteen (15) out-of-county deaths. Seven (7) have been paid. All but two have been from Illinois and Kentucky. What we need to do is to have a meeting with our Indiana Legislators and get something started in the State of Indiana for our own counties.

With regard to an out-of-state death, a procedure that he has initiated on his own is that when there is a death at one of our local hospitals, after the medical examination here and if he can determine the cause of death, he calls the Coroner in whatever county in Illinois or Kentucky or wherever the individual resided. If he knows nothing of the

case, then Mr. Althaus calls the State Police. If they know nothing, he then calls the local or City police or the Sheriff's Department -- until he finds out if there are charges. Ninety percent (90%) of the time when we get to the State Police they find that there are charges being made. As the Coroner in Vanderburgh County, he can determine the cause of death in 99% of the cases without an autopsy. But the important thing to the counties is whether they are going to prosecute or if they are having any prosecutions against the deceased. And 99% of the time the answer is yes. Therefore, he goes back to the Coroner -- and he's even called the Prosecutor at home at night (he didn't appreciate it, but Mr. Althaus called him just the same). He goes back to the County Coroners and they will give him an answer as to whether they will pay. He's been very successful with the system. He just had one in White County, Ill and the Coroner said he wouldn't pay. Mr. Althaus said he knows the cause of death -- the guy shot him with a shotgun -- and you don't need anything else. The Coroner said he would come over and pick up the body. (It was a child abuse.) Mr. Althaus waited for him at one of the local hospitals. He came over and said he was sorry; he could not get a pathologist in his county to do the post-mortem examination. There is a very good reason for that. That pathologist has to go to Court. Our local pathologist (with our contract with Deaconess Hospital) is on the road going to court for other counties all the time right now -- but this is a contract we have with them. So they are paying for it. We had the autopsy performed here at Deaconess Hospital under our contract and they will reimburse us the \$450.00. Now when we talk about \$450.00, we're talking about a very minor cost to these counties. We're not talking about lab fees that can run up to \$175.00; we are not talking about blood, drug screens, etc., etc., which this county is paying for. We're not talking about x-rays. These are all additional expenses which the county has plus the \$450.00.

Commissioner Borries asked Mr. Althaus if the County pays for the testimony of the pathologist? Mr. Althaus said that county does that. Not too long ago Sheriff Shepard's men were involved for 4-5 hours (2 or three men there) on a call at about \$50.00 per hour. Same way with the City Police. They take all the pictures, they do all the legwork, etc. Thus, Mr Althaus said he is going to start this procedure via telephone -- and he doesn't know what he will run into.

Continuing, Mr. Althaus asked if the Commissioners received a copy of the Legislative Laws from Dennis Avery. If they'll read this thing, you're talking out of both sides of your mouth -- even in the analysis. The analysis says, "No"; but on the other hand we cannot charge if it is more than our actual cost. So they tell you "No, then say that you can. Our only problem, however, is with Indiana itself. He's recouped \$4,300.00 out of \$6,300.00, but it has all been out of State.

Commissioner Willner asked if Mr. Althaus if he's had any dialogue with the Indiana Association of Counties and their organization? Mr. Althaus said he has talked with the president and they won't meet until the first of December. The Association doesn't seem to be very strong throughout the State of Indiana. There was House Bill #54 last year that didn't get out of Committee; but there were a lot of other things in this House Bill, rather than this particular procedure. He said he thinks it's like anything else. You have to have someone somewhere along the line start pushing -- and he thinks we're at the point now where it needs to be the County Commissioners, County Attorneys and State Legislators -- because we've had people who have been up at State a long time and they should be able to get it moving.

Commissioner advised that we'll get to work on it. Mr. Althaus said if a meeting could be scheduled where he can go over all of this. There are a lot more details. He could stand here and talk for an hour - but we don't gain anything until they sit down together. We all know what we want to do -- now we have to do it.

The Chair entertained a motion to accept two (2) checks presented by Mr. Althaus, as follows:

- Check #170 in amount of \$450.00 for burial of Prisoner James Rice
- Check #721 in amount of \$450.00 for autopsy for Earvin Burden, Jr.

Motion to accept checks was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

(continued)

Commissioner Cox asked if these checks will be deposited into the County General Fund? Commissioner Willner responded in the affirmative. Commissioner Cox questioned the checks being made payable to the Vanderburgh County Coroner. She said she doesn't think that this is right. She thinks he should send a blue claim and the checks should be made payable to Vanderburgh County. If the Coroner were not honest, he wouldn't have to bring the checks to the County, he could cash them himself. She does not think this is good policy and the claim should be to Vanderburgh County. Commissioner Willner said he agrees. It was subsequently noted that one of the checks was made payable to the Vanderburgh County Coroner and the other to the Vanderburgh County Auditor.

RE: APPROVAL OF SPECIFICATIONS FOR ELECTION TABULATION EQUIPMENT & ADVERTISING FOR BIDS

President Willner stated that none of the Commissioners have had an opportunity to review the bid specifications for the Election Tabulation Equipment prior to their presentation at today's meeting. In reviewing same, he noted the specs contain rental cost per year, purchase cash price, purchase finance, lease-purchase based on 36 and 60 months, and price for support on an annual basis, Non-Collusion affidavit, the Commissioners reserving the right to reject any and all bids, and each bid must be accompanied by a bid bond, etc. He doesn't see any problem with the specs presented. The bids are to be opened November 4, 1985.

Commissioner Borries said he had wanted Commissioner Cox to peruse these because of her experience with the election and the election laws.

Commissioner Cox questioned Item A. under "B", Minimum Specifications, which read, "Tabulate 1000 cards per minute. Commissioner Willner asked if she wanted to change this? Mrs. Cox said, "No"; I thought we were thinking in terms of two (2) which would be 1200 cards per minute. Commissioner Cox asked Kim Shepman of Purchasing where she got the 1000 cards per minute information? She responded that she did not know.

There being no further questions, President Willner entertained a motion to approve the specs and advertise for bids, with bid opening scheduled for November 4, 1985. Motion to this effect was made by Commissioner Borries. Commissioner Cox said she would second the motion based on the fact that there is money approved in the budget for next year to do this. Commissioner Willner said there is money approved for this in 1986. Not this year, but next year. So ordered. Commissioner Willner requested that the Auditor's office advertise for bids.

RE: NEW WALL MAP OF VANDERBURGH COUNTY FOR COMMISSIONERS' HEARING ROOM

Commissioner Borries said that before proceeding with today's agenda, he would like to express the Board's appreciation to Andy Easley and Jim Lindenschmidt for the addition of a new wall map of Vanderburgh County in the Commissioners' Hearing Room. This should help eliminate some of the confusion previously experienced during Drainage Board meetings. Mr. Easley designed the holder to go over the thermostat on the wall. The existing position of the map should greatly assist the Commissioners in their endeavors to locate certain points and it adds much to the Board Room.

Secondly, there have been problems experienced due to the fact that people want to huddle in front of the Commissioners' table. Individuals fail to identify themselves and their comments are not audible on the tape, which often makes it difficult to prepare a transcript of the meetings. The Commissioners are going to try to obtain an easel to hold some of the maps so individuals making presentations can remain by the microphone. Perhaps this will assist in conducting the meetings a little more effectively.

Kim Bitz said that if the Commissioners are looking for a standard easel, they have an extra one at the Auditorium. He will bring it over to see if it will meet the Commissioners' needs.

RE: VANDERBURGH AUDITORIUM - KIM BITZ

Request for Transfer of Funds & Additional Appropriation: Kim Bitz presented the following letter to the Commissioners for approval:

Alice McBride, Auditor
Vanderburgh County
Room #208 - Civic Center
Evansville, IN 47708

(continued)

Dear Mrs. McBride:

Please put me on the next County Council Agenda to request the transfers of the following accounts, and request for additional appropriation for the Utility Account.

\$400.00	from Acct. #114 (Housekeeper)	to Acct. #199 (Part-Time)
\$200.00	from Acct. #115 (Ship/Recv.)	to Acct. #199 (Part-Time)
\$700.00	from Acct. #116 (Maintenance)	to Acct. #199 (Part-Time)
\$200.00	from Acct. #117 (Custodian)	to Acct. #199 (Part-Time)
\$3,000.00	from Acct. #192 (Insurance)	to Acct. #130 (Over-Time)
\$242.76	from Acct. #313 (Travel)	to Acct. #272 (Sanitary Sup. & Lights)
\$2,000.00	from Acct. #371 (Print/Adv.)	to Acct. #320 (Utilities)

I also request an additional appropriation for Acct. #320 (Utilities) in the amount of \$28,000.00.

All of the above are necessary for the continued operation of the Facility during the remainder of 1985.

Thank you for your consideration.

Kim P. Bitz, Manager

Vanderburgh Auditorium

Continuing, Mr. Bitz said the foregoing have been approved by the Advisory Board.

The Chair entertained questions. Commissioner Cox asked if he ever got any other monies put in the Utility Account? Mr. Bitz said the last appropriation for Utilities was in the amount of \$27,000.00 and he originally requested \$45,000.00. Commissioner Willner asked if, at that time, Council asked him to come back? Mr. Bitz responded in the affirmative.

Commissioner Borries said he does not know the financial status of the General Fund at this point, but would the additional appropriation bring him up to date on the Utility bills? Mr. Bitz said that, barring the billing they just received at the beginning of October, they are up to date and the additional appropriation should cover utilities thru the remainder of the year.

The Chair entertained a motion. Motion was made by Commissioner Borries that the request for transfer of funds and additional appropriation be put on the Council agenda for November 6th, with a second from Commissioner Cox. So ordered.

Maintenance Contract for HVAC System: Mr. Bitz said the Auditorium received four (4) proposals on an informal bid situation for a new maintenance contract for the HVAC System, as follows:

- 1) United Technologies (Carrier Corp.) \$55,000.00 (maintenance contract that would cover everything that we have covered this year, excluding the chiller. This year's contract price is approximately \$46,600.00 and that would be increased to \$55,000.00 next year but would exclude present coverage on the chiller.
- 2) Barber-Coleman Building Services: \$34,275.00 (this contract would also exclude coverage on the chiller)
- 3) Johnson Controls Co.: \$58,200.00 (This was a very nice program and they were willing to include coverage on the present chiller system.)
- 4) Thermotron Energy, Inc.: \$46,200.00 (This bid would include everything that is currently covered under our maintenance contract and a few additional items, including the coils that are located inside the air handlers and a more frequent inspection and cleaning of the boiler system and the water treatment system.

(continued)

Concerning the bid from Thermotron, Mr. Bitz said the \$46,200.00 comes to \$3,850.00 per month. He does have a contract from Thermotron Energy, Inc., and this was discussed briefly with the Commissioners last week, prior to today's meeting -- and the only major question that came up was the availability of spare parts and Thermotron said that they not only have a current inventory of spare parts, but that they would plan on storing parts for our machine at the facility so there would be no lost time once they came in and determined the source of the problem by having to go back to the factory, etc. As for anything that might not be available under extreme circumstance, he discussed this with them and under the Fair Trade Practice Laws of the Federal Government, if it were a Carrier product, Carrier Corp. is required to sell to any company. But currently Thermotron does have a full stock of spare parts.

Commissioner Willner asked if Thermotron's bid is also \$500.00 under Carrier's bid of last year? Mr. Bitz responded in the affirmative. Commissioner Willner said he believes the Commissioners agreed upon the Thermotron bid when they met. The contract includes the portion to re-tube the parts of the chiller that were not covered under Carrier's contract? Mr. Bitz said that it does. Their present plans are that, if for some reason, we have a tube failure -- if it can be plugged to get the machine going as quickly as possible, they would plug it at that point. If it is necessary to re-tube the chiller they will bear the brunt of the labor cost involved. All tube responsibility will be theirs.

Commissioner Cox referred to the Carrier proposal and asked if they mentioned the fact that our present contract for water treatment is separate and it does not expire until February 28, 1986. Mr. Bitz said they have written a letter cancelling that contract as well. Their current regular maintenance agreement expires at the end of October and, as noted in the letter from Thermotron, they agree that if the bid is awarded that they will cover November and December of this year at no additional cost -- and that would include the water treatment.

The Chair entertained a motion. Motion was made by Commissioner Borries that the contract for maintenance of the chiller, tubes, boilers, air handlers (exhaust fans, pumps and controls are not included in water treatment at this time) at the Auditorium for 1986 be awarded to Thermotron Energy, Inc. in the amount of \$46,200.00. A second to the motion was provided by Commissioner Cox. So ordered.

Mr. Bitz said Thermotron requests that EACH PAGE OF THE CONTRACT be initialed and returned to them for their signature. (Mr. Bitz will provide the secretary with a completely executed copy as soon as it is available.)

Air-Conditioning Failure/Philharmonic Performance: Mr. Bitz said he wishes to clarify something concerning the air-conditioning failure at yesterday's Philharmonic Concert. The staff at the Auditorium did everything humanly possible to get the air-conditioning system running again. They were aware that it was not working somewhere between 8:00 - 8:30 a.m. A call was made to Carrier Corporation at that time. It was unfortunate that the Auditorium did not receive a repairman to work on the unit until somewhere around 6:00 p.m. The Auditorium maintenance man was on the job at 8:00 a.m. until 10:00 p.m. and did everything in his power to get the system running. It was not a failure of the chiller, itself; the problem involved a pump and had that pump been working the problem would not have occurred. It was repaired shortly after the Carrier repairman arrived. He wishes the repair could have been made earlier, but it wasn't.

Some of the things associated with the publicity concerning the air-conditioning failure -- it was blamed on the boiler. First of all, the boiler had nothing to do with the failure. The boilers were fine. There is a leak in one of the boilers and they're trying to take care of it. But somewhere inside the boiler there is a crack. But it was necessary to run that boiler in order to get the air-conditioning unit operating. That is the reason the leak occurred in the dressing room in the basement. Despite what was reported in the newspaper today -- and he does not know their source of information -- there was not a lake of water in the basement; there was a custodian in the basement from early in the morning until after the concert was finished to make certain that no water was on the floor. They are aware of problems of slippage and people getting injured -- and there was a door on the dressing room for Mrs. Ayers, despite what was said in the newspaper. They do not have a lot to do with the mechanical failures; but they do everything in their power to see that everyone is comfortable and safe -- and it is not pleasing either to him or others who work at the Auditorium to read something that makes it appear that they are not doing their utmost to take care of the people who rent the facilities. Those problems were taken care of; and wherever the information came from that was in the paper -- it was misleading and not true. He just wanted to clarify that.

(continued)

RE: BIDS ON COUNTY LINE ROAD BRIDGE #106 @ RUSTON LANE

Attorney David Jones said there were two (2) bids received on the subject project, as follows:

Deig Bros. Lumber & Construction Co./Evansville (Bid in order)	\$79,146.50
Malone Brothers, Inc./Tell City, IN (Bid in order)	\$90,643.75

The Engineer's Estimate for this project was \$98,955.00

Commissioner Willner asked Mr. Jeffers, Chief Deputy Surveyor, if he needs to take the bids under advisement for a week? Mr. Jeffers said he will take them down to the Engineer for his perusal and get back to the Commissioners prior to adjournment of today's meeting.

The Chair entertained a motion to have the Surveyor provide the Board with a recommendation. A motion to this effect was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

RE: ORDINANCE AMENDING TITLE VII TRAFFIC CODE, SCHEDULE V OF THE CODE OF ORDINANCES

Attorney Jones said he has prepared an Ordinance amending Title VII Traffic Code and specifically Schedule V, with respect to weight restrictions on bridges in Vanderburgh County. That Ordinance has been further revised at the last minute with additional changes -- so there are some penned in changes for which he apologizes. Nonetheless, he is presenting the Ordinance in all its splendor for the Board's approval.

Attorney Jones pointed out that should the Commissioners choose to unanimously pass the subject Ordinance, it would take effect upon the last of the followins:

- a) Being published in the paper, because it contains a penalty clause
- b) Posting of appropriate signs.

It would require both of the above in addition to being unanimously approved.

In the event the Ordinance is not unanimously approved, it would then have to be introduced at a second meeting and require majority approval. From and after that time, when the two (2) conditions of publication and posting of appropriate signs on the appropriate bridges occur, then it could be enforced effectively.

Commissioner Willner noted that these are the amendments requested by the Federal Highway Administration? Is there anything else to be forwarded to them?

Mr. Jeffers said that, first of all, he would like to thank David Jones for preparing the Ordinance in one (1) day; they notified him on Thursday and he only had Friday in which to prepare the Ordinance. He also apologizes for the "penned in" changes, which were necessitated by conversations with individuals in Indianapolis around 1:00 p.m. today. But the penned in changes do reflect the current status of those bridges. In other words, that is the way the report is going to come out, so that is the way they will have to rate the tonnage. This is not all that the IDOH is requesting; but it covers one of the four (4) requirements specified -- and that was for an Ordinance reflecting what our policy on bridges is in regards to tonnage.

Commissioner Willner said the Commissioners know that Andy Easley is getting some information on right-of-way. They want some right-of-way completed on Lynch Road. Then, what is the status -- he has heard and needs for Mr. Jeffers to clarify here -- on the bridges that have been built in the last few years? There are some nine (9) bridges on which they wanted information. Has that been satisfied? Mr. Jeffers said these were all bridges which were either rebuilt since the last report or those currently under contract -- or the one on which we're opening bids today. They had initially requested that we supply information --did we design them to H.S. Loading 20? The answer to that is "Yes"; we design all of our bridges to Highway's standard loading 20. The next thing they wanted to know was, "What was our legal limit?" This answers it; if it's less than 15 tons, it must be posted. If it's 15 tons or greater, it does not require posting. However, there are about four or five guys up there and two are on

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vacation. The confusion was caused by the fact that two of the fellows called Evansville on Friday and said we had not supplied them with sufficient information as of last Friday. They wanted the bridge deck dimensions on the new structures, etc., etc., submitted as part of the inventory sheet. That was not told to us prior to Friday. He said he think a computer operator made the statement that he could not enter it into his computer without all that other information. We'll send it to them if they want it, but it his understanding from his last conversation with Mr. Dilk before he went on vacation that if we supplied them with certain information that that would satisfy his request -- and we have supplied them with that information as of the passing of the subject Ordinance. As for the additional information, if they want it we will supply it. But all that information will be included in the Bridge Report being compiled by Floyd E. Burroughs & Associates, Inc., which is due to us by January 1, 1986. If we must go out physically and measure those decks, we will -- but at this time he has been told via telephone that this is not necessary.

Commissioner Borries said that, again, the only thing he'd heard was that they want everything in so they can free up the Federal money to get going on Covert Avenue Extension. He knew they were requesting information on the nine (9) bridges -- and he had heard that this had been forward ten (10) days ago. If they have it, that is all we need.

Mr. Jeffers said they sent an updated version in the mail on Tuesday. He knows for a fact that it did arrive. He'd heard that it did not arrive. But on the telephone today, a particular bridge was mentioned (99-A) which they would not have known about unless they had received his letter -- because he included 99-A in his report and they did not include it in their request.

Commissioner Willner asked Mr. Jeffers that, in his opinion, there is nothing else with which the surveyor's office needs to comply at this point? Mr. Jeffers said "Not to my knowledge". But if there is, they will provide it as soon as humanly possible.

Commissioner Willner said he does have a couple of questions. With regard to gross weight limitatios (10, 6, 4, etc.) this is in tons? Mr. Jeffers said that is correct. With regard to vertical clearance, Commissioner Willner queried Mr. Jeffers concerning the 21 feet 5 inches clearance specified on Blue Grass Creek (Heckel Rd.)? Mr. Jeffers said that is correct. That is one of those old-fashioned camel-back truss bridges (like the old First Avenue Bridge) and the header is that far from the road surface -- so that is the limitation for any equipment that might be in excess of that height.

Commissioner Willner then queried Mr. Jeffers concerning Pond Flat "C" on Outer Darmstadt Rd.? Also, Pond Flat Main. He notes these are both shown with a 6 ton gross weight limitation. Is that correct? Mr. Jeffers said that it is. The bridge over Lateral "C" is concrete and the one over Pond Flat Main is iron.

Commissioner Willner asked why the Highway requested this specific list and not the total number of bridges? Mr. Jeffers said all the bridges listed in the proposed Ordinance were in the Ordinance already, plus the ones rated under 15 tons -- every bridge in Vanderburgh County rated under 15 tons. Included on the list is every bridge which the latest inventory says will not carry 15 tons. All the rest will carry 15 tons or greater -- to the best of our knowledge. The proposed Ordinance may have to be updated when Floyd Burroughs submits their report. But to our knowledge, as of October 14, 1985, these are the bridges in Vanderburgh County that have been designated via one source or another not to be able to carry 15 tons or greater.

Commissioner Willner asked if all of these bridges are posted as of now? Mr. Jeffers said that they will have to go out next week and put up signs on those which are pencilled in, as the signs posted are either greater than or less than the amount pencilled in. Thus, signs have to be posted for the altered amounts.

The Chair entertained a motion. Motion was made by Commissioner Borries the subject Ordinance, as amended, be approved and advertised. A second to the motion was provided by Commissioner Cox. The Chair asked for a roll call vote, with three (3) affirmative votes being cast. President Willner declared the motion was unanimously passed. He then asked the secretary to make certain the Ordinance is advertised.

(continued)

RE: BIDS ON COUNTY LINE ROAD BRIDGE #106 @ RUSTON LANE

Mr. Jeffers said they have examined the bids from Deig Bros. Lumber & Construction Co. and Malone Brothers, Inc. Both bidders bid on Alternate #2, so they are bidding on the same structure. The County Attorney has stated that the bids are in order and it is the recommendation of the Surveyor's office that the Commissioners accept the lower bid in the amount of \$79,146.50 from Deig Bros. Lumber and Construction Co.

The Chair entertained a motion. Commissioner Borries moved that the bid from Deig Bros. Lumber & Construction Co. in the amount of \$79,146.50 be accepted, with a second from Commissioner Cox. So ordered.

RE: COUNTY SURVEYOR - BILL JEFFERS, CHIEF DEPUTY

Bridge & Guardrail Repair Report: Mr. Jeffers submitted the Weekly Bridge & Guardrail Repair Report for period October 7 thru October 11, 1985.....report received and filed.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Absentee Report: Mr. Bethel submitted the Weekly Absentee Report for employees at the County Garage for period October 7 thru October 11, 1985.....report received and filed.

Weekly Work Report: Also submitted was the Weekly Work Report for employees at the County Garage for the same period.....report received and filed. Attached to the Work Report was the following Work Schedule:

Chip & Seal: Adler Rd. and Outer Darmstadt Rd.

Paved: Barton Rd.

Patch Crew: Tree Top Lane, Marlene Dr., Barton Rd., Millersburg Rd., Hedden Rd., Cemetery Rd., St Joseph Rd., Darmstadt Rd. and Old Petersburg Rd.

Oil Roads: Outer Darmstadt Rd., Burkhardt Rd., and Oak Grove Rd.

Grader: Adler, Outer Darmstadt, Schissler, Burkhardt and Oak Grove

Request to Go On Council Call: Mr. Bethel requested permission to go on Council Call on November 6, 1985 to request \$10,960.35 additional appropriation from the Highway General Fund into Acct. #201-2361 (Contractual Services) to make up the balance needed for the paving contract awarded to J. H. Rudolph. The Chair called for a motion. Motion was made by Commissioner Borries that Mr. Bethel go on Council call to request the additional appropriation in the amount of \$10,960.35. A second to the motion was provided by Commissioner Cox. So ordered.

RE: COUNTY ENGINEER - ANDY EASLEY

Claim/Floyd Burroughs & Assoc.: A claim in the amount of \$1,620.00 for engineering services on Bridge Inspection for period 9/1/85 to 9/30/85 was presented (less 10% retainage). Mr. Easley said Burroughs considers the contract 55% complete. It is his recommendation that the claim be approved. The total contract was \$6,600.00 and there was a previous claim for \$4,800.00. Motion to approve claim was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Burdette Park Waterslide: Mr. Easley said he gave Attorney Jones a copy of a letter which he received from Albertsson-Hunter Corp. in Manchester, Vermont. It was received via Express Mail from them on Thursday of last week. Attorney Miller, Mark Tuley and Mr. Easley have been negotiating with Albertsson-Hunter and they are getting closer together on what it will take to settle the waterslide matter. No further discussion is needed at the moment; he just wants to make the Commissioners aware of the progress in this matter.

Request to Go On Council Call: Mr. Easley said he is requesting permission to go before Council. Mrs. McBride advises that he needs to request an appropriation for the State's share of the Construction Engineering Contract with Morley & Associates. We are receiving a refund from the State for 75% of \$196,885.00. If the Board will recall, he gave them a summary sheet on July 26th where he used this figure and he subsequently

(continued)

learned that that does not go directly to the Burkhardt Rd. account. He was under the impression that when the check came in and was endorsed that it would go into that account, but it does not and he needs that money in that account. The Chair entertained a motion. Motion was made by Commissioner Borries that Mr. Easley go before Council in November to request \$147,664.00 additional appropriation from the Local Roads & Streets General Fund to the Burkhardt Rd. Account. A second to the motion was provided by Commissioner Cox. So ordered.

Mr. Easley said he believes we have \$54,000.00 due any day (coming in from the State) on that. That may be here by the end of this week.

Change Order #6, 12 and 11 -Burkhardt Road Project: Mr. Easley presented the following letter from Morley & Association re Burkhardt Rd."

September 28, 1985

Vanderburgh County Commissioners
Room 305 - Civic Center Administration Bldg.
Evansville, IN 47708

Re: Burkhardt Road Improvements - Change Orders #6, 12 and 11,
IDOH Project R-15023 - Our Project #81-468-5

Dear Commissioners:

Enclosed is Change Order #6 (revised) which has been reviewed by the IDOH Central Construction Engineer who has ruled that the Contractor is entitled to an increase in the price of bituminous binder from his bid price of \$26.65 to \$28.85 per sections 104.02 and 109.03 of the IDOH Standard Specifications. Change Order #6 (revised) eliminates the original binder quantity and bid price. Change Order #12 establishes a new binder quantity and price.

We had previously forwarded to you Change Order #6 via cover letter dated July 24, 1985, stating the circumstances involving this change order.

Also enclosed is Change Order #11 to install combined concrete curb and gutter where tapers were realigned at the request of the FHWA at the ingress points from "rural" roadway sections to "urban" roadway sections.

Please review and acknowledge acceptance by signing them. As always, should you have any questions, please feel free to contact us.

Sincerely yours,

Lee A. McClellan, P.E.
Project Engineer
Morley & Associates, Inc.

Continuing, Mr. Easley said he has analyzed the change orders. They result in a decrease in the price of the project of \$123,835.89. One change order deletes the asphalt binder that was going to be installed at \$26.65 per ton (an erroneous amount --they're deleting 9,657 tons) for a total of \$257,359.00. Change Order #12 adds back 4,500 tons at \$28.65 for an increase of \$128,925.00 -- so that is a decrease of \$128,434.00. And Change Order #11 adds 483 ft. of curb and gutter, that increases the price a little under \$4,600.00 -- a total decrease of \$123,835.89. It is his recommendation that the subject Change Orders be signed.

The Chair entertained a motion. Motion was made by Commissioner Borries that the Change Orders be approved with a second from Commissioner Cox. So ordered.

RE: REQUEST TO GO ON COUNCIL CALL - COMMISSIONERS

Mr. Jim Lindenschmidt requested that the Commissioners go on Council Call in November to request additional appropriation of \$7,000.00 for Acct. 130-312 (Postage).

Commissioner Willner asked if we did not have a recommendation coming from the Evansville Postmaster? Whatever happened to it?

(continued)

COUNTY COMMISSIONERS
October 14, 1985

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Mr. Lindenschmidt said he talked with the Purchasing Department the other day. The Postmaster has been talking with them and is supposed to get back to them. He thinks they feel that in the departments with heavy mail (Treasurer's office and County Clerk's office, etc.) that they can save up to 3½ cents per letter; but they need additional information.

Commissioner Willner said this has nothing to do with the \$7,000.00 request? Mr. Lindenschmidt said it does not. We're simply running out of postage right now.

Commissioner Willner requested that Mr. Lindenschmidt get with the Postmaster to see if they can conclude the study and bring the Commissioners up to date. Mr. Lindenschmidt said the Postmaster was supposed to have gotten back to him in September.

The Chair entertained questions. Motion was made by Commissioner Borries that the Commissioners go on October Council Call to request appropriation of \$7,000.00 for the postage account, unless in the interim they determine that they have monies in a fund which can be transferred to the postage account. A second to the motion was made by Commissioner Cox. So ordered.

RE: TRAVEL REQUEST - MARK TULEY/BURDETTE PARK

President Willner presented the following travel request from Mark Tuley, Manager/Burdette Park:

October 14, 1985

TO: County Commissioners

FROM: Mark Tuley, Burdette Park Manager

Please consider this an official request to attend the Indiana State Festival Association State Convention in Anderson, Indiana on November 15-17, 1985. There will be two (2) employees and myself attending. The Evansville Visitors and Convention Bureau has agreed to cover the registration fees and hotel cost. I am requesting mileage for our vehicle and meals for three (3) employees for two (2) days.

Respectfully,

Mark T. Tuley
Manager/Burdette Park

Commissioner Cox asked, "Mileage for what vehicle?" They are not going to take a County vehicle, are they? If they do, they do not need mileage. Commissioner Willner said that Mr. Tuley will probably take his own van; he doesn't know what County vehicle they'd take. Commissioner Cox said they have a Blazer. There being no further discussion, motion was made by Commissioner Cox that the request be approved with the stipulation that if a County vehicle is used that the request for mileage be modified to gas allowance only. If he takes his personal vehicle, mileage would be allowed. A second to the motion was provided by Commissioner Borries. So ordered.

RE: CLERK OF THE CIRCUIT COURT/MONTHLY REPORT

President Willner submitted copies of the Monthly Report for the Clerk of the Circuit Court for period ending September 30, 1985.....report received and filed.

RE: VANDEBURGH COUNTY, INDIANA CONSTRUCTION CONTRACT

The meeting continued with discussion concerning the Construction Contract to be used in conjunction with construction of bridges, etc., in Vanderburgh County. It was noted that the proposed Contract had been prepared by Attorney David Jones and indicates the contract includes everything that the Statute dictates should be a part of the contract.

The Chair entertained a motion. Motion was made by Commissioner Borries that the Contract form prepared by Attorney Jones, which is to be supplied to all vendors bidding a contract with Vanderburgh County, be approved. A second to the motion was provided by Commissioner Cox. So ordered.

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(continued)

Commissioner Willner stated that while Mr. Angermeier is present, he also has a question concerning a claim submitted for stamps for the Board of Review while the Purchasing office was closed. The claim is for \$14.95 for Monica Mindrup.

Mr. Angermeier said that he kept the Board of Review in session last Thursday night and they reviewed some 80-odd registrations that the girls were checking for two days and determined there was neither a Form 101 or business schedule to accompany these. By the time they finished the so-called meter upstairs was closed and the girls did not have a sufficient number of stamped envelopes to include the mailing -- and they took the money out of their pockets to pay for the postage for the mailing which was being processed as late as 8:00 p.m. Thursday night. The mailing had to be made on the 8th, which was ten (10) days to the final day the Board meets (they're going out of session on the 18th) and the law requires a 10-day notice and they have to be postmarked 10 days prior to the hearing. Therefore, much to his chagrin and to the dissatisfaction of three of his employees - they worked until after 8:00 p.m. to get the mailing out.

The Chair entertained a motion. Motion was made by Commissioner Borries that the claim be allowed, with a second from Commissioner Cox. So ordered.

RE: AIRPORT PROPERTIES

Mr. Angermeier said that as long as he is present, he does have something to share with the Commissioners which might be of interest. He has been arguing with the Airport about the so-called properties and the Board has even changed attorneys and they now have another attorney whose opinion differs with that of the previous attorney. One of the biggest bugaboos they've had out there concerns Britt Airways. Jim Stapleton and the president of the Air Board tells him that Britt Airways never paid any taxes in Terre Haute and they had been arbed in in Center Township. This infuriated him and last year he wrote a letter to the County Assessor in Vigo County and said he'd like to have a copy of information concerning assessed valuation of Britt Airways. He received no reply so he wrote him 30 days later. He was again ignored. Thirty days later he wrote another letter to the Auditor in Vigo County requesting that they please provide him with information and advising that Britt Airways stated to the Air Board in Vanderburgh County that they are not paying any taxes in Vigo County. He received no response. Thirty days later he wrote a letter to the Chairman of the State Tax Board and told Bill Long that it was his obligation to correct any and all problems between counties and provided him with a letter. He immediately put Britt Airways on audit. He has harassed him since December of last year on three occasions; personally in Indianapolis as well as via telephone from Evansville. He assured him that Britt Airways is under audit. The other day he got a finalization from them -- a#18 on Britt Airways, as follows:

1982 Put in in Center Township in Vanderburgh County for \$24,930.00. They had not filed in Vanderburgh County since 1980.

In Vigo County, they were put in for \$241,070.00.

1983 They were put in in Center Township for \$43,740.00. In Vigo County they were put in for \$295,680.00.

1984 They were audited and put in in Center Township in Vanderburgh County for \$28,240.00 and \$414,590.00 in Vigo County.

Britt Airways told the Air Board that they had not filed in the whole state and throughout the state they were picked up for \$515,420.00 for the year of 1984. In 1983, they were picked up for \$407,730. In 1982, they were picked up for \$314,860.00.

Mr. Angermeier said the point he wants to make is that sometimes perseverance will get the job done.

RE: CLAIMS

Alice McBride: Claim in the amount of \$262.50 for lodging, mileage, etc., for Peggy Powless and Alice McBride for State meeting on 9/17 and 9/18. Motion to approve claim was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Peggy Powless: Claim in the amount of \$46.00 for meals only for State meeting. Motion to approve claim was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

(continued)

Patrick Tuley: Claim in the amount of \$158.20 for lodging, etc. for State meeting. Motion to approve claim was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

Kevin Winterheimer: Claim in the amount of \$315.00 for litigation on matters for the Sheriff's Department. Motion to approve claim was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Bowers, Harrison, Kent & Miller: Claim in the amount of \$3,061.22 covering litigation re several matters. Commissioner Willner said he has checked the claim and finds it in order. Motion to approve claim was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

Alexander Ambulance Service, Inc.: Claim in the amount of \$41,650.97, together with attached report for period ending 9/30/85 was presented for consideration. The claim was for quarter ending 9/30/85. Motion to approve claim was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: EMPLOYMENT CHANGES - RELEASES

Area Plan Commission

Donna Holderfield (Maternity Leave)	49 Cole's Drive	Zoning Adm.	\$12,300/Yr.	Eff: 10/10/85
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Convention & Visitor's Bureau

Kathy Snodgrass	339 S. Alvord	Info Ctr.	\$3.75/Hr.	Eff: 9/30/85
Nola Brinkley	645 S. Fares Ave.	Info Ctr.	\$3.75/Hr.	Eff: 10/5/85

Pigeon Township Assessor

Leo G. Thole	326 Monroe Ave.	P/T Deputy	\$30.00/Day	Eff: 10/1/85
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Knight Township Assessor

Maxine F. Ginger	1415 Hillside Ter.	Chief Deputy	\$17,440/Yr.	Eff: 10/4/85
Shirley J. Reeder	935 East Gum St.	Deputy	\$11,760/Yr.	Eff: 10/4/85

Circuit Court

Betty Craig	514 S. Grand	Intern	\$4.50/Hr.	Eff: 10/4/85
Joseph Schaefer	110 West St.	"	\$3.35/Hr.	Eff: 10/4/85
Thomas Montgomery	1274 Woodbine	"	\$4.00/Hr.	Eff: 10/4/85
Terry L. Brown	1909 Pueblo Pass	PT Bailiff	\$13,400/Yr.	Eff: 10/4/85
Jerome C. Kissel	1700 Reichman	Intern	\$3.35/Hr.	Eff: 10/4/85
Gregory L. Blair	Lynville, IN	Intern	\$3.35/Hr.	Eff: 9/26/85

County Highway Dept.

Alfred M. Lindsey	1625 Delmar	Equip Oper.	\$7.68/Hr.	Eff: 9/12/85
Ronald M. Martin	6113 Jamestown Ct.	Laborer	\$7.20/Hr.	Eff: 9/26/85
Sidney Brown	2201 S. Green River	Mechanic	\$7.68/Hr.	Eff: 10/14/85

(Leave of Absence) - Note: County to pay County portion of insurance)

RE: EMPLOYMENT CHANGES - APPOINTMENTS

Circuit Court

Betty Craig	514 S. Craig	Intern	\$4.50/Hr.	Eff: 10/7/85
Joseph M. Schaefer	Haubstadt, IN	Intern	\$3.35/Hr.	Eff: 10/7/85
Thomas Montgomery	1274 Woodbine	Intern	\$4.00/Hr.	Eff: 10/7/85
Terry R. Boesch	Medaryville, IN	Intern	\$3.35/Hr.	Eff: 9/23/85
James B. Nicol	West Chester, OH	Intern	\$3.35/Hr.	Eff: 9/23/85
Wanda L. Ringham	1000 Sheffield Dr.	Rdg. Blf.	\$13,400/Yr.	Eff: 10/7/85
Jerome C. Kissel	1700 Reichman	Intern	\$4.00/Hr.	Eff: 10/7/85

County Highway Dept.

Ronald N. Martin	6113 Jamestown Ct.	Equip. Oper.	\$7.68/Hr.	Eff: 9/27/85
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Pigeon Township Assessor

Leo G. Thole 826 Monroe PT Deputy \$35.00/Day Eff: 10/1/85

Knight Township Assessor

Shirley J. Reeder 935 E. Gum Chief Deputy \$17,440/Yr. Eff: 10/7/85

There being no further business to come before the Board at this time, President Willner declared the meeting adjourned at 4:30 p.m.

PRESENT:

COUNTY COMMISSIONERS

Robert L. Willner
Richard J. Borries
Shirley Jean Cox

COUNTY AUDITOR

Alice McBride

COUNTY ATTORNEY

David L. Jones

COUNTY ENGINEER

Andy Easley

COUNTY SURVEYOR

Bill Jeffers

COUNTY HIGHWAY

Bill Bethel

VANDERBURGH AUDITORIUM

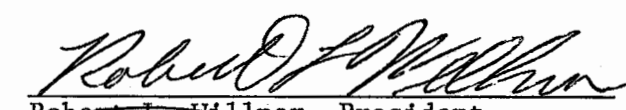
Kim Bitz

COUNTY ASSESSOR

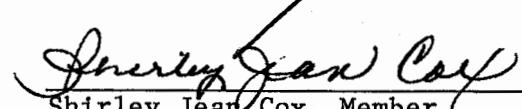
James Angermeier

SECRETARY:

Joanne A. Matthews


Robert L. Willner, President


Richard J. Borries, Vice President


Shirley Jean Cox, Member

MINUTES
COUNTY COMMISSIONERS' MEETING
OCTOBER 21, 1985

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MINUTES
COUNTY COMMISSIONERS' MEETING
OCTOBER 21, 1985

The Vanderburgh County Board of Commissioners met in session on Monday, October 21, 1985, at 7:30 p.m. in the Commissioners' Hearing Room, with President Robert Willner presiding.

The meeting was called to order, with President Willner subsequently entertaining a motion concerning approval of the minutes of the previous meeting. Commissioner Borries moved that the minutes of the meeting held on Monday, October 14th, be approved as engrossed by the County Auditor and the reading of same be waived. A second to the motion was provided by Commissioner Cox. So ordered.

RE: REZONING PETITIONS

President Willner announced that there are four (4) rezoning petitions to be considered (One 1st Reading and three 3rd Readings).

VC-19-85/Jagoe Homes, Inc. (1st Reading): Petitioner is Jagoe Homes, Inc. of Owensboro, Kentucky, with owner of record being Eden Investments. Common address of subject property is 5235 Vogel Road. Property is currently zoned C-4, with requested change to R-3. Present land use is agriculture and proposed land use is condominiums. The representative for the Petitioner and Owner is Morley & Associates, Inc. of Evansville. President Willner entertained a motion to pass the petition on 1st Reading and forward to the Area Plan Commission. A motion to this effect was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

VC-15-85/Jerry S. Vaughn (3rd Reading): The Chair recognized Mr. Jerry Vaughn, who was seated in the audience, and asked if he would like to present the petition. Mr. Vaughn said the subject property is located at 5600 Old Boonville Highway and is zoned agricultural. Present existing land use is for a single-family residence. He is requesting zoning change to M-1 so he can conduct his paving contractor business...he does sealing and striping. The surrounding property is zoned M-1.

Commissioner Willner asked Mrs. Barbara Cunningham how the Area Plan Commission voted? Mrs. Cunningham said the petition was approved with seven affirmative votes and one negative vote. Commissioner Willner entertained questions.

Commissioner Cox asked Mr. Vaughn if he currently has a residence on the property and if he plans to live in said residence? Mr. Vaughn replied in the affirmative. Mrs. Cox asked if a live-in residence can be included in an M-1 zoning? Mrs. Cunningham responded in the affirmative.

Commissioner Willner asked Mr. Vaughn if his business is his sole means of livelihood? Mr. Vaughn said that it is. He is not otherwise employed. Commissioner Willner then entertained further questions. There being none, he entertained a motion.

Commissioner Borries moved that VC-15-85 be approved on 3rd reading. A second to the motion was provided by Commissioner Cox. So ordered. The Chair then asked for a roll call vote, with the motion receiving three affirmative votes.

VC-16-85/Sylvester Elpers, Jr. (3rd Reading): President Willner announced that VC-16-85 has been continued until next month. He then asked if there was anyone present who wished to speak concerning that zoning. There was no response.

VC-17-85/Ronald & Dorothy Joest (3rd Reading): President Willner recognized Mr. Joest, who was seated in the audience. Mr. Joest approached the podium and said they wanted to rezone the property because the rest of the property in the area is zoned M-1. At this time they really have no plans as to what they want to do. They may even try to sell it. Commissioner Willner entertained questions.

Commissioner Borries noted that with the rapid development in the area, it looks like the Joests are in the last spot designated R-1. Mr. Joest pointed out that initially it was M-1, and they had to have it rezoned R-1 some twenty years ago. He asked if the Commissioners have any idea as to when they'll be widening Green River Road? Commissioner Borries said the latest information he has from the EUTS staff is that the environmental portions are heard, they have to have design hearings and if everything follows properly, they will be talking about widening Green River Rd. in 1987. In response to query from Commissioner Willner, Mrs. Cunningham said the petition passed APC with eight affirmative votes.

(continued)

The Chair entertained further questions. There being none, a motion was entertained.

Motion was made by Commissioner Borries that VC-17-85 be approved on 3rd reading, with a second from Commissioner Cox. President Willner then asked for a roll call vote. The motion passed with three affirmative votes. So ordered.

VC-18-85/Frank Reich & Ray Beliles (3rd Reading): Commissioner Willner noted the subject property is located at 3510 N. St. Joseph Avenue. Property is currently zoned agricultural and existing land use is residential and vacant. Petitioners are requesting C-4 zoning for purpose of conducting a mini-warehouse and storage business. He then recognized Messrs. Reich and Beliles, who were seated in the audience. Mr. Beliles said they have made an amendment on their zoning petition. At this time they are requesting rezoning for portion of land where the warehouse would be, with enough for ample parking and drive. They are more than willing to do the curb cut suggested by the APC.

Commissioner Willner asked if the unit will be constructed of concrete blocks or wood? Mr. Beliles said it will be a concrete block building with metal roof. There will be one (1) continuous unit, with access from either side. There will be 18 units on each side. There will be one huge overhead metal door for each unit. Mr. Willner asked if some units will be larger than others or will they all be the same size? Mr. Beliles said all units will be uniform, 10 ft. x 20 ft.

Commissioner Willner said he wonders if Messrs. Beliles and Reich might agree to make the front of the units look like a residence? Could they put a small door in each unit so the esthetic value of the building from St. Joe Avenue would look something like a residence? Would that be possible?

Mr. Beliles said it is not really possible. He shared a drawing of the units with the Commissioners. Landscaping will include cedar trees and a split-rail fence. The warehouse facility will sit 125 ft. back from the property line. At some time in the future, they can petition to have the frontage area rezoned for purposes of possibly building an office building, etc. The latter property is more valuable than the land being rezoned for the warehouse. With regard to the warehouse, the concrete blocks will be painted gray, with brown doors (which will be numbered). He feels the proposed facility will be very presentable.

President Willner entertained questions from the Board. There being none, a motion was entertained. Motion was made by Commissioner Borries that VC-18-85 be approved, as amended, on 3rd reading, with a second from Commissioner Cox. President Willner said a motion has been made and seconded for approval on 3rd reading. He then asked for a roll call vote. Commissioners Willner and Borries cast affirmative votes, while Commissioner Cox cast a negative vote. Motion carried with two (2) affirmative votes.

Commissioner Willner said he would ask Messrs. Beliles and Reich that, at some point in time, they put something pleasing to the eye -- trees, shrubs, etc. -- so that persons driving along St. Joseph Avenue would not see a commercial-type building just bare. Mr. Beliles said he plans to build a home behind the warehouse. This area has been a home for both he and Mr. Reich since they were growing up as small children and they know all of the people around there. They feel they are going to keep it as nice as it can be just for their neighbor's sake anyway.

Commissioner Willner said he is certain they will keep the place looking nice, but it will still look like a commercial development until they get the landscaping done.

Mr. Beliles said they can plant trees that are pretty well developed; it will be more expensive, but they can do this.

Commissioner Willner said he would request that they do this. He thinks that what Mrs. Cox is saying via her negative vote is that somewhere along the line the Commissioners promised they wouldn't go past St. Joe Avenue with commercial (to the west side) and they have probably deviated from that all along there. But he would not want them to go any further west -- and we do need to keep it looking presentable -- and he would very much appreciate it if Mr. Beliles will do that for him. Mr. Beliles assured him that he will and expressed his appreciation to the Board.

RE: COUNTY ATTORNEY - DAVID V. MILLER

Opinion re request by Mr. Jay Epperson to Reduce Right-of-Way on Thomas Wolfe Property:

(continued)

While representatives of the APC are present, Attorney Miller said that he was asked a couple of weeks ago to render an opinion regarding a request by Jay Epperson to reduce the right-of-way on a proposed plat of the Thomas Wolfe property in the 8800 block of Petersburg Rd. -- to reduce the right-of-way to 36.5 ft. on a cul-de-sac street. Cul-de-sac right-of-ways have a minimum width of 40 ft. under the present Subdivision Ordinance(152.32). Although Mr. Epperson has been a client of his in the past (though he is not currently and has not been for a couple of years) and he would like to help him if he/we could, there is simply no provision in the Subdivision Ordinance for granting any kind of a variance of that type and he has to advise the Commissioners and the Area Plan Commission through the Commissioners that such a variance simply is not permitted under the present ordinance. He must have 40 ft.

Request from Surveyor to Prepare an Amendment to Certain County Ordinances: Attorney Miller said he had a request from the Surveyor's office to prepare an amendment to certain county ordinances re fulfilling a requirement for federal road/bridge funds. He simply has not had the time to do this. He understands there is some sort of deadline involved; but he will have this to the Board next week. He didn't get it until late last week --and he's been in a trial and not had an opportunity to do anything on this.

County Engineer Andy Easley interjected that the Ordinance has been taken care of -- it had to do with weight limits on bridges, etc. It was noted that the Commissioners approved the subject ordinance last week for advertising. It becomes effective when the changed weight limits are posted. Following brief discussion, it was determined that Attorney Miller will check to make certain that the amended ordinance is indeed the one approved by the Board last week.

Commissioner Willner said that if he understands it correctly, this Commission passed the ordinance unanimously and it was advertised. Again, Attorney Miller indicated that he will check to make certain that we are talking about the same ordinance.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Absentee Report: Mr. Bethel presented copies of the Weekly Absentee Report for employees at the County Garage for period October 14th thru October 18, 1985....report received and filed.

Weekly Work Report: Also presented for the same period was the Weekly Work Report for employees at the County Garage. Attached to the work report was the following Work Schedule:

Grada11: Green River Rd., Charmar, Boonville-New Harmony

Grader: Happe, Cypress-Dale, Armstrong, Baehl, Bixler, Trapp, Outer Darmstadt, Barton, Kissel, Sensmeier, Big Schaefer and Tanglewood

Paved: Barton

Chap & Seal: Outer Darmstadt

Patch: Kissel, Hogue, Heddon, Vanness, Darmstadt, Cort, Gayn, Woods, Wolcott, Kedzi, Baseline, Upper Mt. Vernon, West Franklin, Mesker Park and Kasson

Roads Oiled: Barton, Kissel and Hornby

Tree Crew: Denzer, Boonville-New Harmony at 41 N., Darmstadt, Schraeder and Barton

Mower: Spry, Pollack, Fisher, #6 School Rd., #3 School Rd., and St. Joe Avenue

Front Loader: Clean St. Joe Avenue

In response to query from Commissioner Cox. Mr. Bethel said that J. H. Rudolph has started leveling off Petersburg Rd. He would say that they will probably start paving this week.

RE: COUNTY SURVEYOR (ABSENT)

RE: COUNTY ENGINEER - ANDY EASLEY

Claim/Morley & Associates: Claim in the amount of \$23,874.08 for construction

(continued)

engineering on Burkhardt Rd. improvement project. This is for the month of September. Mr. Easley said he has checked the claim and signed it; it is in accordance with our agreement and he recommends approval for payment. Motion to this effect was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Continuing, Mr. Easley said the contractor feels there is an excellent chance that they will be finished by November 15th.

Claim/B.M.B., Inc.: Claim in the amount of \$15,397.65 for storm sewers on N. Green River Road. To date they have installed \$17,108.50 worth of materials, less the retainage. This is the first invoice (\$15,397.65). It looks as though it will run around the \$19,000.00 bid. He has already mailed a bill to Mr. Paul Neville in the amount of \$13,121.00, which, according to agreement, is the amount he was to have paid. He thinks this is an excellent deal for the county. If the Commissioners will recall, we paid the oversize of the storm sewer that he was going to put in concerning the Sugar Mill Creek development project. It is Mr. Easley's recommendation that this claim be approved for payment. Motion to this effect was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: ACCEPTANCE OF CHECK FROM WELLS CABLE T.V.

President Willner presented a check from Wells Cable T.V., Inc. in the amount of \$114.73 for months of July, August and September. Motion to accept check and endorse same for deposit into the general fund was made by Commissioner Cox. A second to the motion was provided by Commissioner Borries. So ordered.

RE: CERTIFICATE OF INSURANCE

First Savings Insurance Agency, Inc.: The Bill Gaither Trio concert on October 22, 1985, at Vanderburgh Auditorium.

RE: CLAIMS

President Willner presented a written explanation from the County Assessor concerning the travel claims submitted by Evelyn Lannert and Monica Mindrup, as follows:

October 16, 1985

To County Commissioners:

The following is an explanation as to why each of my two deputies drove to Indianapolis to attend the annual meeting of the Indiana County Assessor's Association meeting held on September 18, 19 and 20. The arrangements were for the two deputies to ride together. On Monday of the week of the meeting, the plans had to be changed for Monica Mindrup due to a death in the family. The Mindrups decided to stay the rest of the week in Indianapolis to visit with in-laws and friends in northern Indiana. My Real Estate Deputy, Evelyn Lannert, had no other choice but to drive her own car to the meeting. She did try to find transportation with the Posey County Assessor, but she was taking three others in her car. The other alternative would have been to ride to Indianapolis and fly home, but the price of flying one way and cab fare would equal the price of driving two ways.

Sincerely,

James L. Angermeier
Vanderburgh County Assessor

Evelyn Lannert: Claim in the amount of \$288.80 for hotel, food and mileage for State Assessors meeting. Motion to approve claim was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

Monica E. Mindrup: Claim in the amount of \$285.80 for hotel, food and mileage for State Assessors Meeting. Motion to approve claim was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

Mark Tuley: Claim in the amount of \$30.00 (refund to William Coob family for cottage #1 at Burdette Park). President Willner explained that the Coobs rented the cottage from June 30th to July 5th, but had to leave a day early due to family emergency.

(continued)

Because the Coobs were from out of town, Mr. Tuley paid them the refund out-of-pocket. Commissioner Cox said he should have obtained a receipt and attached same to the claim. Motion to approve payment of claim was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

Ashby-Rauscher Agency, Inc.: Claim in the amount of \$30.00 for public official bond (annual renewal installment, 4th installment) for Alvin E. Stucki, Center Township Assessor. Motion to approve claim was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Helfrich Insurance Agency, Inc.: Claim in the amount of \$547.00 for business auto policy adding 1971 Flexbus for County Surveyor's office. Following brief discussion, Commissioner Willner requested that Mr. Jim Lindenschmidt check with John Hodge concerning the \$6,500 purchase price prior to releasing claim. Subject to satisfactory response, motion to approve claim for payment was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Kahn, Dees, Donovan & Kahn: Claim for professional services rendered thru September in connection with Complete Lumber Co., Inc. in the amount of \$282.00 was presented. However, Commissioner Willner questioned the claim and said he would like to determine if this is the final billing on the Complete Lumber Co. matter. Attorney Miller said he will talk with Pat Shoulders and then re-submit the claim to the Commissioners.

RE: SCHEDULED MEETINGS

Commissioner Borries said he had a call from Rick Cockrum of the Indiana Association of Counties concerning a meeting (Legislative Committee Meeting) on October 28th in Indianapolis at 1:00 p.m. Among the matters to be discussed include health care for the indigent, skyrocketing costs in liability insurance, and probably the legislative agenda for 1986. They would certainly want our input on the latter. Many of the counties have the same major concerns that we have.

RE: EMPLOYMENT CHANGES - Releases

Prosecutor

Allan G. Loosemore, Jr. 8374A Lincoln Ave. Dep. Pros. \$20,000 Eff: 10/21/85
(Resignation form attached)

Commissioner Willner noted that Mr. Loosemore is accepting employment with the law firm of Lantz & Shaw.

There being no further business to come before the Board at this time, President Willner declared the meeting adjourned at 8:30 p.m.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	Robert L. Willner Richard J. Borries Shirley Jean Cox	Sam Humphrey, Chief Deputy	David V. Miller
	<u>COUNTY HIGHWAY</u>	<u>COUNTY ENGINEER</u>	<u>AREA PLAN COMMISSION</u>
	Bill Bethel	Andy Easley	Barbara Cunningham Beverly Behme
	<u>OTHER</u>		
	Jerry Vaughn Ronald & Dorothy Joest Frank Reich Ray Beliles News Media		

SECRETARY: Joanne A. Matthews

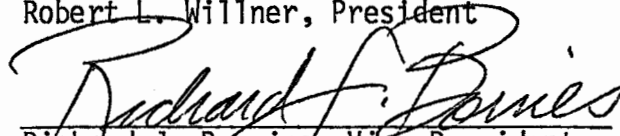
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COUNTY COMMISSIONERS
October 21, 1985

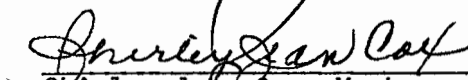
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Robert L. Willner, President



Richard J. Borries, Vice President



Shirley Jean Cox, Member

MINUTES
COUNTY COMMISSIONERS MEETING
OCTOBER 28, 1985

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MINUTES
COUNTY COMMISSIONERS' MEETING
October 28, 1985

The Vanderburgh Board of County Commissioners met in session on Monday, October 28, 1985, at 2:30 p.m., with President Robert Willner presiding.

President Willner called the meeting to order and subsequently entertained a motion concerning approval of the minutes of the previous meeting. Motion was made by Commissioner Borries that the minutes of the meeting held on Monday, October 21st, be approved as engrossed by the County Auditor and the reading of same be waived. A second to the motion was made by Commissioner Cox. So ordered.

RE: COUNTY ATTORNEY - DAVID JONES

Commissioner Willner called on the County Attorney for his report. Attorney Jones advised that he has nothing to report to the Commissioners today. President Willner said, "That can be nothing but good news!"

RE: INTRODUCTION OF GUESTS FROM INDIANA BELL

The meeting proceeded with Commissioner Willner introducing gueses from Indiana Bell who are present at today's meeting: James C. Hall and Stephan Powell. Both are managing engineers for Indiana Bell.

RE: COUNTY HIGHWAY DEPARTMENT - BILL BETHEL

Weekly Absentee Report: Mr. Bethel submitted copies of the Weekly Absentee Report for employees at the County Garage for period October 21 thru October 25, 1985.... report received and filed.

Weekly Work Report: Also submitted for the same period were copies of the Weekly Work Report.....report received and filed. Attached to the Work Report was the following Work Schedule:

- Gradall: Charmar, Denzer, Marx, Schissler and Schmuck
- Paved: Barton, Sharon Place, Whetstone, Millersburg and Hedden Rd.
- Belt Loader: St. Joe Ave. (Removed old cold mix)
- Chip & Seal: Martin Station Rd. and Schillinger
- Patch: Baseline, Upper Mt. Vernon, Walsh, St. George, Twickingham, Voigt, Red Bank, Kings Run, Sleepy Hollow, Kasson Rd., Sharon Place, Oak Hill and Browning Rd.
- Tree Crew: Schutte Rd. and Denzer Rd.
- Mower: Fuquay and Outer Lincoln Ave.
- Grader: Martin Station, Schillinger, Buente Rd. and Trapp Rd.
- Back Hoe: Schutte Rd.

Paving of County Roads: Commissioner Willner asked that Mr. Bethel bring the Board up to date on County road paving project. Mr. Bethel said that, to date, J. H. Rudolph & Co. has paved Allen's Lane; they paved that Saturday. They've gotten Petersburg Rd. fixed. (The next few sentences were inaudible due to sound system difficulties.)

Schutte Rd.: Commissioner Cox noted that Schutte Rd. (between Hwy. 62 and Clark Lane) needs widening. Traffic in this area has increased greatly and some special turn lanes, etc., are needed. One of the property owners recently passed away. She thinks the owners would be amenable to discussing right-of-way. Mr. Bethel asked if Bob Griese owns the property? Mrs. Cox said he does not. He owns the Campus Apartments. But it was his development that cut off that hill by Clark Lane and Schutte; that would have been a mess. The traffic is terrible. If Mr. Bethel could check the right-of-way along what we have on Schutte (where the State ends up to Clark Lane) to see what we have. If we need to purchase right-of-way, now would be the time to buy it. The Weber family owns the property and before they get in a subdivision or something like that

via sale of property, we need to see what our needs are. The State paved 500 ft. back from Highway 62 on Schutte. Then Mr. Bethel picked up and did from Schutte to almost Mahrenholtz -- and the road surface is not too bad. It's just that traffic is going to pick up there even more due to U.S.I. housing, etc. Mrs. Cox said she went to see Mrs. Weber and the boys approached her, indicating they are amenable to talking about the matter at this time. Thus, she would appreciate it if he and Andy Easley could go out to review the situation. Mr. Bethel indicated that he and Mr. Easley will check this out.

RE: COUNTY SURVEYOR - BILL JEFFERS, CHIEF DEPUTY

Weekly Bridge & Guardrail Repair Report: Mr. Jeffers submitted copies of the Weekly Bridge & Guardrail Repair Report for period October 21, 1985 thru October 25, 1985.... report received and filed.

Claim/Deig Bros. Lumber & Construction/Millersburg-Bluegrass Creek Bridge: A claim in the amount of \$47,985.75 was presented for labor and material completed to date. Claim has been checked and signed by County Surveyor Robert Brenner. The Chair entertained a motion. Motion was made by Commissioner Borries that the claim be approved, as presented, with a second from Commissioner Cox. So ordered.

Closing of County Line Rd. @ Ruston Lane: Mr. Jeffers said that Deig Bros. has closed County Line Rd. at Ruston Lane and is proceeding with demolition of old bridge, for which the Commissioners let a contract two weeks ago. That work is now underway. Mr. Lindenschmidt made an announcement to the news media concerning road closing for ninety (90) days.

Replacing of Culverts/Upper Mt. Vernon Rd./Complaint: Commissioner Borries said he had a call on Saturday from a resident on Upper Mt. Vernon complaining re the long period of time it has taken to replace culverts, etc. He advised that a driver had just hit a barricade. He believes some Work Release people are involved and he needs some kind of update from Mr. Jeffers so the Commissioners know what is going on.

Mr. Jeffers said there are approximately ten (10) culverts being replaced between Peerless and County Line. He thinks the last one is west of Hogue Rd. and east of County Line. Work Release people are pouring concrete slabs. Commissioner Borries asked if the Surveyor's office is supervising the work? Mr. Jeffers said, "Basically. They are pretty much doing it on their own. These people have their own foremen, superintendents, etc. Commissioner Borries asked, "Who sets up the barricades and how do we know they are doing the work properly?" Mr. Jeffers said the Work Release Program was given a diagram of Standard Indiana State Requirements and they produce their own barricades, which we pay rental on. They manufacture the barricades, themselves. The Surveyor's office gave them a basic plan to follow showing type of barricades, how many to use, size, etc. Each has a flashing light on it. Mr. Jeffers said he believes they are setting up two at each cut (they're only barricading half of the road at a time -- so the other half is open during the entire process). They are large barricades with a sign on them which says "One Lane Traffic Ahead Road Construction" and at the end of the project it says "End Construction" on the opposite side of the same sign that says "One Lane Traffic Ahead Road Construction". He believes they are properly manufactured and the road is properly barricaded when they leave the project at approximately 2:30 p.m. The flasher lights come on around 5:30 p.m. (Daylight Time) -- and now, it would be around 4:30 p.m. They flash all night until someone liberates the light. Each contains two flashlight batteries.

Commissioner Borries said the individual who contacted him resides in Upper Mt. Vernon Rd. area and is concerned about the length of time it has taken for them to do this work. They have no idea when it will end. And, apparently there are some problems with the way the barricades are set up -- because the call was made just after someone hit one of them. Thus, he asked if Mr. Jeffers will check with the Work Release people and give the Commissioners a report next week as to just how far along they are on the project -- so they, in turn, can advise the property owners in the area just when they can expect an end to the project. Also, Commissioner Borries requested that Mr. Jeffers double check to be certain the Work Release people are following the correct standards. Mr. Jeffers said he can tell the Board right now that they are following the correct safety standards. If someone hits a barricade, he would have to say (without going out to look at the specific barricade) that they were either traveling at excessive speed or ignoring the signs placed out there. There are 10 cuts. Within two days last week, they had all 10 cuts prepared. They poured all the

(continued)

concrete on Monday and he expects they will be finished by this Friday. Commissioner Borries said that perhaps he can report back to the Commissioners concerning this at the next meeting. Mr. Jeffers said their only other alternative would be close the entire 3 mile stretch of road. Commissioner Borries said the individual who called him thought there was some kind of problem with the sun being in the driver's eyes -- there was no discussion about how fast he was traveling -- but that there is a problem of visibility. Mr. Jeffers said he has no comment about that.

RE: COUNTY ENGINEER - ANDY EASLEY

Paving of Allen's Lane: Mr. Easley said that J. H. Rudolph paved Allen's Lane on Saturday. He thinks they did a good job. It should be striped within the next day or two. He then entertained questions from the Board.

Commissioner Willner said that he and Mr. Bethel drove the road this morning and there were four (4) nice new holes in the road. They figured these were put there by the Waterworks. What we need to know is whether they are going to bring the shut-off valves (valve covers) up to the proper height. Who is going to do that?

Mr. Easley said he checked with J. H. Rudolph and their general superintendent has not scheduled anyone to do this; they said they did not cut any holes in the road today and the Water Department said they haven't cut any holes in it -- so he doesn't know what is going on. He said he was out there around 9:00 a.m. this morning and did not see any holes at that time. Commissioner Willner said that he and Mr. Bethel were there at 10:00 a.m., and there were four (4) nice holes in that road -- you can see plates underneath....they stopped and looked at all four holes.

Mr. Easley said it may have something to do with Vanguard and testing meters. They do have to be able to shut the meter off.

Commissioner Willner said the fact remains that we have four holes in the pavement and something needs to be done.

Mr. Easley said he will check this out. Commissioner Willner said it appears that the material extracted was thrown away. Had they kept the material taken out, it could probably have been resealed; but it appears they threw it away. Mr. Easley said the holes can't be over 2 inches deep. Commissioner Willner said they are about 4 inches deep. Mr. Easley said he will find out who is responsible for cutting the holes and take corrective action.

Notice from Corps of Engineers re Work on Bluegrass Creek: Mr. Easley said he received the following Public Notice from the U.S. Army Corps of Engineers:

24 October 1985

Public Notice #85-IN-262

Closing Date: 13 November 1985

This notice announces an application submitted for a Department of the Army (DA) Permit, subject to Section 404 of the Clean Water Act (CWA).

APPLICANT: Indiana Department of Highways
100 North Senate Avenue
Indianapolis, IN 46204

LOCATION: Blue Grass Creek, at the relocated Boonville-New Harmony Road,
Vanderburgh-Warrick County Line, near Evansville, Indiana

PURPOSE: Place fill material in connection with construction of a new bridge
on the relocated Boonville-New Harmony Road.

DESCRIPTION OF WORK: A 3-span, continuous prestressed concrete slab bridge would be constructed to carry traffic on relocated Boonville-New Harmony Road over Blue Grass Creek on the Vanderburgh-Warrick County Line. Bents No. 1 & No. 4 would be on piles above the Ordinary High Water elevation. Piers No. 2 & No. 3 would be on piles driven below the flow line.

The channel will be cleared and the banks stabilized with 18" revetment riprap in the area of the bridge. The channel clearing would involve 2,399 cubic yards of

(continued)

excavation which would be backfilled with 2,399 cubic yards of borrow, all of which would be below the Ordinary High Water elevation. Approximately 460 cubic yards of 18" revetment riprap would be used to stabilize the banks, of which 275 cubic yards would be below the Ordinary High Water elevation. The excavated material would be used in the roadway fill or hauled away. The riprap would be obtained from local commercial sources and be delivered to location by truck and placed by mechanical means.

The contractor may desire to use a temporary causeway during construction to transport materials from one end of the project to another. This would necessitate adding pipes of sufficient size (approximately 3-36" diameter, or equivalent, corrugated metal pipes) to allow for the continued flow of the creek. Approximately 100 cubic yards of limestone fill material would be required. After completion of the bridge, this material would be removed and used in the roadway fill or hauled away. Some of the clean material may be used for riprap.

LEAD AGENCY: The U.S. Department of Transportation is the lead Federal Agency. As the lead agency, they have prepared an Environmental Impact Statement (EIS). A copy of the EIS is available for review in this office.

REVIEW PROCEDURES: A DA Permit cannot be issued if any legally required Federal, State, or local authorization or certification is denied. The State of Indiana has waived Water Quality Certification for typical bridge construction. Therefore, unless this office is notified otherwise, State Certification for this project will be considered waived.

Copies of this notice are sent to the appropriate Federal and State Fish and Wildlife Services. Their views and comments are solicited in accordance with the Fish and Wildlife Coordination Act of 1956 and the Endangered Species Act of 1973, as amended. However, there are no known facts that indicate the proposed work would destroy or endanger any known critical habitat of a threatened or endangered species listed or proposed. Therefore, unless warranted by later developments, no formal consultation specific to Section of the 1973 Act, as amended, will be initiated with the U.S. Fish and Wildlife Service.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. A request for a public hearing must state the specific interest which might be damaged by issuance of the DA Permit.

The National Register of Historic Places has been consulted and it has been determined that there are no properties currently listed on the Register which would be directly affected by the proposed work; however, the EIS has mentioned several archaeological sites which are in the vicinity of the project and further testing will be required. If we are made aware, as a result of comments received in response to this notice, or by other means, of a specific archaeological, scientific, pre-historic, or historic sites or structures which might be affected by the proposed work, the District Engineer will immediately take the appropriate action necessary pursuant to the National Historic Preservation Act of 1966 - Public Law 89-665, as amended (including Public Law 96-515).

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered; among those are conservation, economic impact, aesthetic values, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use, navigation, recreation, water supply, water quality, energy needs, safety, food production, and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines (40 CFR Part 230) promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b) of the CWA.

(continued)

The EIS prepared by the U.S. Department of Transportation will be used in evaluating the total project. A separate environmental review will not be made for any portions of the work not subject to authorization by the Department of the Army.

No permit will be granted unless its issuance is found to be in the public interest. Written statements received in this office on or before the closing date will become a part of the official record and will be considered in the determination. Any objections which are received during this period may be forwarded to the applicant for possible resolution before the determination is made whether to issue or deny the requested DA Permit. All information pertaining to this application is available for public examination.

FOR THE DISTRICT ENGINEER:

Kenneth Mathews
Chief, Operations Division

Continuing, Mr. Easley said this is in connection with the construction of a new bridge on the relocated Boonville-New Harmony Rd. This is for Highway I-164. He said he doesn't know that the county has any complaints re the proposed project. There will be some temporary culverts installed. If the Board will recall, they did this on Pigeon Creek.

Commissioner Willner said that at one time, we did ask the State if we could have the precast concrete slabs off that bridge to put in storage for future use in Vanderburgh County. At that time, we received no answer. They said they would let us know. To this date we still have not received an answer. He said he wonders if Mr. Easley will check on this? Commissioner Willner said it has nothing to do with the Corps of Engineers; but it is the bridge we were talking about. If his memory serves him correctly, they said they would not use the concrete slabs on the new bridge.

Mr. Easley said they would have to remember to put it in the specs that when the contractor demolishes the bridge that he load the concrete slabs onto a trailer for us.

Commissioner Willner said -- if that's possible. He doesn't know how they'd treat this. It certainly is our bridge. Mr. Easley said he will find out.

West Side Improvement Association Meeting: Mr. Easley said he has been invited to a meeting of the West Side Improvement Association on Wednesday, October 30th, concerning the drainage ditch between Red Bank Rd. and Rosenberger Rd. This is the one where we encouraged the association to form a group to maintain same. He will attend the subject meeting.

RE: BUILDING COMMISSION - ROGER LEHMAN

Mr. Lehman presented copies of the Building Commission report of permits issued for period of September, 1985. Mr. Lehman noted that both the City-County are some 5%-10% ahead of last year with regard to number of permits issued.

Requests to Move Houses: Mr. Lehman said he has requests from Elmer Buchta, Inc. concerning the moving of four (4) houses. Mr. Jesse Crooks has checked all of these out and they foresee no problems. All the proper notifications concerning the moves have been made.

From	To
1201 N. Green River Rd.	1309 N. Green River Rd.
¼ Mi. South of Jct. I-64/67	Elberfield, IN
(House moves thru Vanderburgh Co.; now in Gibson and moves to Warrick)	
2013 Audubon Dr.	1929 Audubon Dr.
5400 Division	832 Hoosier Ave.

The Chair entertained questions. There were none. A motion was entertained. Mr. Borries moved that the four (4) requests from Mr. Buchta be approved, with a second from Commissioner Cox. So ordered.

(continued)

House at 3737 Elmridge: Mr. Lehman said he is sure the Commissioners are all familiar with the house at 3737 Elmridge. The owner has contacted Federal Emergency Management and the Department of Natural Resources, which deal with the Flood Insurance Program. Both agencies said that only would they not do anything, they could not do anything to individuals who build houses in violation of the rule. Basically, the requirement for the floor elevation is a county ordinance, which adopted the recommendations of the Flood Insurance Program and, therefore, the owners are asking for some relief in the form of a hearing based on the hardship of the current situation. Thus, he told them he would forward it to the Commissioners (the owners both work during daytime hours) and if they are inclined to see fit to have a hearing, they might schedule same for one of their evening sessions; he doesn't think it would take too long. Aside from that, he has been able to determine that the tags left by the Building Commission office have been discovered. And it appears that the framing contractor (whom the owners hired) found both the green and red tags stating that the foundation was constructed properly as far as material anchor bolts, etc., but not to proceed until elevation determinations have been made. This came to light even after they came to talk to the Commissioners. If the Commissioners agree, Mr. Lehman said they plan to issue a citation to the builder or framing contractor -- since they were not the general contractor on the job -- for failure to discontinue work after issuance of stop order, which is a county ordinance violation and, at the same time, hear the Commissioners' pleasure on a request for a hearing. He believes this is in line with the county ordinance insofar as relief from orders of the building commission and that type of thing. He said he might add that Bill Jeffers of the Surveyor's office did go out and verify the elevations again, as did the Building Commission. There is no question about the elevation of the house being approximately two (2) ft. below the flood level -- not below the normal requirement which is 2 ft. above the flood level. So it is actually 4 ft. lower than they normally require. But the County ordinance, when adopted, did not adopt addition. So, basically, the ordinance only requires that it be built above the 100 year flood elevation, which is approximately 2 ft.

Commissioner Willner asked, "Did Jesse really quit?"

Mr. Lehman said, "I have not seen him this morning."

Commissioner Willner asked if the owners of property at 3737 Elmridge are requesting that the Commissioners hold an official meeting to determine if the Board would give them a relief from the present ordinance to build in a flood plain lower than 383? Mr. Lehman said that is what they are requesting. In response to query from Commissioner Cox, Mr. Lehman said the owners are acting as their own general contractors.

Mrs. Cox said she hopes they live in the house and do not sell it to someone else -- with all the problems.

Mr. Lehman said they are planning, at this point, to live in the house. The information will be in the file and he suspects that if someone wanted to buy it and finance it that they would find out about the problems rather quickly from the bank.

Commissioner Willner said he might report that Mr. Crooks, Jim Lindenschmidt, Bill Bethel, Andy Easley and himself were out there last Monday afternoon. The owners are 500 yards from Pigeon Creek on the ditch that goes thru Elmridge -- that has not been accepted by the county. The concrete is a foot up in the air in places and gets under water every couple of years. Jesse Crooks had some photos which were taken in May 1983, which showed the house next to them being sandbagged and the floor level of that house was approximately one ft. lower than this is going to be. Mr. Lehman said the one next door is 3-4 inches lower. Continuing, Mr. Willner said there is no question in anyone's mind that there will be water in this house if we let them continue to build it as is. If they are requesting a meeting, he sees nothing to be gained by a meeting if the Commissioners say they are going to stand by their ordinance as it is now. If the Commissioners want to hear from the people how this happened -- their views, a couple of which we already have -- at least before they file the red tags, that is fine with him, also. However, "this" Commissioner does not want to deviate from the standards set forth here and in his estimation they're not talking about \$1,500.00 to raise that up and put that course of block around it and if water comes in there anytime when they're gone, it's going to ruin more than that.

Mr. Lehman said the owners have said that the estimates they've gotten so far are between \$3,000 - \$5,000 for raising of the house.

(continued)

Commissioner Willner said he believes Jesse Crooks gave the Commissioners an estimate and the County Engineer gave them an off-the-cuff estimate and it's not that high.

Mr. Lehman said that, of course, the Building Commission's recommendation is that they raise it.

Chairman Willner entertained questions from the Board.

Commissioner Borries asked if it was the U.S. Army Corps of Engineers who assessed where the 100 year rain, etc., would be? Is that done at the federal level or the local level, or what? He said he is trying to educate himself on the process here. How were those flood levels determined?

Mr. Lehman said his understanding is that the original flood insurance program used a combination of the Army Corps of Engineer's profile study of the creeks, river, etc. in conjunction with the local knowledge of mainly stormwater run-off, which are in backwater studies. They combined the two and then put out the maps which show the 100-year flood elevation. In this particular area, there is backwater from Pigeon Creek, so there is really no question about the elevation; that has been studied not only theoretically, but factually, because water has been as high as 382.5 in 1964 in that general location. So there is no question about the elevation being sound.

Commissioner Borries said he didn't doubt that it was. But he was concerned about the plight of those people from the standpoint of the money being invested and he is sure they started this whole thing in good faith. But, as pointed out by Commissioner Willner, he would be very reluctant to waive something when it seems so obvious. That is why he was trying to determine whether that had been endorsed at the federal level and, if it had been, then he doesn't see where the Commissioners really have much choice as to how they can waive something. As pointed out by Mr. Lehman, there may not be any federal penalties. The other thing he had asked Mr. Crooks was, in those photos he had, just what kind of rain would he say that was? A 5-year rain? A 10-year rain? A 50-year rain, or what? He believes he said that wasn't even a 10-year rain at that point.

Mr. Easley said that in 1983, that saw backwater that came from the Ohio River. It shut off three or four roads as he recalls. Mr. Lehman said it closed off Millersburg Road for quite some time. Mr. Easley said he thinks that 378 ft. is the 100-year flood on the Ohio River at the mouth of Pigeon Creek. If it was a static water level, what was that level?

Mr. Lehman said they had the house marked at 380 and he believes the water was lapping the rim of the porch within 6 inches of 380.73.

Mr. Easley said then that that was in excess of the 100-year flood on the Ohio River. He had a letter from the Corps of Engineers that gave us that when we were interested at one time when they were concerned about it.

Commissioner Willner said then he is saying that that rain was a lot more severe than?

Mr. Easley said whatever caused the rain in the Ohio River Valley was in excess of a 100-year flood at the mouth of Pigeon Creek.

Commissioner Borries said that one of their concerns was -- and he is not certain that the Commissioners understood that whole process -- there are other houses in that particular area that are lower. How did they get their houses built at that point without?

Mr. Lehman said the house across the street where they used the benchmark -- they pulled the file in the Building Commission's records and the floor elevation for that house was written down by one Joe Freeman as 388. The house is actually about 381; and there is nothing in the file to indicate that anything had taken place other than normal routine procedures. He suspects the problem lies in that that particular area (unless you are familiar with it) looks like it is higher. And in going out on a field inspection without all this other background knowledge, as did their inspector, who said it should be o.k. But it is still 2 ft. too low. So he thinks that is where the problem arises.

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Commissioner Willner said it is the contractor's job to get the floor level to proper elevation.

Mr. Lehman said if they suspect it is wrong, they will either ask them to provide the Building Commission with a certified elevation from a surveyor or whatever -- or go out and shoot it themselves if they have a reasonable benchmark and it is not too complicated. Or, they would ask the County Surveyor to go out (which they have done on one or two occasions, which has been helpful to them). But as a matter of routine inspections, they do not check them -- they don't have the manpower.

Commissioner Cox indicated she had a couple of comments and one question. Why did they not respect the red tags placed by the Building Commission?

Mr. Lehman said the owners still state that they were unaware of them at all, which is a possibility. The framing contractor is the one who they now believe saw the tags and removed them and continued their work. When the tags were put up there was no wood on the site, as it had not yet been delivered. He's asked the building inspector to get in touch with the builder and get the straight scoop from him, so to speak. They went out on a Thursday afternoon at 2:00 p.m. and left the red tag and green tag for foundation construction.....and on Monday morning they went out and verified the elevation and found that the walls were up, etc. They only started Thursday afternoon after the Building Commissioner had been there. What evidently happened is that they saw the red tags and chose to ignore them. At first, they thought the tags were completely gone. But they were subsequently found and they understood that the builder had found the green tags -- since the red and green tags were on the same wire on the same anchor pole, they assume that they had the red one also. And in a day or two, the owner said he was certain the builder also had the red tag. Again, their position would be to cite the builder and the framing contractor for violation. Commissioner Cox said she has not always agreed with these maps showing the 100-year flood. However, in this area she thinks the map is perfectly correct and that we are in a flood prone area there and it doesn't seem possible that people would want to put an investment like a house in an area that would not be secure for their future and it would seem that the owners (she feels sorry re the money invested) recourse is not with the Commissioners, because she does not feel that the Board should change the rules per se. But, their recourse would be with their builder who ignored the proper procedure here. And if there is money to be expended in making this correction, that is where their recourse lies. Thus, she would not be in favor of a public hearing or public meeting.

Attorney Jones had exited the meeting for a short period and Mr. Lehman said he was hoping that he would be present for this discussion -- because he did not know whether the Commissioners could put anything in the ordinance to take care of this (it would be a little like saying you can drive 65 mph today, but not tomorrow). He wasn't sure he could legally tell them that they do not have to obey the ordinance, which is what this would amount to.

In response to query from Commissioner Willner, Mr. Lehman said the house will have to come up 3 blocks. If they have to come up 3 blocks to get above the flood problems, are they going to have some foundation problems? Can that be done? Mr. Lehman said they will probably have to add some reinforcements. What they should do is take down the(inaudible).....

Attorney Jones re-entered the meeting and Commissioner Willner explained that the question had come up as to whether the Commissioners could waive an ordinance..... Attorney Jones indicated his opinion by a negative nod -- and Commissioner Willner told Mr. Lehman, "That answers your question!"

RE: TRAVEL REQUEST - COUNTY ASSESSOR

President Willner read the following travel request letter from Jim Angermeier, County Assessor:

October 23, 1985

TO COUNTY COMMISSIONERS

On Sunday, November 24th, Monday, November 25th and Tuesday, November 26th, there is to be an Association of Indiana Counties, Inc. Conference. I would like to

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know if the County Commissioners approve and will pay for the mileage from Evansville to Indianapolis and back to Evansville, the Hotel Reservations for November 24 and November 25 and food allowance per diem for the three days.

Sincerely,

James L. Angermeier
Vanderburgh County Assessor

President Willner said he believes that all the Commissioners and all the Officeholders have received notice of the AIC Conference. Since Mr. Angermeier's request, the Commissioners have received queries from other officeholders concerning the conference.

Commissioner Cox interjected that she doesn't think "we have routinely paid for these trips".

Commissioner Willner said he thinks this is something that is pretty new. We still have the Southwest District meetings here that we don't pay, but this 3-day meeting in Indianapolis is new this year, isn't it?

Commissioner Cox said she went in 1980 before she took office as a County Commissioner and she did it at her own expense. She went for eight (8) years as clerk and did it at her own expense.....they are all three day meetings. They have a special day for County Commissioners, for instance. Commissioner Willner said he remembers going up for one day, but never all three days.

Commissioner Cox said we're talking quite a bit of money here. And if the Commissioners do it for one, they're going to have to do it for everyone who request it. We're probably talking about \$55.00 per night for the hotel room.

Mr. Lindenschmidt pointed out that the Commissioners meeting is on Tuesday at 8:30 a.m. Commissioner Willner said the information he received indicated they would have some new information on the Garcia case.

Commissioner Willner asked County Auditor Alice McBride if she went up last year? She said she did. They all went up in one car and they got paid for one mileage and their rooms.

Commissioner Willner said his information says the Road Resurfacing Workshop is scheduled for Monday, November 25, at 10:30 a.m. Commissioners meeting is Tuesday, November 26th at 8:30 a.m. His information doesn't say anything about Assessors.

Commissioner Cox said the meeting is being held at at a bad time; that is Thanksgiving week. They used to have it somewhere around December 2, 3 and 4 -- and that is when she always used to go.

Commissioner Willner said his schedule shows a Legislative Session on Sunday from 4:30 - 5:30 p.m. The schedule also shows a spouse's tour to Easley's Winery. (County Engineer Andy Easley took a little ribbing -- as the Commissioners said he has another occupation?) President Willner entertained a motion.

Commissioner Borries moved that, subject to availability of funds, the request be granted.

Commissioner Cox said they do not know how much is in the account. Mrs. McBride said there was \$4,000 in August, but she doesn't know what is left. She can check to see. Mrs. Cox noted that this is not a State-called meeting; it is not mandatory attendance.

Commissioner Willner said he doesn't know that the Commissioners could pay the entire amount anyway.

Commissioner Borries said he does think we need to get involved; we have to battle for everything we get down here. This is a state association of which we are members and if we have someone interested who feels they gain something from this, he would be willing to look at the same State mileage formula used for other things. Commissioner Willner said the mileage is 22¢ per mile; registration fee is \$35.00 per public official; room is \$55.00 per night. Commissioner Cox said we're looking at \$1,000. Commissioner Willner said he wonders now many other travel requests we're holding? Commissioner Cox

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COUNTY COMMISSIONERS
October 28, 1985

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said that most all of the Clerks, Treasurers, etc. meet in September. Mr. Lindenschmidt interjected that the Commissioners approved some \$800 - \$900 worth of travel claims the other day. In fact, there was probably in excess of \$1,000 approved for travel claims the other day.

After further brief discussion, Commissioner Willner requested that County Auditor Alice McBride give the Board a report on November 4th as to what monies are left in the travel fund and they will make a decision concerning Mr. Angermeier's request at that time.

RE: OLD BUSINESS

President Willner entertained discussion concerning any matters of old business. There was none.

RE: SCHEDULED MEETINGS

There were no scheduled meetings requiring the attention of the Commissioners.

RE: CLAIMS

President Willner announced that he has no further claims to be presented, other than the one submitted earlier by Mr. Jeffers to Deig Bros. in connection with the Millersburg Road bridge project.

RE: EMPLOYMENT CHANGES - RELEASES

Clerk of Circuit & Superior Courts

Sharon Yunker (LOA/Operation)	5313 Sherbrooke	Dep. Clk.	\$11,866/Yr.	Eff: 10/21/85
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Burdette Park

Rose DeVine	12 E. Franklin	PTGC	\$4.00/Hr.	Eff: 9/29/85
Heide Sherman	609 Drexel Drive	PTRG	\$3.50/Hr.	Eff: 10/7/85

Pigeon Township Trustee

Rebecca Hittner	781 Cardinal Dr.	Invest.	\$13,540/Yr.	Eff: 10/18/85
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Cooperative Extension Service

Betty J. Meadors	Wadesville, IN	P.T.	\$32.50/Day	Eff: 10/14/85
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Superior Court

Sharon Boardman	(Small Claims)	Sec'y.	\$14,491/Yr.	Eff: 10/18/85
Carrla A. Rasco		Ct. Rep.	\$17,717/Yr.	Eff: 10/18/85

Circuit Court

Charles Hileman	816 Harmony Way	PT Bail Bond	\$4.50/Hr.	Eff: 10/6/85
Thomas Montgomery	1274 Woodbine Lane	PT Intern	\$4.00/Hr.	Eff: 10/4/85
Gregory L. Blair	Lynnville, IN	PT Intern	\$4.00/Hr.	Eff: 10/4/85

RE: EMPLOYMENT CHANGES - APPOINTMENTS

Clerk of Circuit & Superior Courts

Sandra Deutsch	8415 Green Acre	Dep. Clk.	\$11,866/Yr.	Eff: 10/21/85
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Area Plan Commission

Donna Holderfield	49 Cole's Drive	Zoning Inv.	\$12,300/Yr.	Eff: 10/28/85
(End of Maternity Leave)				

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COUNTY COMMISSIONERS
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Superior Court

Sharon Boardman		Court Rep.	\$17,717/Yr.	Eff: 10/21/85
Debra M. Settle	(Small Claims)	Secretary	\$14,491/Yr.	Eff: 11/4/85

Circuit Court

Larry G. McDowell	5828 Woodgate Cir.	Prob. Officer	Same	(Change of Address Only)
Frank Fleming	1108 E. Chandler	PT Bail Bond	\$4.50/Hr.	Eff: 10/9/85
Dennis Howard	6408 Washington	PT Bail Bond	\$4.50/Hr.	Eff: 10/12/85
Terry Brown	1909 Pueblo Pass	PT Bailiff	\$4.00/Hr.	Eff: 10/7/85

RE: PURCHASE OF COUNTY OFFICE EQUIPMENT

President Willner said the Board needs to discuss the proposal by the County Council for calculators, typewriters and copiers and come to a conclusion. It is a lengthy and rather unorthodox way to go about it. But what the Council has done is to go to each individual officeholder and ask what he/she needs in the line of equipment. They actually took the bids, he believes, and finally turned them over to the Commissioners. We've had some of the typewriters here for trial purposes and we find that most people are unhappy with the specs. The Auditor could not use the 10-digit calculator; they need a 12-digit model. Some of the officeholders have asked for Word Processors rather than typewriters with memory. Some are happy with what we have bid. So there is not a common denominator on any of the equipment. The latest is that we accept the bids we have taken and give the officeholders another chance to take the equipment that we have bid and if they do not want it, we will reject the balance of that bid. If there is any other thinking along those lines, then he asked that it be brought forth at this time.

Commissioner Borries said he thinks some officeholders have had second thoughts -- and there is a lot of confusion that exists concerning the quality, quantity, etc. Thus, Mr. Dorsey is going to send a memo to the officeholders reporting that this is what the low bid is. If they don't want that, then we need to hear from the officeholders and then rebid. At this point, however, we have bids. The attorney has said that many of them are in order so now it is just a matter of determining if this is what the various officeholders want.

Commissioner Cox said that, for clarification purposes, she has a question. She thinks she knows the answer but she will ask the question anyway. The feedback she has been getting is that some people like one piece of equipment and some people like another piece of equipment. As she understands it, the bid is all or nothing at all -- you can't choose.....Attorney Jones said we now have a situation where people in one office like this particular typewriter and have indicated they will take this or nothing at all. That may be what they get, because the low bid is only one type of typewriter and we either take that or nothing.

Commissioner Cox said she didn't know that Xerox made a typewriter -- you learn something every day (someone had asked for a Xerox typewriter) and she is not at all familiar with the Silver Reed product. There is a considerable difference in the price of this typewriter (\$312 as compared to \$695.00 for another manufacturer's model -- yet both are supposed to be identical -- we're talking about a \$370 or so difference). This makes you wonder about maintenance, wear and tear, etc. Some offices don't type but maybe 10 to 15 letters a day. Other offices pound the typewriter from the time that office opens at 8:00 a.m. until it closes at 5:00 p.m.

Attorney Jones said that somebody has to state in the record that the Silver Reed won't hold up and, therefore, it is not the most.....

Commissioner Cox said, "I don't know, I'm just asking -- what is the price differential there -- it's \$383 to be exact.

Commissioner Willner said there was only one office that wanted Silver Reed typewriters and that was the Prosecutor's office. The rest of the offices had a chance to use it and said they wanted their old typewriters back.

Mr. Easley said he has a comment on this dilemma. Six years ago he bought an IBM typewriter that was supposed to be the greatest thing they had developed. Come to find

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out, it gave them a lot of problems and the maintenance contract kept escalating. So, this year, the typewriter he paid \$1,700 for -- the maintenance contract was to be \$291.00. If Silver Reed is quoting \$312 for a typewriter, perhaps we should ask them how much the maintenance contract will be? Will they guarantee five (5) years of maintenance....?

Commissioner Willner said the specs have been advertised and they say the typewriter meets the specs.

Mr. Lindenschmidt said most of them have a maintenance contract with them.

Mr. Easley said he feels that all of these things are not equal.

Commissioner Cox said that when she buys a refrigerator -- she's not like some people who go out and pay \$200 this year for a yellow one, and then two years later go out and pay \$200 for a blue one, etc. She buys a refrigerator which she expects to last 10-15 years. In looking at the bids, as a County Commissioner she would have to go with the lowest bid or be subject to a lot of criticism. But maybe the specs weren't...

Commissioner Borries interrupted that the bid included information that the equipment must be American-made products.

Mrs. Cox interrupted by saying, "You don't know where these are made. Let me tell you, when my G.E. Dryer went out, it took me three weeks to have it repaired, because the part had to come from South America."

Attorney Jones said he does not believe the County can restrict any bid to that designation -- it violates all kinds of Federal Trade Agreements, Anti-Trust laws, etc. There followed brief comments as to whether or not this restriction was, indeed, included in the notice to bidders.

Attorney Jones said he would put it in the lap of the County Council since they are the folks who dreamed up this idea, put it in the lap of the Commissioners and then took off.

Commissioner Cox said she believes they were really trying to do what they felt would be -- we'd talked about this before, about having a pool of County equipment that the County would buy. For instance, the Treasurer's office and the Auditor's office have times when they need more equipment.

Commissioner Borries said that when he talked with one of the Council members, he had some concerns that we needed to look at some Word Processors. We may not need them, but on the other hand we may. Are we going to spend a lot of money here and end up with equipment that is not going to be used?

Mr. Lindenschmidt noted that nothing has been said about the copying machines, which we're also going to need. What about them?

President Willner entertained a motion.

Commissioner Cox asked if the bids were subject, for instance, to 28 typewriters? If an office wanted a typewriter and we go with the low bid, they are going to have to take that specific typewriter.

Attorney Jones said some officeholders said they won't take them or use them. So, why buy them if they won't use them?

Commissioner Cox asked if we should not refer the results of the Purchasing analysis of these bids back to the County Council for their expertise?

Commissioner Borries asked why we don't send a memo confirming what the various offices ordered

Attorney Jones said once the officeholders confirm what they want -- then we'll know whether the bid is still good.

Commissioner Borries said that maybe we need to throw this out -- to reject these bids -- and perhaps contact someone who is not selling the equipment and ask that they consult

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with the various offices to see what is needed. He fears that many of these requests are too general and we're not getting the equipment that is going to be necessary in some of these offices. Either we have to accept it -- the way this was bid -- all or nothing at all.....and he doesn't know whether we are prepared to do that.

Commissioner Cox said she thinks the Coucil needs to be aware of the problems associated with what is going on here. She is sure their intent was good -- no question about that. But it hasn't worked and she thinks they need to know that and then they can come back andall we have to do at this point is accept, reject or readvertise the bids. But she would like for Council to know exactly what is going on here before we reject or take any action.

Commissioner Willner suggested that the Commissioners schedule a meeting next Monday, November 3rd, with Council at 2:00 p.m., just prior to the Commissioners' meeting -- a called meeting between the Commissioners and County Council to determine if there is any common ground on the bids. In the interim, the Commissioners can keep in mind what they, themselves, want to do and transfer those wishes to the Council -- and a decision will be made at 2:00 p.m. next Monday.

There being no further budiness to come before the Board at this time, Presidnet Willner declared the meeting adjourned at 4:00 p.m.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	Robert L. Willner Richard J. Borries Shirley Jean Cox	Alice McBride	David L. Jones
	<u>COUNTY HIGHWAY</u>	<u>COUNTY ENGINEER</u>	<u>COUNTY SURVEYOR</u>
	Bill Bethel	Andy Easley	Bill Jeffers, Chief Deputy
	<u>BUILDING COMMISSION</u>	<u>OTHER</u>	
	Roher Lehman	James C. Hall (Indiana Bell) Stephan Powell (Indiana Bell) News Media	
<u>SECRETARY:</u>	Joanne A. Matthews		

Richard J. Borries
Shirley Jean Cox
11-4-85